ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 2.

An Act for making and maintaining a Road from *Albion Street* in the Town of *Cheltenham* in the County of *Glouceſter*, to *Bunch Lane* in or near the Village of *Biſhop's Cleve*, in the ſaid County, to join the Turnpike Road leading from the Town of *Eveſham* in the County of *Worceſter*, to the ſaid Town of *Cheltenham*. [12th *March* 1810.]

WHEREAS the making and maintaining of a Carriage and Turnpike Road from a certain Street called *Albion Street*, on the back Part of the Town of *Cheltenham*, in the County of *Glouceſter*, to a certain Lane called *Bunch Lane* in or near the Village of *Biſhop's Cleeve*, in the Pariſh of *Biſhop's Cleeve*, in the ſaid County, through or into the Pariſhes of *Cheltenham* and *Preſtbury*, and the Hamlet of *Southam* in the Pariſh of *Biſhop's Cleeve*, and alſo through or into the ſaid Pariſh of *Biſhop's Cleeve*, there to join the preſent Turnpike Road, leading from the Town of *Eveſham*, to or towards the ſaid Town of *Cheltenham*, would be of great Benefit and Advantage to the Inhabitants of the adjacent Country, and would open a much ſhorter and better Communication between the ſaid Town of *Eveſham* and *Cheltenham*, and would alſo be of great public Utility: But the ſame cannot be effected without the Aid of Parliament: 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

Truſtees.

rity of the ſame, That the Honourable *Thomas Howard* commonly called Lord Viſcount *Andover*, *James Agg*, *James Arkell*, *John Brown*, *Thomas Packer Butt*, *Michael Hicks Beach* M. P. *Michael Hicks Beach* Junior, *William Hicks Beach*, *Thomas Blayney*, *William Bromfield*, *Thomas Byrch*, *John Byrch*, *William Byrch*, *Joſeph Bickham*, *William Baker* Clerk, *William Innes Baker* Clerk, *Benjamin Buckle*, *George Briſac*, *William Barnett*, *Robert Baylis*, *William Byam*, *William Beal*, *John Bedford*, the Honourable *Henry AuguſtusBerkeley Craven*, the Honourable *Richard Keppel Craven*, *Craven* (Son of the Reverend *John Craven*), the Reverend *John Craven*, *Chriſtopher Codrington* M. P. *William Capel*, *Chriſtopher Capel* Clerk, *Daniel Capel*, *Thomas Clarke*, *William Capſtack*, the Reverend *Charles Coxwell*, the Honourable *John Dutton*, *Thomas Baghott Delabere*, *Richard Baghott Delabere*, *John Delabere* Clerk, *Thomas Davis*, *Thomas Dowdeſwell*, *Thomas Edwards*, *Richard Foſter*, *Thomas Fletcher*, *Henry Fowler* Clerk, *Thomas Gray*, *William Griffith*, *Thomas Gitton*, *Theodore Gwinnett*, *John Gale*, *John Gardiner*, *Humphrey Howorth* M. P. Sir *Robert Herries* Knight, Sir *William Hicks* Baronet, *Hugh Hughes* Clerk, *Robert Hughes*, *John Hodgkinſon*, *John Hughes*, *James Lloyd Harris*, *John Harward* Clerk, *Thomas Harward* Clerk, *Stokes Heynes*, *Thomas Hullett*, *John Hullett*, *Harry Hone*, *Edward Jenner* Doctor of Phyſic, *James Jelf*, *Gilbert Jones*, *Baynham Jones*, *John Jones*, *Thomas Jones*, *Peter Radley Jackſon*, *Walter Hilton Jeſſopp*, *John Johnſon*, *Thomas Jordan*, *Benjamin Kingston*, *Thomas Kidman*, *Roe King* Clerk, the Honourable *William Henry Lyttleton* M. P. the Honourable *William Beauchamp Lygon* M. P. *Charles Shaw Le Fevre* M. P. *Anthony Lechmere*, *William Laurence*, *Percival Lewis*, *Richard Langbridge*, *William Manning* M. P. *Robert Morris* M. P. *Thomas Markham*, *Thomas Minſter*, *Peter Ryder Minſter*, *Thomas Naſh* Doctor of Divinity, *Thomas Newell*, *John Neale* Clerk, *William Nettleſhip*, *Thomas Nettleſhip*, *Thomas Newman*, *Joſeph Newmarch*, *Charles Newmarch*, *Benjamin Newmarch*, *George Newmarch*, *Charles Oldaker*, *William Pearce* Clerk, *Samuel Pickering* Clerk, *William Hunt Prinn*, *Joſeph Pitt*, *Joſeph Pitt* Junior, *Thomas Pruen*, *Richard Pruen*, *William Potter*, *William Law Phelps*, *Frederick Phelps*, *Edward Rogers*, *William Reed*, *Tryſtram Robert Ricketts*, *Luke Reilly*, *William Ruſſell* of *Powick*, *William Ruſſell* of *Gheltenham*, *Harry Rooke*, the Honourable *Robert Edward Henry Somerſet* commonly called Lord *Robert Edward Henry Somerſet*, the Honourable *Arthur John Henry Somerſet* commonly called Lord *Arthur John Henry Somerſet*, the Honourable *Charles Henry Somerſet* commonly called Lord *Charles Henry Somerſet*, *Richard Skillicorne Skillicorne* Clerk, *William Sealey*, *Thomas Smith* (Banker), *Thomas Smith* (Grocer), *William Stone*, *Edward Smith*, *Stafford Smith* Clerk, *Thomas Spencer*, *Charles Seager*, *Thomas Stephens*, *Henry Thompſon*, *Robert Laurence Townſend* Clerk, *Charles Brandon Trye*, *Charles Hanbury Tracy* M. P. *Daniel Trinder*, *Thomas Welles* Doctor of Divinity, *Hugh Hughes Williams*, Sir *Samuel Wathen* Knight, *Paul Wathen*, *Francis Welles*, *Thomas James Welles*, *Francis Brooke Welles*, *Francis Ralph Weſt*, *Cornelius Woolley*, *John Gregory Welſh*, *Benjamin Wells*, *John Bol's Watſon*, *William Wood*, *Richard White*, *Richard Wetherell* Clerk, *Henry Wetherell* Clerk, *Robert Pleyden Wilton*, *Henry Wilton*, and *George Wathen*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, altering, repairing, and improving the ſaid Road, and for otherwiſe putting this Act in Execution.

