ANNO QUINQUAGESIMO SECUNDO

# GEORGII III. REGIS.

## *Cap.* 150.

An Act for enlarging the Term and Powers of an Act of King *George* the First, Two Acts of King *George* the Second, and an Act of His present Majesty, for repairing the Roads from *Gloucester* towards *Hereford*, and other Roads therein mentioned, all in the County of *Gloucester*.

[9th *June* 1812.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act for repairing and widening the Roads from the City of* Gloucester *to the City of* Hereford: 12 G. 1.
And whereas an Act was passed in the Twentieth Year of the Reign of King *George* the Second, intituled *An Act for continuing the Term and enlarging the Powers granted by an Act passed in the Twelfth Year of His late Majesty's Reign, intituled 'An Act for repairing and widening the Roads 'from the City of* Gloucester *to the City of* Hereford, *and for repairing other 'Roads in the County of* Gloucester:' And whereas another Act was passed in the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act for making more effectual and continuing the Term, and enlarging and altering the Powers of an Act made in the Twentieth Year of His present Majesty's Reign, for repairing and widening the Roads leading from the City of* Gloucester *towards the City of* Hereford, *and for repairing other Roads in the County of* Gloucester, *in the said Act mentioned:* And whereas an Act was passed in the Ninth Year of His present Majesty's Reign, intituled *An Act to enlarge the Term and Powers of an Act made in the Thirty-third Year of King* George *the Second, for repairing and widening the Roads from* Gloucester *towards* Hereford, *and other Roads therein mentioned, and for amend-* 20 G. 2. 33 G. 2. 9 G. 3.

*ing several other Roads near or adjoining to some of the said Roads:* And whereas the Trustees, appointed by or in pursuance of the said Acts, have proceeded in the Execution thereof, and have for that Purpose, from Time to Time, borrowed several considerable Sums on the Credit of the Tolls thereby empowered to be taken; which Monies still remain due, and cannot be repaid; nor can the said Roads be effectually amended, widened, altered, improved and kept in Repair, unless the Term of the said Acts be further continued, some of the Powers and Provisions thereof varied, altered, and enlarged, some further Powers granted, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Authorities, Provisions, Regulations, Restrictions, Penalties, Forfeitures, Matters and Things therein respectively contained, and in force at the Time of passing this Act (except such Parts of the said recited Acts as relate to Exemptions from Stamp Duties, and also such as are by this Act varied, altered, or repealed), shall be and continue in full Force and Effect, and are hereby declared to be and remain in full Force and Effect, and together with this Act shall be executed for and during the Term herein-after mentioned, as fully and effectually in all Respects, and to all Intents and Purposes, as if such Clauses, Powers, Authorities, Provisions, Regulations, Restrictions, Penalties, Forfeitures, Matters, and Things, were expressly repeated and re-enacted in the Body of this Act; subject nevertheless to the Alterations and Amendments in this Act contained, and which shall commence and take Effect on the First Day of *June* One thousand eight hundred and twelve; and that the additional Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said recited Acts, any or either of them, and also of all such further Sum or Sums as shall or may be hereafter borrowed or become due on the Credit of the said recited Acts or of this Act, and of all Interest due and to grow due for the same respectively.

Term further continued;

and made subject to the Payment of all Money now due and hereafter to be borrowed.

Trustees Names.

II. And be it further enacted, That *Whaley Armitage*, *Henry Berkin* Clerk, *William Bushell* Clerk, *Charles Bonner*, *John Boughton*, *Maynard Colchester*, *Joseph Cadle*, *Thomas Crawley*, *Lloyd Crawley* Clerk, *Charles Crawley* Clerk, *William Crawley*, *John Coleman*, *Aylburton Chinn*, *James Cummins*, *John Careloss*, *Joseph Careloss*, *James Dowle*, *Charles Kingsmill Evans*, *John Ellis*, the Honourable *Andrew Foley*, *Thomas Foley*, *William Foley*, *Edward Freeman* Clerk, *John Fisher*, *John Fendall*, *Henry Fendall*, *William Fendall* the younger, *Charles Greenaway*, *John Wright Guise*, *John Green*, *Thomas Hill* Clerk, *George Cæsar Hopkinson*, *John Pauncefoot Hawkins*, *William Hawkins*, *William Holder*, *William Harvey*, *John Howe*, *John Hale*, *John Hiatt*, *Joseph Hawkins*, *John Hardwick*, *J. C. C. A. Hartland*, *Edward Hartland*, *William Hartland*, *Thomas Hartland*, *Thomas Hill*, *James Hill*, *John Hook*, *Roynon Jones* the younger, *Edward Prowse Jones* Clerk, *George Jones*, *Richard Jones*, *Edward Jones* of Brockworth, Clerk, *Robert Jakeman*, *William Lane*, *Joseph Lloyd* the younger, *Richard Loveridge*, *William Saunders Miller* Clerk, *William Morgan*, *William Morris*, *Robert Morris* the younger, *William Montague*, *John Matthews*, *William Matthews*, *John Morse* the younger, *Daniel John Niblett*, *Thomas Nixon*,

*Nixon*, *Edward Probyn* Clerk, *Nathaniel Purchaſe* the younger, *William Edward Rogers*, *Thomas Ruge* Clerk, *Thomas Stackhouſe*, *Robert Squire* Clerk, *Jonas Symonds*, *Thomas Tovey*, *John Terrett*, *Thomas Turner*, *James De Viſme* the younger, *James Wintle*, *Robert Wright*, *Robert Pleydell Wilton*, *Henry Wilton*, *John White*, *William White*, *Charles Wood*, *Simon Woodall*, *Thomas Wynniatt*, *Reginald Whynniatt* Clerk, *James Woland* Clerk, *James Walwyn*, *Thomas Weſtfaling*, and the Members in Parliament for the County of *Glouceſter* for the Time being, and their Succeſſors, to be elected in Manner herein-after mentioned, together with the ſurviving and remaining Truſtees appointed in or by virtue of the ſaid recited Acts, ſhall be and they are hereby appointed Truſtees for the widening, altering, repairing, and keeping in Repair the Roads compriſed in the ſaid recited Acts, and putting in Execution the ſaid recited Acts and this Act.

Power to elect new Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, at a Meeting to be held for that Purpoſe, to elect any new and other Truſtee or Truſtees when and as often as they ſhall ſee Occaſion for the Purpoſes aforeſaid; 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 advertiſed in One of the *Glouceſter* Papers at leaſt Seven Days before every ſuch Meeting; and all and every Perſon and Perſons who ſhall be ſo elected (being qualified as herein-after mentioned) ſhall be and is and are hereby veſted with the ſame Powers and Authorities for putting this and the ſaid recited Acts in Execution, as if ſuch Perſon or Perſons had been in or by this Act nominated and appointed Truſtees.

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 or the ſaid recited Acts, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed of a Real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate of Two thouſand 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 or Affirmation in the Words or to the Effect following; (that is to ſay),

Oath.

'I, *A.B.* do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I truly and *bonâ fide* am in my own Right, [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or*, Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds above Reprizes [*or*, am Heir Apparent of *A. B.* who to the beſt of my Knowledge and Belief, is ſeiſed of ſuch an Eſtate of the clear yearly Value of Two hundred Pounds]; [*or*, am poſſeſſed of a Perſonal Eſtate of the Amount of Two thouſand Pounds,] after all my Debts are paid.

'So help me GOD.'

Which

Penalty on Perſons acting without being qualified.

Which Oath or Affirmation any or either of the ſaid Truſtees is hereby empowered to adminiſter; and if any Perſon not being ſo qualified, ſhall preſume to act as ſuch Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered with full Coſts of Suit in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor 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 Proſecution than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided always nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, previous to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Perſons holding Places of Profit incapable of acting as Truſtees.

Mortgagee may act.

Truſtees being Juſtices may act, except where perſonally intereſted.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee under the Authority of this or the ſaid recited Acts, during ſuch Time as he ſhall hold any Place of Profit under or by virtue of the ſaid recited Acts or this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls hereby granted, ſhall in conſequence thereof be deemed unqualified to act as a Truſtee in the Execution of this or the ſaid recited Acts; and that all Truſtees who are or ſhall be Juſtices of the Peace for the ſaid County of *Glouceſter*, may act as Juſtices of the Peace in the Execution thereof, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be individually intereſted.