II. And

On the Death of Truſtees, others to be choſen.

II. And be it further enacted, That when and as often as any Truſtee ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands to elect one other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo deceaſed or refuſing to act, and 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 ſuch Notice in Writing upon all the Turnpike Gates then erected in or upon the ſaid Road, and alſo by inſerting the ſame in ſome public Newſpaper printed or circulated in the Pariſhes through which the ſaid Road paſſes, at leaſt Ten Days before every ſuch Meeting, and all Perſons who ſhall be ſo elected ſhall have the ſame Powers and Authorities for putting this Act in Execution as if they had been reſpectively named Truſtees in and by this Act.

Qualification of Truſtees.

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

Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide*, in my own Right 'I [*or*, in 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 One hundred Pounds above Reprizes, '[*or*, am Heir Apparent of a Perſon ſeiſed of ſuch an Eſtate of the clear 'yearly Value of Two hundred Pounds, *or*, poſſeſſed of a Perſonal 'Eſtate of the Amount of Two thouſand Pounds]; and that I will 'truly, faithfully, and impartially execute the Truſts repoſed in me as a 'Truſtee, by virtue of an Act paſſed in the Fiftieth Year of the Reign 'of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*] 'according to the beſt of my Skill and Judgement, and without Favour or 'Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.

Penalty on Perſons acting not being qualified.

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

No Truſtee holding any Place of Profit to act.

Profit under this Act, nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any Menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

Mortgagees may act.

IV. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Morrgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed disqualified or rendered incapable of acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are Justices of the Peace for the said County of *Gloucester*, may act as Justices of the Peace in the Execution of this Act notwithstanding they be Trustees, except in Matters in which they shall be personally interested.

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

V. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing which shall have been done by virtue or in pursuance of this Act in the Name or Names of their Clerk or Clerks for the Time being, and that no Action or Suit which shall be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, or by the Act of such Clerk or Clerks, without the Consent of the said Trustees or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action: Provided always, that all and every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money which shall be collected by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in Consequence of any such Action or Proceeding he or they shall pay, bear, expend, or be put unto or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

Clerks to be reimbursed their Expences.

Time and Place of Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Town Hall in *Cheltenham* aforesaid, on the Second *Monday* next after the Day on which this Act shall receive the Royal Assent, or as soon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to put this Act in Execution, and shall then adjourn themselves, and from Time to Time afterwards meet at and again adjourn to such Place near to the said Road as they the said Trustees or any Five or more of them shall think proper; and if at any such Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day (Two Trustees being hereby declared and deemed sufficient for the Purpose of Adjournment only) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time in either of such Cases, by Notice in Writing to be affixed and inserted in Manner aforesaid, at least Seven Days before the next Meeting, appoint the Trustees to meet at the Place at which the last Meeting was held or was appointed to have been held on such Days as shall be specified in such Notice; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any means be prevented from

Clerks to call Meetings in case a sufficient Number of Trustees do not attend, or omit to adjourn.