Meetings of Truſtees, &c.

VI. And be it further enacted, That the Truſtees for executing this and the ſaid recited Acts, or any Five or more of them, ſhall meet together at the *King's Head Inn*, in the City of *Glouceſter*, on the Firſt Day of *June* One thouſand eight hundred and twelve, or ſo ſoon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and may at ſuch Meeting, and alſo at any ſubſequent Meeting to be holden for the Purpoſe of carrying the ſaid recited Acts and this Act into Execution, from Time to Time adjourn themſelves, and appoint a next Meeting or Meetings to be holden at the ſame or any other Place near the ſaid Roads, and at ſuch Time as to them ſhall ſeem proper; and ſhall or may at their ſaid firſt or any ſubſequent General Meeting or Meetings from Time to Time, during the Continuance of the Term hereby granted, divide and diſtribute themſelves into ſeveral and diſtinct Committees for the Management and effectual Repair of the ſaid Roads, and from Time to Time ſet down in Writing the Names of thoſe who ſhall act at each ſuch Committee, and appoint ſuch convenient Place or Places for the Meeting of ſuch Committee or Committees for the Purpoſes aforeſaid, as to them ſhall ſeem meet; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of the ſaid Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, may adjourn ſuch Meeting to that Day Month, and by Notice in ſome One or more of the *Glouceſter* Newſpapers, or

or by Writing under their or his Hands or Hand, to be affixed on all the Turnpike Gates then erected upon the ſaid Roads, at leaſt Seven Days before the next Meeting, ſhall appoint the ſaid Truſtees to meet at the Houſe, or Place where the ſaid Meeting of the ſaid Truſtees was laſt appointed to be held, or at ſome other convenient Houſe or Place upon or near ſome Part of the ſaid Roads on ſome future Day; and if it ſhall at any Time happen that no Truſtee ſhall appear at the Time and Place appointed for any of the Meetings of Truſtees to be held under this Act, or that the Clerk or Clerks to the ſaid Truſtees 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 Two or more of the Truſtees at any Time or Times to appoint, by Notice to be given as aforeſaid, a Meeting to be held at ſome Houſe on or near the ſaid Roads on ſome Day within a Fortnight then next enſuing; but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon; and no Adjournment ſhall be made to, or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon; and the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act, which ſhall be paid for out of the Monies to ariſe by virtue of this Act, ſo that the ſame ſhall not exceed the Sum of Ten Shillings at each Meeting.

Two Truſtees may adjourn.

Hours of Meeting.

Truſtees to defray their own Expences.

VII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees by virtue of this Act, or at any other Time, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment or otherwiſe, then the Clerk or Clerks to the ſaid reſpective Truſtees, upon receiving an Order in Writing, ſigned by any Three or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof by Advertiſement as aforeſaid, Ten Days at leaſt previous to the holding of the ſame, and ſuch earlier Meeting ſhall or may be held accordingly, and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be deemed valid and effectual; but that no Buſineſs ſhall be tranſacted or done at any ſuch Meeting, other than ſuch as ſhall be ſpecified in ſuch Notice.

Meetings on Emergencies.

VIII. And be it further enacted, That all the Acts, Orders, Accounts, and Proceedings of the Truſtees, to be done, made, or had by virtue of this Act or the ſaid recited Acts, ſhall be fairly entered in a Book or Books to be by the reſpective Clerk or Clerks to the ſaid Truſtees kept for thoſe Purpoſes; and that no Act or Order ſhall be done or made by any of the ſaid Truſtees, except at a public Meeting of them the ſaid Truſtees, to be held in purſuance of this Act, (except as is herein-before excepted); and that at any Meeting, in caſe of any Diverſity of Opinion in the ſaid Truſtees, concerning any Matter to be done in purſuance of this Act, the Majority ſhall prevail; and that at all and every ſuch Meetings a Chairman ſhall be appointed, and who, in caſe of an Equality of Votes upon any Queſtion or Proceeding at ſuch Meeting, ſhall have and give the deciſive or caſting Vote; and ſuch Acts, Orders, Accounts, and Proceedings ſo entered, ſhall be ſigned by the ſaid Clerk or Clerks, and being ſo ſigned ſhall be deemed to be Originals; which ſaid Books,

Proceedings, &c. to be entered in a Book and ſigned by the Clerk.

Books may be read in Evidence.

Books, and alſo the Books directed to be kept for entering the ſaid Aſſignments and Transfers, ſhall be admitted as Evidence in all Courts whatſoever.

**No Order of Truſtees to be revoked, unleſs at a ſubſequent Meeting.**

IX. And be it further enacted, That no Order made by the ſaid Truſtees, or any Three or more of them, in, for, or concerning the Execution of the Truſts, Powers, and Authorities hereby in them repoſed, ſhall be revoked, repealed, altered, or ſet aſide by any ſubſequent Order of the Truſtees, unleſs a greater Number of Truſtees ſhall be preſent than the Number of Truſtees who made ſuch Order, and at a Meeting to be held for that Purpoſe, and ſhall be conſenting thereto; of which Meeting, and the Intent thereof, Fourteen Days previous Notice ſhall be given by Advertiſement as aforeſaid, or affixed in Writing upon all the Turnpikes erected or continued by virtue of this Act.

**Appointment of Officers.**

X. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, may and they are hereby authorized and empowered, by Writing under their Hands, to appoint one or more Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and alſo a Surveyor or Surveyors of the ſaid Roads, and ſuch other Officer or Officers as the ſaid Truſtees or any Three or more of them ſhall think neceſſary, and may from Time to Time remove ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint others in the Room of ſuch of them as ſhall be removed, or ſhall die or reſign; and ſhall out of the Tolls or other Monies to ariſe by virtue of this Act, pay ſuch Salaries and make ſuch Allowances to all and every ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, as to the ſaid Truſtees or any Three or more of them ſhall ſeem reaſonable.

**Giving Security.**

XI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from every Treaſurer or Receiver to be appointed for the Purpoſes of this or the ſaid recited Acts, for the due and faithful Execution of his Office, and if they think fit, may alſo take ſuch Security from any other Officer to be appointed by virtue of this Act.

**Officers to account.**

XII. And be it further enacted, That all and every Treaſurer, Clerk, Surveyor, Collector, and other Officer to be appointed as aforeſaid, and alſo all Perſons to be appointed by Juſtices of the Peace to be Surveyors of the Roads in any of the Pariſhes or Places through which the ſaid Roads lead, and all and every other Perſon and Perſons who hath or have had, received, or paid by virtue of the ſaid former Acts, or who ſhall at any Time or Times hereafter receive, have, or pay any Sum or Sums of Money belonging to the ſaid Truſtees, for or on account of or relating to the ſaid reſpective Roads, ſhall from Time to Time, as often as thereunto required by the ſaid Truſtees, or any Three or more of them, render and give to the ſaid Truſtees, or any Three or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, a true, fair, and particular Account in Writing of all Monies which ſhall have been by them reſpectively collected or received, and of whom, when, and on what Account ſuch Sums of Money and every of them were and was ſo received, and of all Sums of Money by

by them respectively paid, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in their and every of their Hands respectively, to the said Trustees, or to such Person and at such Time as they shall for that Purpose direct; and every such Officer so accounting shall upon Oath, if required (which Oath the said Trustees or any Two or more of them are hereby authorized to administer), verify his said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer or other Person or Persons shall refuse or wilfully neglect to render or give such Account as aforesaid, or to produce or deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath (if required), or to deliver up to the said Trustees, or to such Person as they or any Three of them shall direct, within Fourteen Days next after being thereunto required by Writing under the Hands of any Three or more of the said Trustees, all Books, Papers, and Writings in his or their Custody or Power, relating to any or either of the Matters or Things aforesaid; or shall refuse or neglect to pay all such Money as upon the Balance of any such Account shall appear to be in their or either of their respective Hands, to the said Trustees, or agreeably to their said Direction or Appointment; then and in either of the said Cases, and on Complaint made to or before any Justice of the Peace of the County or Place wherein such Officer or Officers, Person or Persons shall be or reside, such Justice is hereby empowered to summon the said Officer or Officers, Person or Persons against whom such Complaint shall be made, to appear before him at a Time and Place in such Summons to be mentioned; and upon his or their appearing, or non-appearing, (the Service of such Summons being proved by the Oath of any credible Witness, which Oath such Justice is hereby empowered to administer,) to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the said Money which shall have been collected, received, or raised as aforesaid, under or by virtue of the said former Acts or this Act, shall be due from such Officer or Officers, or other Person or Persons, the said Justice may, upon Non-payment thereof within such reasonable Time as he may appoint, by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons, rendering the Overplus (if any) to him or them upon Demand, after deducting the reasonable Charges of such Distress and Sale; and if sufficient Goods and Chattels of such Officer or Officers, Person or Persons cannot be found, to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place appointed by such Summons, and it shall in Manner aforesaid appear to such Justice that he or they shall have refused, or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings as aforesaid, the said Justice is hereby authorized by Warrant under his Hand and Seal to cause him and them to be committed to the Common Gaol or House of Correction of or for such County or Place,

there to remain without Bail or Mainprize until he, ſhe, or they ſhall have delivered in his, her, or their Accounts, and verified the ſame as aforeſaid, and ſhall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up ſuch Books, Papers, and Writings, or given Satisfaction to the ſaid Truſtees, or any Three or more of them, concerning the ſame, and ſhall have paid all Monies which ſhall appear to be in his or their Hands, and the Charges attending the Recovery thereof, or ſhall have compounded with the ſaid Truſtees for the ſame, which Compoſition the ſaid Truſtees or any Three or more of them are hereby empowered to make and receive: Provided always, that no ſuch Officer or Officers, Perſon or Perſons, who ſhall be committed for want of ſufficient Diſtreſs, ſhall be detained or confined in Priſon for any longer Term than Six Calendar Months; provided alſo, that if any Money ſhall remain due from ſuch Officer or Officers, Perſon or Perſons, the Commitment to Priſon as aforeſaid ſhall not be deemed a Diſcharge for the ſame, nor exonerate his, her, or their Surety or Sureties, but ſuch Officer and Officers, Perſon and Perſons, and his, her, and their Surety and Sureties, ſhall ſtill remain liable to the Payment thereof.

**Truſtees may appoint temporary Collectors.**

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 Three 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 incapable of performing his Duty, or abſconding or abſenting himſelf, and to nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until an Order for his Removal ſhall be made at a Meeting of the ſaid Truſtees, or until he ſhall be diſcharged as aforeſaid, in the Stead of each and every ſuch Collector or Receiver as ſhall ſo die or be diſcharged; and every 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 have 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 Family, or other Repreſentative of any Collector or Receiver who ſhall ſo die or be diſcharged, or any other Perſon or Perſons ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of this Act, or any Garden or Appurtenances thereunto belonging, for the Space of Ten Days after Demand made, and Notice in Writing given for that Purpoſe by any Three 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 or either of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County of *Glouceſter*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building, Garden or Appurtenances, in the Daytime, 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 Three or more them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion thereof.

**Collectors refuſing to deliver up Toll-houſes, Juſtices empowered to grant Warrants, &c.**

XIV. Provided

No Victualler to hold any Place of Profit nor become Collectors, &c.

XIV. Provided always, and be it further enacted, That no Perſon or Perſons keeping any Inn, Alehouſe, or other Houſe of Public Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, ſhall be capable of taking, holding, or enjoying any Place or Places of Profit under this Act, nor of farming, renting, collecting, or receiving the Tolls hereby granted or made payable, during ſuch Time as he or they ſhall keep ſuch Inn, Alehouſe, or other Public Houſe of Entertainment, or ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, unleſs he or they ſhall employ ſome Perſon or Perſons to collect the ſame who ſhall not be under any ſuch Incapacity.

Actions to be brought in the Name of the Treaſurer or Clerk, or one of the Truſtees, but not liable to Coſts.

XV. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name or Names of any Three or more of the ſaid Truſtees on Behalf of the ſaid Truſtees, and no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or defended; and that in caſe any Action or Proſecution ſhall be commenced or proſecuted in purſuance of this Act, under the Authority or by the Direction of the ſaid Truſtees, or any Three or more of them, then and in every ſuch Caſe the ſaid Truſtees, or any Three or more of ſuch Truſtees, ſhall, out of the Monies ariſing by virtue of this Act, allow and pay to the Proſecutor, or ſuch Perſon or Perſons in whoſe Name or Names ſuch Action or Proſecution ſhall be commenced or proſecuted or defended, all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall really and *bonâ fide* expend, for or by reaſon of ſuch Action or Proſecution, or any Judgment or Determination therein, and likewiſe indemnify all ſuch Perſons as ſhall be proſecuted, or have any Action or Actions brought againſt them, for or by reaſon of any Thing done in purſuance of this Act, under the Authority and by the Direction of the ſaid Truſtees, or any Three or more of them.

Power to continue or remove Turnpikes, and ſet up others.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to continue and uſe every or any of the Turnpikes already erected upon the ſaid Roads, and from Time to Time to erect and ſet up ſuch other Turnpike or Turnpikes, Toll Gate or Toll Gates or Bars, in, upon, acroſs, or on the Side or Sides of the ſaid Roads, or acroſs any Lane or Way leading out of the ſame reſpectively, and ſuch and ſo many Toll Houſe or Toll Houſes, Weighing Engine or Engines, with ſuitable Out-buildings thereto, and add, make, and take ſuch Garden Spots and other Conveniences, not exceeding One Quarter of an Acre, to and for the Uſe and Occupancy thereof, as they ſhall think expedient; and that the Right and Property of and in all and every the ſaid Turnpike Gates, Toll Bars, Toll Houſes, Weighing Engines, and Buildings, and all Materials for making, building, or repairing the ſame, ſhall be and is and are hereby declared to be veſted in the ſaid Truſtees; and the ſaid Truſtees, or any Three or more of them, may, if they think it expedient, remove all or any of ſuch Turnpikes or Toll Gates, Toll Houſes and Appurtenances, and the ſaid Truſtees are hereby authorized and empowered to diſpoſe thereof as they ſhall think proper, and to bring Actions, or prefer Bills of Indictment in the Name or Names of their Clerk

Clerk or Clerks, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, break down, ſpoil, or injure ſuch Turnpike Gates, Toll Bars, Toll Houſes, Engines, Buildings, Materials, or any of them, or any Part thereof, or moleſt or diſturb them in the Poſſeſſion thereof, after being required by the Order of any Three or more of the ſaid Truſtees to deliver up the ſame.

Old Tolls repealed.

XVII. And be it further enacted, That on the Firſt Day of *June* One thouſand eight hundred and twelve, the Tolls now payable by virtue of the ſaid recited Acts ſhall be and the ſame are hereby declared to be repealed, and that upon and from and after the ſaid Firſt Day of *June* One thouſand eight hundred and twelve, it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons by virtue of this or the ſaid recited Acts, to be appointed Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates, or Turnpike or Toll Gate which ſhall be erected in, upon, or acroſs the ſaid Roads, or any of them, by virtue of the ſaid recited Acts or this Act, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night); that is to ſay,

New Tolls granted.

For every Horſe, Mule, or other Beaſt, drawing any Coach, Sociable, Chariot, Berlin, Landau, Vis-a-vis, Barouche, Phaeton, Curricle, Calaſh, Chaiſe, Chair, Gig, Whiſkey, Caravan, Hearſe, Litter, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or other ſuch Carriage, the Sum of Sixpence:

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

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

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

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, be permitted to paſs through any ſuch Turnpike or Toll Gate; and all the Tolls by this Act granted, and the Monies ariſing thereby, ſhall be and are hereby declared to be veſted in the ſaid Truſtees, for the Purpoſes of this and the ſaid recited Acts.

Sunday Tolls.

XVIII. And be it further enacted, That on every *Sunday* during the Continuance of this Act, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night, there ſhall be demanded and taken at the ſeveral Gates and Toll Bars erected or to be erected upon the ſaid Roads, before any Horſe, Mare, Gelding, Mule, Aſs, or Carriage, ſhall be permitted to paſs through the ſame, an additional Toll of One Half of the reſpective Tolls herein-before mentioned; and for and in reſpect of each and every other Beaſt or Drift of Cattle, Double the Toll which may be demanded or taken for the ſame reſpectively on any other Day.