If Clerks omit to give Notice, Trustees may.

from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House near to the said Road upon that Day Fortnight next after the Date of such last-mentioned Notice; 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 Eleven in the Forenoon, and no Adjournment shall be made or any Meeting appointed to be held at any Time later than Three of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, or unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any Meeting.

Hours of Meeting.

Trustees to pay their own Expences, and make Orders, &c.

Orders not to be revoked unless Trustees present, or Notice given.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings on Emergencies.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them shall and may at their first or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees or any Five or more of them shall think fit, and shall also elect and appoint a Surveyor or Surveyors and such other Officers as the said Trustees or any Five or more of them shall think proper, and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers or any of them as they the said Trustees or any Five or more of them shall see Occasion, and appoint others in the Room of such of them as

Trustees to appoint Officers.

shall be so removed, or as shall die, resign, or become incapable of performing their Duty; and the said Trustees or any Five or more of them shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees or any Five or more of them shall seem proper; and all such Officers and other Persons shall, upon their respective Oaths, if thereupon required by the said Trustees or any Five or more of them (which Oaths any One of the said Trustees is hereby empowered to administer) from Time to Time, and as often as such Officers and other Persons shall be called upon for that Purpose, produce and give up to the said Trustees full, true, and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees or any Five or more of them, or to such Person or Persons or for such Uses and Purposes as they shall direct and appoint; and if such Officer or other Person (being required so to do) shall refuse or neglect to render and give up or to verify upon Oath such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees or any Five or more of them the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees or any Five or more of them, within Ten Days after having been thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any One or more of the Justices of the Peace for the County, City, Town, or Place wherein such Officer or Person shall be and reside, shall (upon Complaint of any Five or more of the said Trustees) make Enquiry concerning such Default either by Confession of the Party or by the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward; and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice or Justices shall and may commit such Officer or other Person so convicted to the Common Gaol for such County, Borough, City, Town, or Place, there to remain without Bail or Mainprize until such Officer or other Person shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees or any Five or more of them for the same, and shall have paid such Composition Money to the said Trustees or to their Treasurer or Treasurers (which Composition the said Trustees or any Five or more of them are hereby empowered to make) or until such Officer or other Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees or any Five or more of them; but no Officer or other Person who

Officers to account.

Proceedings against Officers refusing to account or deliver Books, etc.

Trustees empowered to compound with Officers.

who shall be committed for any of the Offences aforesaid shall be detained in Prison any greater Length of Time than Six Calendar Months.

Trustees may appoint temporary Collectors,

and remove those discharged.

IX. 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 the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or 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 Children, Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person or Persons shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act for the Space of Four Days after Demand thereof 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 Hand and Seal or their 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 in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Three or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Collectors refusing to deliver up Toll Houses.

Justices empowered to grant Warrants and Constable to enter and remove such Collectors.

Trustees may erect Toll-houses, &c.

X. And be it further enacted, That the said Trustees or any Five or more of them shall and may from Time to Time cause to be erected and set up such and so many Turnpikes or Toll Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same, and also a Toll House to each Gate or Turnpike with suitable Outbuildings thereto, and also may for that Purpose inclose from the said Road or from the adjoining Grounds, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to an House, or any inclosed Ground planted or set apart as a Nursery for Trees, or planted with ornamental Trees, sufficient Ground, not exceeding in the whole Two Perches, and may cause any such Turnpikes, Toll Gates, Toll Houses, or other Buildings from Time to Time to be taken down, removed, or altered, as they or any Five or more of them shall judge proper.

And take Tolls.