XIX. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Tolls by this Act granted, or any of them, at any Toll Gate

Gate upon the ſaid Roads ſhall be liable to pay Toll at any other Toll Gate upon the ſaid Roads, within the Diſtance of Two Miles from the Toll Gate at which ſuch Toll ſhall have been paid, for or in reſpect of the ſame Horſe or Horſes, Beaſts, Cattle, or Carriages, in any One Day, to be computed as aforeſaid, ſuch Perſon producing a Note or Ticket denoting ſuch Payment, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver, *gratis*, on Receipt of the Toll; and that no more than Three Tolls in the Whole ſhall be demanded or taken of or from any Perſon or Perſons for or in reſpect of the ſame Horſe or Horſes, Beaſts, Cattle, or Carriages, for paſſing or repaſſing through all the Toll Gates upon the ſaid Roads, in any One Day, to be computed as aforeſaid, ſuch Perſon or Perſons producing Notes or Tickets denoting ſuch Payment, and which Notes or Tickets the reſpective Collectors of the Tolls are hereby required to deliver, *gratis*, on the Payment of the Toll.

**Perſons not paſſing above 300 Yards, to be liable to Half-toll only.**

XX. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall ſee Occaſion, to reduce the ſaid Tolls reſpectively, or any of them, to any Sum, not being leſs than One Half of the ſaid Tolls, at any Toll Gate or Bar to be erected or ſet up by virtue of this Act, acroſs or on the Sides of the ſaid Roads or Branches of Roads, or either of them, for or in reſpect of any Carriage, Horſe, or Beaſt which ſhall only croſs ſuch Road or Branch of Road, and ſhall not paſs above Three hundred Yards thereon.

**Tolls to be paid but once a Day.**

XXI. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike erected or to be erected by virtue of this Act, ſhall be ſubject to any Toll for returning through ſuch Turnpike the ſame Day before Twelve of the Clock at Night, with the ſame Horſes, Cattle, or Carriage; and all and every Perſon and Perſons for every ſubſequent Time of paſſing through any ſuch Turnpike the ſame Day with the ſame Horſes, Cattle, or Carriages, ſhall pay ſuch Tolls for every ſuch ſubſequent Time of paſſing (not exceeding the Rates hereinbefore mentioned), as the ſaid Truſtees ſhall direct or appoint; and ſuch Perſon for every ſuch Payment for ſuch ſubſequent paſſing, may likewiſe return through ſuch Turnpike with the ſame Horſes, Cattle, or Carriage, the ſame Day, without paying any other Toll; and it ſhall be lawful for the ſaid Truſtees and they are hereby empowered, to order and appoint through how many and which of the Turnpikes any Perſon or Perſons who ſhall have paid the Toll or Tolls hereby granted at any one of ſuch Turnpikes, ſhall, the ſame Day with the ſame Horſes, Cattle, or Carriage, paſs or repaſs, without paying any other Toll, or on paying only ſuch Proportion of the Tolls hereby authorized to be taken at ſuch other Gates or Turnpikes as the ſaid Truſtees ſhall think fit, ſuch Perſon or Perſons producing a Note or Ticket denoting the Payment of Toll at ſuch one Turnpike as aforeſaid, which Note or Ticket the Collector or Receiver of the ſaid Tolls is hereby required to give, *gratis*, if demanded, on Payment of ſuch Toll.

**Power of Diſtreſs and Sale for Non-payment of Tolls.**

XXII. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of the ſaid Tolls, or of any Part thereof, ſhall after Demand made neglect or refuſe to pay the ſame, and every or any Part thereof, then and ſo often it ſhall be lawful for all and every Farmer, Renter, Collector, or Barkeeper, or his, her, or their Deputy or Deputies, Aſſiſtant

or Aſſiſtants, by himſelf, herſelf, or themſelves, taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to follow after and ſtop and detain the Carriages, Horſes, or other Cattle for which the ſaid Toll ſhall not have been paid, and ſeize and detain the ſame Carriages, Horſes, or other Cattle, together with the Bridles, Saddles, Gears, Harneſs, or Accoutrements, or a ſufficient Part thereof; and unleſs ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and detaining and keeping the ſame, be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall or may ſell the Horſe or Horſes, Cattle, Carriage, or other Thing ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any) on Demand to the Owner or Owners thereof, after ſuch Tolls and all reaſonable Charges occaſioned by ſuch Seizure and Diſtreſs, detaining, keeping, and Sale, ſhall be thereout deducted and ſatisfied.

Penalty on Evaſion of Tolls.

XXIII. And be it further enacted, That in caſe any Perſon or Perſons ſhall by any Means whatſoever evade or endeavour to evade the Payment of the ſaid Tolls or Duties, or ſhall prevent or endeavour to prevent the Farmer, Renter, Collector or Collectors of the ſaid Tolls, his, her, or their Deputy or Deputies, Aſſiſtant or Aſſiſtants, from making the Diſtreſs they are hereby empowered to make, on Default of Payment of the ſaid Tolls hereby impoſed, ſuch Perſon or Perſons ſhall, on his, her, or their Conviction, or by his, her, or their own Confeſſion or Confeſſions, or by the Oath of any credible Witneſs or Witneſſes before any Juſtice or Juſtices of the Peace of the County of *Glouceſter*, forfeit and pay for every ſuch Offence, over and above the Tolls he, ſhe, or they ſhall have ſo evaded or endeavoured to evade, and the Coſts and Charges attending the Conviction, ſuch Sum of Money, not exceeding Forty Shillings, as ſuch Juſtice or Juſtices ſhall adjudge, the ſame to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices; and ſuch Forfeiture, or a proportionable Part thereof, ſhall be applied in compenſating the Informer, according to the Diſcretion of ſuch Juſtice or Juſtices as aforeſaid, and the Remainder (if any) after deducting the Coſts and Charges attending ſuch Conviction and Diſtreſs, ſhall be paid to the Surveyor of the Road where the Offence ſhall happen, towards the Repair thereof.

Diſputes concerning Tolls to be ſettled by a Juſtice of the Peace.

XXIV. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Tolls due, or the Charges of making or 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 may be) until the Amount of the Tolls due, and the Charges of ſeizing, diſtraining, keeping, and ſelling (as the Caſe ſhall be), ſhall be aſcertained by ſome 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 of the Collectors Attendance for ſuch Purpoſe on the ſaid Juſtice or Juſtices; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collectors or other Perſons, before he, ſhe, or they ſhall be obliged to return the Diſtreſs, or the Overplus after the Sale thereof, or of any Part thereof.

XXV. And

Collectors of Tolls not to be deemed incompetent Witneſſes.

XXV. 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 ſo appointed, or acting under ſuch Authority.

Penalties on Collectors taking undue Tolls.

XXVI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls payable by this Act, 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, or ſhall detain, keep, moleſt, or inſult any Perſon or Perſons whomſoever, after due Tender made of ſuch Tolls as ought to be paid for paſſing through any of the Gates already erected or to be erected or continued by virtue of this Act; or if any Perſon ſhall moleſt or inſult ſuch Farmer, Renter, or Collector whilſt in the due Execution of the Powers of this Act, every Perſon or Perſons ſo offending ſhall for every ſuch Offence reſpectively forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in ſuch Manner as is herein directed with reſpect to the Penalties to be inflicted upon Perſons evading or endeavouring to evade the Payment of any of the Tolls hereby granted.

No Toll at Over Mill.

XXVII. Provided always, and be it enacted, That no Toll ſhall be demanded or taken for any Horſes, Cattle, or Carriages, going to or from the Mill ſituate at *Over* aforeſaid, called *Over's Mill*, or the Lands called *Dockham*, to the ſaid Mill belonging; nor for or in reſpect of any Goods, Merchandizes, or other Things, being the Produce of any or either of the Hamlets of *Highnam Over*, *Laſſington*, or *Linton*, carried or conveyed to the River *Severn*, at a Place called *Leaden Bow*, near the Corner of *Over's Bridge* aforeſaid.

Exemptions from Toll.

XXVIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing any Road or Highway, or with Seed for ſeeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, Manure, or Lime employed in Huſbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering Place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church,

Chapel, or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Roads lie, or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty, or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, or Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Glouceſter*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXIX. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, or Barrack or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act

or

or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts contained to the contrary notwithſtanding.

Power to leſſen Tolls.

XXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby authorized and empowered, at any General Meeting, from Time to Time, as they ſhall think proper, to leſſen or reduce all or any Part or Parts of the Tolls hereby granted at all, any, or either of the ſaid Turnpikes or Toll Gates, and to raiſe the ſame again, ſo as not to exceed the Tolls by this Act granted, and ſo as ſuch Reduction be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts at the leaſt of the Money then due on the Credit of the ſaid reſpective Tolls; but no ſuch Reduction ſhall be made unleſs Notice in Writing be given of a Meeting to be held for that Purpoſe, by affixing ſuch Notice upon all the Turnpikes then erected acroſs the ſaid Roads, or by advertiſing the ſame in Manner herein-before mentioned, at leaſt Fourteen Days before the Meeting for making ſuch Reduction; and ſuch Tolls, ſo leſſened or reduced, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected and applied.

Tolls may be let.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, upon Fourteen Days Notice being given, either by Advertiſement as aforeſaid, or by Notice in Writing affixed on the ſeveral Turnpikes from Time to Time, under their Hands, or under the Hand or Hands of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, to let or leaſe the Tolls ariſing by virtue of this Act, at any or either of the ſaid Turnpikes, to any Perſon or Perſons, for the beſt Rent or Rents that can or may be gotten for the ſame, payable at ſuch Times and under ſuch Covenants, and unto ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint; ſo that ſuch Lettings be not made for more than Three Years at a Time; and that ſufficient Security (if required) for Payment of ſuch Rent, and Performance of ſuch Covenants, be found and given to the Satisfaction of the ſaid Truſtees, or in Default thereof, every ſuch Letting, Contract, or Agreement ſhall be null and void to all Intents and Purpoſes whatſoever; and the Perſon or Perſons to whom the ſame ſhall have been made ſhall be liable to account and have the ſaid Tolls levied and recovered upon and of him, her, and them, by the ſame Means and in the ſame Manner as are by this Act directed or provided for the accounting for the ſaid Tolls by the Collectors thereof, or for Monies had and received by any other Perſon or Perſons, and unaccounted for or unpaid.

Truſtees may bid for Tolls.

XXXII. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate or Gates ſhall be put up to be let to farm, the ſaid Truſtees may, if they think fit, appoint ſome Perſon to bid Once for the ſame, to the Intent that ſuch Tolls may not be let for leſs than an adequate Value.

Truſtees may take Poſſeſſion of Toll-houſes when let to farm, and in caſe of

XXXIII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates or Toll Bars erected or to be erected upon 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,

Non-payment of Rent, &c.

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 Twenty-one Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for letting the ſame, then and in either of thoſe Caſes it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, or their Clerk, Treaſurer, or Surveyor, or other Perſon authorized by Writing under the Hands of any Three or more of them, and they are hereby authorized to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates, Gardens, and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove and 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 Three or more of them (if they ſhall think fit), to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and in that Caſe the ſame ſhall and is hereby declared to be utterly void to all Intents and Purpoſes (ſave as to the Covenants or 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 Three or more of them, in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any Perſon or Perſons, or cauſe them to be taken or collected, as if no former Contract or Agreement had been entered into relative thereto.

Penalties on Renters compounding for Overweight.

XXXIV. And be it further enacted, That if any Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike Gate or Bar now erected or hereafter to be erected upon any of the ſaid Roads, or his or their Deputy or Deputies, Agent or Agents, ſhall make any Compoſition, by the Year or otherwiſe, with the Inhabitants of any Town or Place, or with any Perſon or Perſons, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any Engine or Engines erected or to be erected upon the ſaid Roads or either of them, for or in reſpect of the Overweight thereof, every ſuch Farmer or Renter, Deputy or Agent, ſhall, on Conviction thereof, by Confeſſion, or upon the Oath of any credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace of the ſaid County of *Glouceſter*, forfeit and pay, beſides the Coſts and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and ſhall alſo forfeit his, her, or their Contract for renting the ſaid Tolls, if the ſaid Truſtees or any Three or more of them ſhall think proper to vacate the ſame; and in that Caſe every ſuch Compoſition ſhall be and the ſame is hereby declared to be null and void; and that One Half of every ſuch Penalty and Forfeiture as aforeſaid ſhall be paid to the Informer, and the other Half to the Surveyor of the Road where the ſaid Offence ſhall happen, to be applied towards the Repairs thereof; the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Power to borrow Money.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered,

at their first or any subsequent Meeting, upon Fourteen Days previous Notice of such subsequent Meeting, and of the Purpose thereof, being given upon all the Toll Gates or Turnpikes then standing upon the said Roads, or by Advertisement as aforesaid, to borrow and take up at legal or lower Interest, any Sum or Sums of Money as they shall from Time to Time think fit, upon the Credit of the respective Tolls, or respective Shares or Proportions of Tolls, severally and distinctly, but not jointly, to be taken or paid, or payable at the several and respective Turnpikes or Toll Bars to be set up or continued by virtue of this Act, in or across each of the respective Roads by this Act intended to be repaired, and in or across the Roads, Lanes, or Highways leading into the same respectively; and by any Writing under their Hands and Seals to assign over or mortgage the said respective Tolls, or Shares or Proportions of Tolls, or any Part or Parts thereof, (the Charges of such Assignments or Mortgages to be paid out of such Tolls), to any Person or Persons, for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the several Sums that shall be so borrowed, with the Interest thereof, which Assignments or Mortgages shall or may be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*] We of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer or Treasurers of the said Roads, in hand paid by do hereby grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Toll Houses for collecting the same, within the Division or District following; *videlicet*, [*here set forth the particular District of Road*] as the said Sum of doth or shall bear to the whole Sum now due, owing, or to be advanced on the Credit thereof, to be had and holden from the 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 repaid and satisfied: Witness our Hands and Seals, the Day of in the Year of our Lord .'

Copies of Securities to be entered by the Clerk.

And Copies of all such Assignments or Mortgages as shall be granted by virtue of this Act shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, within Sixty Days after the Date thereof respectively, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy; and all Assignments and Mortgages which shall be made in the Manner aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes; and all and every Person and Persons to whom any Assignments or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, transfer his, her, or their Right, Title, or Interest in and to the Principal and Interest thereby secured, to any Person or Persons whomsoever; which

Power for Mortgagees to transfer.

Transfer may be in the Words or to the Effect following; (that is to say),

**Form of Transfer.**

'I being entitled to the Sum of
'secured to Executors, Administrators, and Assigns,
'by virtue of an Assignment or Mortgage bearing Date the
'Day of under the Hands and Seals of of the
'Trustees acting in the Execution of a certain Act passed in the Fifty-
'second Year of the Reign of His Majesty King *George* the Third, inti-
'tuled *An Act* [*here set forth the Title of this Act*] made of the Tolls
'arising on the following District of Roads; *videlicet* [*here set forth the*
'*District*] do hereby transfer all my Right and Title in and to the said Sum
'of and all Interest now due for the same, unto
'Executors, Administrators, and Assigns. Dated the
'Day of '

**Transfer to be also entered by the Clerk.**

Which said Transfer shall be produced and notified to the said Clerk or Clerks within Sixty Days after the Date thereof, who shall cause a true Copy thereof to be entered in the said Book or Books to be kept for entering the said original Assignments and Mortgages, and attest the same;

**Clerk's Fee.**

for which the said Clerk or Clerks shall be paid the Sum of Ten Shillings and Sixpence, and no more, which said Book and Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, every such Transfer shall entitle such Assignee, his, her, or their Executors or Administrators, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer again, and so *toties quoties*, and it shall not be in the Power of any Person making such Transfer to make void, release, or discharge the same, or any Monies due thereon, or any Part thereof; and all Persons to whom any such Assignments or Mortgages shall be made as aforesaid, and their respective Assigns or Representatives, shall be in Proportion to the Sums therein mentioned, respectively Creditors on the said Tolls, in equal Degree one with another, and on Non-payment of their Principal Money lent, or the Interest thereof at the Time stipulated for such Purpose, shall or may enter and take Possession of all and singular the said mortgaged Premises,

**No Preference to be given to Mortgagees.**

without any Preference in respect of the Priority of advancing such Monies, or the Dates of such Assignments; and all and every such Copies of the original Assignments or Mortgages, and the Transfer so entered in the said Book or Books, and attested by the said Clerk or Clerks for the Time being, shall be deemed, considered, and taken as original Assignments or Mortgages and Transfers, and shall be received in all Courts of Law and Equity and elsewhere, as Evidence of such original Assignments or Mortgages and Transfers, in the same Manner, to all Intents and Purposes, as if such original Assignments or Mortgages and Transfers were produced;

**Trustees not personally liable.**

provided that nothing herein contained shall extend or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignment or other Securities to be made in pursuance of this Act, or any or either of them; and all Monies so borrowed shall be vested in the said Trustees, for the Purposes of this and the said recited Acts.