XI. And be it further enacted, That the Tolls following shall and may be demanded and taken before any Horse, Cattle, or Carriage shall be permitted to pass through any such Turnpikes or Toll Gates respectively, (that is to say),

For

Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt of Draught, drawing in any Carriage, the Sum of Sixpence:

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score, and ſo in proportion for any greater or leſs Number:

For every Four-wheeled Carriage in any Manner fixed to any Waggon, Wain, Cart, or other Carriage drawing, the Sum of One Shilling:

For every Two-wheeled Carriage having any Perſon therein, or being laden in any Manner, fixed to any Waggon, Wain, Cart, or other Carriage drawing, the Sum of One Shilling; and unladen or empty, the Sum of Sixpence.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, whether immediately on the ſame becoming due or at any Time after, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Coach, Chaiſe, or other ſuch like Carriage or Hearſe, Waggon, Wain, Cart, or other ſuch like Carriage, and the Horſes drawing the ſame, and any Horſe, Beaſt, or other Cattle not drawing, upon which any Toll is by this Act impoſed reſpectively, together with their Saddles, Bridles, Gears, Harneſs, or Accoutrements, or any other of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay ſuch Tolls; and if ſuch Tolls and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Coach, Chaiſe, or other ſuch like Carriage or Hearſe, Waggon, Wain, Cart, or other ſuch like Carriage, and the Horſes, Beaſt, or other Cattle ſo ſeized and diſtrained, or any of them, or any Part of ſuch Saddles, Bridles, Gears, Harneſs, or Accoutrements, returning the Overplus (if any) and what ſhall remain unſold upon Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall have been deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied and may be aſſigned in ſuch Manner as herein-after mentioned.

Tolls veſted in Truſtees.

Tolls to be paid only once in one Day for paſſing and repaſſing.

XII. Provided alſo, and it is hereby further enacted and declared, That no Perſon or Perſons ſhall be ſubject to the Payment of Toll more than once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for the Paſſage of the ſame Carriage, Horſe or Horſes, Cattle or Beaſts, through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act; ſuch Perſon or Perſons producing a Ticket that the Toll has been paid the ſame Day at ſome Turnpike or Turnpikes upon ſome Part of the ſaid

Road,

Road, and which Ticket the Collectors are hereby required to deliver *gratis* on the Receipt of such Tolls.

For settling Disputes concerning Tolls.

XIII. And be it further enacted, That if any Dispute shall arise respecting the Tolls due or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen) till the Amount of the Tolls due and the Charges of the Distress and Sale and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the County of *Gloucester*, who upon Application made to him for that Purpose shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collectors Attendance for the Purposes aforesaid upon the said Justice, all which Sums so determined or assessed shall be paid to the said Collector before he shall be required to return the said Distress or the Overplus, after the Sale thereof, or any Part thereof.

Toll Bar Keepers competent Witnesses.

XIV. 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 to collect the said Tolls, or acting under the Authority of the said Trustees.

Toll Houses vested in Trustees.

XV. And be it further enacted, That the Right and Property of all the Roads, Gates, and Toll Houses, Bridges, Culverts, and other Buildings to be made, erected, or provided by virtue of this Act, and of the Stones and Materials for building or repairing the same, and also of all Stones and Materials got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees, and they or any Five or more of them are hereby empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Trustees may make Fences on Commons to prevent Tolls being evaded.

XVI. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Mounds, Walls, and Fences by the Sides of the said Road, or upon, over, or across any Waste Lands, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, to prevent the said Tolls from being evaded; and if any Person or Persons shall pull down or in any Manner damage, 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 any Sum not exceeding Five Pounds.

Penalty on permitting private Passages or evading Tolls.

XVII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments lying near any Turnpike or Toll Gate which shall be erected

erected by virtue of this Act (the ſame not being a public Highway) or if any Owner or Occupier of any ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever to paſs through the ſame, or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the ſaid Tolls or any Part thereof ſhall be evaded, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Carriage, Waggon, Horſe, Beaſt, or other Cattle, without Payment of the Toll due, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle from any Carriage, or having paſſed through any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall afterwards add or put an additional Horſe or Beaſt to ſuch Carriage, with an Intent to evade the Payment of the ſaid Tolls, or ſhall leave or cauſe to be left upon or near any Part of the ſaid Road any Carriage, Horſe, Cattle, or other Beaſt, with Intent to evade the Payment of any of the ſaid Tolls or any Part thereof, or ſhall with ſuch an Intent unload any Goods from or out of any Carriage, or in any other Manner whatſoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Perſon ſo offending ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Tolls may be varied.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Nine or more of them, from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, with ſuch Conſent and upon ſuch Notice as hereafter mentioned, to leſſen or reduce all or any of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid Truſtees or any Nine or more of them ſhall think proper, and may afterwards from Time to Time advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money not exceeding the reſpective Tolls herein-before granted, and to order and direct ſuch Tolls ſo leſſened or reduced or advanced, to be collected, received, taken, laid out, and applied for the Purpoſes of this Act, in ſuch Manner as the ſaid reſpective Tolls are herein-before directed to be collected, levied, and applied, but no ſuch Reduction ſhall be made unleſs the Perſon or Perſons who ſhall be entitled to Five Sixth Parts of the Money which ſhall be then owing upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; nor ſhall any ſuch Reduction be made unleſs Twenty Days Notice at leaſt of the Meeting to be held for the Purpoſe of making ſuch Reduction ſhall be given in Writing to be affixed upon all the Turnpikes or Toll Gates which ſhall be then erected by virtue of this Act, and unleſs ſuch Notice be inſerted in ſome public Newſpaper circulating in the Pariſhes through which the ſaid Road is intended to paſs, Twenty Days before ſuch Meeting is holden.