Old Mortgages or other Securities to be cancelled if required, and new ones granted.

XXXVI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall or may, if thereunto required, receive in and cancel all or any Mortgages, Warrants, Orders, or other Securities now ſtanding out, that were made by virtue of the ſaid recited Acts or any or either of them, and give and execute a Mortgage or Mortgages in lieu thereof reſpectively, in the Form herein-before directed, or as near thereto as the Caſe will admit of, the Perſon or Perſons requiring ſuch new Mortgage or Mortgages paying the Expences thereof.

No Mortgage to be for more than 100l.

XXXVII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, or any Number of them, to give, execute, or deliver to any Perſon or Perſons any Mortgage under the Authority of this preſent Act, for a greater Principal Sum than One hundred Pounds, notwithſtanding the ſaid Truſtees ſhall borrow and take up at Intereſt of the ſame Perſon or Perſons, at one and the ſame Time, a greater Sum of Money than One hundred Pounds, and notwithſtanding they ſhall be required to exchange and give a new Mortgage or Mortgages in lieu of any Security or Securities now ſtanding out and remaining unſatisfied, which were granted by virtue of the ſaid recited Acts or any or either of them; but that the Monies to be advanced or ſecured as aforeſaid, ſhall be ſecured by ſeparate Mortgages for One hundred Pounds each, or for any leſs Sum or Sums of Money, as the ſaid Truſtees or any Five or more of them, and the Perſon or Perſons to receive ſuch Security or Securities, ſhall agree upon.

For Payment of the Expences of the Act, and Application of the Tolls.

XXXVIII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, together with Intereſt for the ſame from the Time of the ſame being incurred, ſhall be paid by the ſaid Truſtees or any Three or more of them, out of the Money already collected or received, or out of the firſt Money to be collected or received by virtue of the ſaid recited Acts or of this Act, in preference to all other Payments whatſoever; and that after ſuch Payment, the ſaid Truſtees ſhall from Time to Time apply the ſaid Tolls and the Money to be borrowed on the Credit thereof, in defraying the Expences of erecting Turnpikes and Toll Houſes, and making, repairing, widening, turning, and altering the Roads, and defraying all other neceſſary Coſts, Charges, and Expences attending the ſame, and carrying the Purpoſes of this Act into Execution, in ſuch Manner as ſuch Truſtees reſpectively ſhall from Time to Time direct or appoint.

Application of Money awarded above 200l.

XXXIX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this or the ſaid recited Acts, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the ſaid Truſtees, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the

the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, 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 High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of this or the ſaid recited Acts, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

XL. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the 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 Three or more of the ſaid Truſtees for executing this and the ſaid recited Acts, (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

Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

XLI. 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, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this or the ſaid recited Acts, in ſuch Manner as the ſaid Truſtees or any Three 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. Where under 20l.

XLII. 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, Tenements, or Hereditaments, to be purchaſed by virtue of this or the ſaid recited Acts, 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 Three or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſts, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid. In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of Chancery on Petition.

XLIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, In caſe of diſputed Titles.

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

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

XLIV. 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, Tenements, or Hereditaments, to be purchaſed under the Authority of this or the ſaid recited Acts, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this or the ſaid recited Acts, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Fences upon Commons, &c.

XLV. And be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three of them, to cauſe Fences and Ditches to be erected and made upon and over any Parts of any Open Fields, Commons, or Waſte Grounds over which any Part or Parts of the ſaid Roads may lead, as they ſhall think neceſſary, in order to prevent the Payment of Tolls being avoided; and if any Perſon or Perſons ſhall pull down or otherwiſe diſplace or carry away any ſuch Fence, or any Part thereof, or ſhall fill up or ſpoil any ſuch Ditch, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds, over and beſides the Amount of the Damages thereby occaſioned.

Surveyors, &c. to dig Gravel and Materials, &c.

XLVI. And be it further enacted, That the Surveyor or Surveyors of the ſaid reſpective Roads, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, or any Three or more of them, is and are hereby empowered to cut, dig, get, gather, take, and carry away any Furze, Heath, Gravel, Sand, or Materials proper for the repairing or amending of the ſaid Roads, or of any Bridges, Arches

Arches and Fences in or upon the ſame, in, upon, or out of, or from any Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, in any Pariſh, Hamlet, or Place in which any Part of the ſaid Roads lie, or in any adjoining Pariſh, Hamlet, or Place, to be uſed in the repairing, raiſing, or amending of the ſaid Roads reſpectively, without paying any Thing for the ſame, and (provided there ſhall be no other ſafe and convenient Way to carry ſuch Materials) to cart and carry the ſame over the Lands and Grounds of any Perſon or Perſons (not being a Yard, Garden, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground, planted and ſet apart as a Nurſery for Trees), making Satisfaction as hereinafter mentioned, ſuch Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if ſuch Quantities of Furze, Heath, Gravel, Sand, or other Materials proper and ſufficient for that Purpoſe cannot be had or found in or upon ſuch Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, contiguous to that Part of the ſaid Road therewith to be repaired, raiſed, and amended, then and in ſuch Caſe the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may by Order of the ſaid Truſtees, or any Three or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, or from and over the Lands or Grounds of any Perſon or Perſons (not being a Yard, Garden, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees,) paying or tendering Payment to the reſpective Owners or Occupiers of ſuch Lands or Grounds for all Damages occaſioned by the cutting, digging, gathering, taking, and carrying away the ſaid Furze, Heath, Gravel, Sand, and Materials, and by carrying the ſame, or the Materials gotten in any Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks as aforeſaid, over their Lands or Grounds, as the ſaid Truſtees or any Three or more of them ſhall think reaſonable; and in caſe of any Difference between the ſaid Truſtees or any of them, or their Surveyor or Surveyors, or other Perſon or Perſons by them appointed or employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning the ſaid Damages the Juſtices of the Peace for the County wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County next after ſuch Difference ſhall ariſe, and on Six clear Days Notice thereof to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their reſpective Place of Abode, or *vice verſa*, ſhall hear, ſettle, and determine the Matter of the ſaid Damage, and the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties.

Notices to be given to Occupiers of Lands before a Removal of Materials, &c.

XLVII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or any other Perſon or Perſons under the Authority of this Act, to dig, get, gather, take, or carry away any Gravel or other Materials for repairing, raiſing, and amending the ſaid Roads, Bridges, Walls, and Fences, out of or from any incloſed Lands or Grounds, until Seven Days Notice in Writing ſhall have been given

given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his or her uſual Place of Reſidence, to appear by himſelf or herſelf, or his or her Agent, before the ſaid Truſtees, or any Three or more of them, or any Juſtice of the Peace acting for the County, Liberty, or Diſtrict where ſuch Materials are to be had, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier, or his or her Agent ſhall attend purſuant to ſuch Notice, the ſaid Truſtees, or any Three or more of them, or ſuch Juſtice reſpectively, may authorize ſuch Surveyor or Surveyors, or other Perſons, to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to the ſaid Truſtees, or any Three or more of them, or ſuch Juſtice, ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, before the ſaid Truſtees or ſuch Juſtice as aforeſaid, then and in ſuch Caſe the ſaid Truſtees, or any Three or more of them, or ſuch Juſtice, ſhall or may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his or her Agent had attended; provided nevertheleſs, that no Part of the Ground or Soil in the Pariſh or Manor of *Huntley* aforeſaid, called or known by the Name of *Huntley Wood*, whether incloſed or open and unincloſed, ſhall be deemed Waſte Ground or Common for the Purpoſes aforeſaid, within the Intent and Meaning of this Act; any Thing herein contained to the contrary notwithſtanding.

Penalty on taking away Materials got by Surveyors.

XLVIII. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been digged or gathered in any Lands, Fields, Waſtes or Grounds, River or Brook, for the Purpoſe of repairing, raiſing, and amending the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyor or Surveyors or his or their Workmen ſhall have diſcontinued working therein for the Space of Twenty Days (except the Owner or Occupier of any private Ground, and Perſons authorized by any ſuch Owner or Occupier to get Materials therein for his own private Uſe only and not for Sale), or ſhall take, remove, or carry away any Road Dirt or Soil, without the Conſent of the ſaid Surveyor or Surveyors, every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds.

Surveyors may remove Nuiſances.

XLIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, or their Surveyor or Surveyors, and ſuch Perſon or Perſons as they or he ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Three or more them), to remove and prevent all Nuiſances on any Part of the ſaid Roads, or on the Side or Sides thereof, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and diſpoſe of the ſame, for the Benefit of the ſaid Roads; and to turn any Watercourſes, Sinks, or Drains running along, into, or out of the ſaid Roads or either of them, and to open, ſcour, cleanſe, widen, or make deeper any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and large as he or they ſhall think neceſſary; and at proper Seaſons of the

Year to lop, top, plaſh, or cut down any Trees, Shrubs, or Buſhes, within Fifteen Feet of the Centre of the ſaid Roads, growing or to grow on the ſaid Roads, or either of them, or in the Hedges or Banks adjacent thereto reſpectively, not being a Garden, Plantation, Walk, or Avenue to a Houſe, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall, for the Space of Twenty Days next after Notice in Writing given for that Purpoſe by ſuch Surveyor or Surveyors, neglect to lop, top, plaſh, cut down, or remove ſuch Trees, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Nuiſances, in ſuch Manner as the ſaid Truſtees, or any Three or more of them, or the ſaid Surveyor or Surveyors ſhall require, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Three or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and ſhall be recovered and applied in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are herein directed to be recovered and applied; and if after the Removal of any of the ſaid Nuiſances, any Perſons ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds.

Preventing of Annoyances.

L. And be it further enacted, That if any Perſon or Perſons ſhall without ſufficient Cauſe, leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Roads, without a Horſe or other Beaſt of Draught being yoked thereto, or to draw the ſame, longer than may be neceſſary for the loading or unloading of the ſame, or ſhall knowingly or wilfully lay any Sort of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on the ſaid Roads, or on the Sides thereof, to the Prejudice of the ſame; or if any Perſon or Perſons ſhall draw or cauſe to be drawn upon the ſaid Roads, any Tree or Piece of Timber or Stone, otherwiſe than upon wheeled Carriages, or ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon ſuch wheeled Carriage, to drag or trail upon the ſaid Roads, to the Prejudice thereof; or if any Perſon or Perſons ſhall ſlaughter, ſinge, ſcald, or dreſs any Swine, Calves, Sheep, Lambs, or other Cattle or Beaſt, in or upon the ſaid Roads, or hew or ſaw any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or ſhoe, bleed, or farry any Horſe or other Beaſt, or commit any other Nuiſance in or upon the ſaid Roads, (except in caſe of Accident), every Perſon ſo offending ſhall, upon Conviction, for every ſuch Offence forfeit and pay, over and above the Coſts and Charges attending the Conviction, a Sum of Money not exceeding Five Pounds, which Sum ſhall be applied, at the Diſcretion of the Juſtice or Juſtices before whom the Offender ſhall be convicted, towards compenſating the Informer, and repairing the ſaid Roads, in the Caſes where Damage is done thereto, and recovered in ſuch Manner as is herein-before directed with reſpect to the Penalties to be inflicted upon Perſons evading or endeavouring to evade the Payment of any of the Tolls hereby impoſed.

Cauſeways, &c.

LI. And be it further enacted, That it ſhall be lawful for the reſpective Surveyors and ſuch Perſons as they ſhall appoint, by Order of the ſaid Truſtees, or any Three or more of them, to repair any Cauſeways, Drains, and Ditches, or make or cauſe to be made Cauſeways, Drains, and Ditches,

Ditches, and to erect Arches and Bridges in and upon or on the Sides of the ſaid Roads, or in any Grounds lying contiguous or near thereto, and to keep in repair ſuch Bridges and Arches, and ſcour ſuch Ditches and Drains, and alſo to make or cauſe to be made a Road through the Ground adjoining to any narrow or ruinous Part of the ſaid Roads, (not being the Ground whereon any Houſe or Houſes, or other Buildings ſtand, or a Garden, Yard, Park, Paddock, planted Walk, Lawn, or Avenue to any Houſe, or an incloſed Ground planted and ſet apart as a Nurſery for Trees, or in any other Manner particularly inconvenient to the Owner thereof), to be made uſe of by all Paſſengers, Cattle, Carriages or otherwiſe, as a public Highway whilſt the old Road is repairing, and till ſuch Time as it ſhall be ſafe and convenient for Paſſengers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occupiers of ſuch Grounds reſpectively, through which any ſuch Drain or Ditch ſhall be made or cut, or on which any ſuch Arch or Arches, Bridge or Bridges ſhall be repaired or made, or through which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners and Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Three or more of them; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace at the next General Quarter Seſſions for the ſaid County of *Glouceſter*, or at their Second General Quarter Seſſions, or at any Adjournment thereof at the fartheſt, to hear, ſettle, adjudge, and finally determine the Recompence which ſhall be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Parties liable to repair of Roads to continue ſo.

LII. And be it further enacted, That all Bodies Politic and Corporate, Corporations Aggregate and Sole, and other Perſons whomſoever, who by any Law, Cuſtom, Uſage, or otherwiſe, are or ſhall be liable to the Repair of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, ſhall notwithſtanding this Act remain liable to repair the ſame, or to pay ſuch Monies for or towards the Repairs thereof, as they reſpectively before were or was liable to do or pay.

Statute Labour.

LIII. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, and they are hereby empowered and required, (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices, from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts

before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are 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; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act or the ſaid recited Acts authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees), ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to Work as a Labourer, or who ſhall be ſent with any Team or Draught 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 remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Penalties as aforeſaid as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

LIV. Provided

Truſtees may compound for Statute Work.

LIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, to compound and agree by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, and Hereditaments which are or ſhall be liable to or chargeable with the Repair of any Part of the Roads included in this Act, 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 ſaid Surveyors of the Highways of any of the ſaid Pariſhes, Hamlets, Diſtricts, or Places, by and with the Conſent and Approbation of a Majority of the Inhabitants of ſuch Pariſhes, Hamlets, Diſtricts, or Places, firſt had, at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe, with the ſaid Truſtees, or any Three or more of them, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Roads; all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in the Repair of the ſaid Roads; and all ſuch Surveyors ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of Highways are by Law to be reimburſed the Money by them expended in buying Materials for repairing the Highways.

For recovering Compoſition Monies.

LV. And be it further enacted, That in caſe any ſuch Compoſition Money ſhall not be paid within Twenty Days after the ſame ſhall become payable, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, or any Juſtice or Juſtices of the Peace as aforeſaid, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive the ſame, (Oath having been firſt made before ſuch Truſtees, or ſuch Juſtice or Juſtices, that the ſaid Compoſition Money hath been demanded and remains due, which Oath the ſaid Truſtees or ſuch Juſtice or Juſtices are hereby reſpectively to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, returning the Overplus (if any) upon Demand, after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof.

Truſtees may contract for Repairs.

LVI. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, or ſuch Perſon or Perſons as they or any Three or more of them ſhall for that Purpoſe authorize or appoint, are hereby empowered to contract with any Perſon or Perſons for altering, turning, or repairing the ſaid Roads, or any Part thereof, and for erecting Mile and Direction Stones or Poſts thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Three or more of them ſhall think proper; and that all Contracts and Agreements in Writing entered into purſuant to any Order of the ſaid Truſtees, or any Three or more of them, by their Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, or other Officers, with any Workman or Workmen, or other Perſon or Perſons relating to any Matter or Thing to be done by virtue of this Act, ſhall

ſhall be binding upon all ſuch Parties as ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits ſhall or may be maintained thereon by the ſaid Truſtees, or any Three or more of them, or by their Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Perſon, Parties or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum of Money as ſhall be requiſite for repairing, raiſing, or amending the ſaid Roads, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively, the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit, againſt ſuch Party or Perſon, Parties or Perſons ſo as aforeſaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary thereof notwithſtanding.

Penalty on obſtructing Surveyors in their Duty.

LVII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any or either of the ſaid Surveyors, or any other Perſon or Perſons by them or by either of them, or by the ſaid Truſtees, or any Three or more of them for thoſe Purpoſes employed, in the cutting, digging, taking, or carrying of any Furze, Heath, Sand, Gravel, Stones, or other Materials for the altering, repairing, or widening the reſpective Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying of any Tree, Top, Lop, or Overhangings, or digging, cleanſing, or ſcouring any new or other Ditch, Drain, or Watercourſe, or doing any other Act in or for the repairing, widening, or altering the ſaid reſpective Roads or otherwiſe, in or for the Execution of the Powers by this Act given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds.

Penalty for riding on Footpaths.

LVIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall at any Time or Times hereafter ride or lead, or drive any Horſe, Carriage, or Cattle upon any Foot-road or Way now made or hereafter to be made on the Side of the ſaid Roads, (except only on croſſing ſuch Foot-road or Way to the Lands and Grounds of any Perſon or Perſons adjoining thereto), and ſhall be convicted thereof by his, her, or their own Confeſſion, or by the Oath of any credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace for the ſaid County of *Glouceſter*, every ſuch Perſon ſo offending ſhall forfeit and pay, over and above the Coſts and Charges of his, her, or their Conviction, ſuch Sum of Money as ſuch Juſtice or Juſtices of the Peace ſhall adjudge, not exceeding Five Pounds, the ſame to be applied according to the Diſcretion of ſuch Juſtice or Juſtices, in compenſating the Informer, and in repairing the ſaid Roads, and to be recovered in ſuch Manner as is herein directed with reſpect to other Penalties to be impoſed by virtue of this Act.

Penalty on defacing Mileſtones.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, damage, deface, or pull up any of the Mile Stones or Poſts already erected or hereafter to be erected upon or near any Part of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks

Marks thereon, and be thereof convicted before any Juſtice of the Peace for the ſaid County of *Glouceſter*, by the Confeſſion of the Party, or by the Oath of one credible Witneſs, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay a Sum not exceeding Forty Shillings for every ſuch Offence, one Moiety of which Penalty ſhall be paid to the Informer, and the other Moiety laid out in repairing the ſaid Roads; and in caſe the Perſon or Perſons ſo offending, and convicted, ſhall neglect or refuſe to pay the ſame, then it ſhall be lawful for any Juſtice of the Peace of the ſaid County, by Warrant under his Hand and Seal, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of the ſame County, there to remain for any Time not exceeding Three Calendar Months, and the Perſon or Perſons ſhall not be diſcharged until he, ſhe, or they ſhall have paid the ſame, or until the Expiration of the ſaid Term.

Power for Juſtices to ſummon Witneſſes to prove Offences, &c.

LX. And be it further enacted, That it ſhall be lawful for any Juſtice or Juſtices of the Peace before whom any Information and Complaint ſhall be made by virtue of this Act, and he and they is and are hereby authorized and empowered from Time to Time to iſſue his or their Summons in Writing, to any Perſon or Perſons whoſe Evidence ſuch Juſtice or Juſtices ſhall deem neceſſary, to appear before him or them, at ſuch Time or Place as he or they ſhall direct or appoint, then and there to be by him or them examined as a Witneſs upon Oath, touching and concerning the Matter of ſuch Information or Complaint; and every Perſon being ſerved with ſuch Summons, or a Copy thereof, Three clear Days before the Day appointed for ſuch Appearance, and refuſing, or in anywiſe neglecting to obey the ſame, without reaſonable Excuſe, to be allowed by ſuch Juſtice or Juſtices, ſhall for every ſuch Offence forfeit and pay the Sum of Forty Shillings.

For ſecuring tranſient Offenders.

LXI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Truſtees, Surveyors, or other Officers appointed to put the ſame into Execution; be it therefore 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, ſhe, or they ſhall call to his, her, or their Aſſiſtance, to ſeize and detain any ſuch unknown Perſon or Perſons, and take him, her, or them, before any Juſtice of the Peace for the County or Diſtrict near the Place where any ſuch Offence or Offences ſhall be committed, without any Warrant or other Authority than this Act for ſo doing.

Penalties how to be levied and applied.

LXII. 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 is not herein otherwiſe directed, and where the Penalty for the Offence ſhall not exceed the Sum of Five Pounds, ſhall upon Proof of the Offences reſpectively before any Juſtice or Juſtices of the Peace for the County, Diſtrict, or Place wherein the Offence ſhall have been committed, or any Juſtice or Juſtices of the Peace for the County, Diſtrict, or Place wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of any credible Witneſs or Witneſſes, which Oath ſuch Juſtice or Juſtices is and are hereby

empowered and required to adminiſter without Fee or Reward, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party and Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered to grant); and the Overplus, after ſuch Penalties and Forfeitures, Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned on Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, ſhall be (if not otherwiſe directed to be applied by this Act) from Time to Time paid, Half to the Informer, and the other Half to the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers, and be applied in the Repair of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures, with ſuch Coſts, ſhall not be forthwith paid, it ſhall be lawful for any Juſtice or Juſtices of the Peace as aforeſaid, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County, Diſtrict, or Place wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges ſhall be ſooner paid and ſatisfied.

Recovery and Application of Penalties.

LXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, which ſhall reſpectively exceed the Sum of Five Pounds, ſhall be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter* reſpectively, and that One Moiety of every ſuch Fine, Penalty, or Forfeiture laſt-mentioned, ſhall be to the Uſe of the ſaid Truſtees, to be paid to their Treaſurer or Treaſurers, Clerk or Clerks, and be applied in the Repair of the ſaid Roads, and the other to the Uſe of him, her, or them, who ſhall inform or ſue for the ſame, with Coſts of Suit.

Expences of Truſtees, &c. to be paid.

LXIV. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, at any General Meeting to be had purſuant to the Directions of this Act, to order and direct the Treaſurer or Treaſurers nominated and appointed by and acting under this Act for the Time being, to pay and defray out of the Money in his, her, or their Hands ariſing from the Tolls and Duties collected by virtue thereof, all ſuch Coſts, Charges, and reaſonable Sums as they the ſaid Truſtees, or any of them, or any Juſtice or Juſtices of the Peace ſhall have been at and put unto, or ſhall have expended in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or proſecuting any Suit or Suits, Indictment or Indictments, Information or other Proſecution whatſoever, for or on account thereof, or for or concerning any Matter or Thing whatſoever which ſhall be or they ſhall have done or ordered to be done in the due Execution thereof.

LXV. And,

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me [*or*, us] of His Majeſty's Juſtices of the Peace for the County of *Glouceſter*, [or, *as the Caſe may be, ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be.*] Given under my Hand and Seal, [*or*, our Hands and Seals] the Day and Year firſt above written.'

Diſtreſs not unlawful for Irregularity.

LXVI. Provided always, and be it further enacted, That when 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 of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings thereon; 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 or may recover Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for want of Form.

LXVII. And be it further enacted, That no Proceedings of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or any of them reſpectively, touching or concerning or in execution of any Power or Authority veſted in ſuch Truſtees or Juſtices reſpectively by this Act, ſhall be quaſhed or vacated for want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Courts of Record in that Part of the United Kingdom called *England*, any Law or Statute to the contrary notwithſtanding.

Perſons aggrieved may appeal.

LXVIII. 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 already been applied, 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, within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty Days Notice at the leaſt in Writing, of his or her Intent to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, Liberty, or Diſtrict, with Two ſufficient Sureties to try ſuch Appeal, and abide the Order of and pay ſuch Coſts as

ſhall

ſhall be awarded by the Juſtices at ſuch General 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 Party appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter 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 pay the ſame, and for Want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the ſaid County wherein ſuch Quarter Seſſions ſhall be held, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Limitation of Actions.

LXIX. 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 Twenty Days Notice thereof in Writing ſhall have been given to the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, or after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in the County of *Glouceſter* and not elſewhere, and the Defendant or Defendants in every ſuch Action or Suit ſhall or may plead, at his, her, or their Election, ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or ſuch Action or Suit ſhall be brought before Twenty Days Notice ſhall have been given thereof as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought elſewhere than in the ſaid County of *Glouceſter*, then the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Publick Act.

LXX. 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 Continuance of Act.

LXXI. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, upon the Firſt Day of *June* One thouſand eight hundred and twelve, ceaſe and determine; and that the ſaid Act, (ſubject to the Alterations, Additions, and Amendments in this

this Act contained), and this Act, shall from thenceforth continue and be in force, and be executed 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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