Truſtees empowered to compound for the Tolls.

XIX. And be it further enacted, That the ſaid Truſtees or any Five or more of them may and they are hereby authorized and empowered from Time to Time as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any one Time with any Perſon or Perſons for the Paſſage of any Horſes, Cattle, Beaſts, or Carriages through any of the ſaid Turnpikes or Toll Gates, and all ſuch Compoſition Money ſhall be paid One Year in Advance, otherwiſe ſuch Compoſition ſhall be void.

Trustees may lease the Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them from Time to Time, by Writing under their respective Hands, or under the Hand or Hands of their Clerk or Clerks, Treasurer or Treasurers for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons for any Time not exceeding Three Years at one Time, upon public bidding to the highest Bidder, for the best Rent that can or may be got for the same, payable at such Times and under such Covenants, and unto such Person or Persons as the said Trustees or any Five or more of them shall direct or appoint; and the said Trustees are hereby required, before the said Tolls are let or leased, to give Fourteen Days Notice at the least in Writing to be affixed on all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act upon the said Road, and by inserting such Notice in some public Newspaper circulating in the Parishes through which the said Road shall pass, that they are desirous to let or lease the said Tolls, and the Monies arising thereby shall be applied in the same Manner as the Tolls so leased are hereby directed to be applied.

Exemptions from Tolls.

XXI. And be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse, Cattle, Beast or Carriage which shall be going unladen or empty for, or that shall be used only in conveying, or that shall be returning unladen or empty after having been used only in conveying Stones, Bricks, Lime, Gravel, or other Materials for repairing the said Road, or any Buildings, Bridges, or Culverts, belonging to the said Road, or for repairing any public Road or Highway within any of the Townships, Hamlets, or Places wherein any Part of the said Road lies, or for Dung, Lime, Marl, Soil, Mould, Compost, or other Manure of what Nature or Kind soever to be used in manuring and cultivating of Lands, or for Hay, Grass, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premises of the Owners or Proprietors thereof (other than and except Lime or Manure, and Hay, Corn, or Straw sold or for Sale); nor shall any Toll be demanded or taken for or in respect of any Ploughs, Harrows, or other Implements of Husbandry or for any Horses or Cattle going to or returning from Stable, Water, or Pasture, or for any Cattle which shall be going to be or returning after having been shoed or farried, or for any Horses or Carriages of whatsoever Description employed or to be employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom, or for the Horses of any Officers or Soldiers upon their March or upon Duty, or for any Carriages attending them laden with their Arms or Baggage, or returning empty after having been so employed, or carrying 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, Barrack or Commissariat or other public Stores of or belonging to His Majesty, for the Use of His Majesty's Forces, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or in returning from any Place of Exercise, Inspection, or Review, provided such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according

according to the Regulation appointed for such Corps at the Time of claiming the Exemption, or for Horses or Carriages travelling with Vagrants sent by legal Passes, or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricle, or Chair, or Horse used by any Person going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County or City of *Gloucester* on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or going to visit or returning from visiting his sick Parishioners, or from any Person or Persons residing in any of the said Parishes, Townships, Hamlets or Places, for passing through any of the said Turnpikes or Toll Gates to or from their respective Church, Chapel, or other Place of Religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated, or for any Cattle or Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies, or for any Cattle or Carriage going to or returning from any Corn Mill or Malt Kiln situate in any of the said Parishes, Townships, or Places, with or for any Corn, Grain, Malt, Meal, or Flour, to be ground, made, or smelted, or when so done for the Owners own Use and Consumption, and not for Sale; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being legally entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XXII. 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, 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, 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 any 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 Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

No Toll for crossing the Road only.

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

Trustees may borrow Money.

XXIV. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk

or

or Clerks, Treaſurer or Treaſurers, to be affixed on all the Turnpikes or Toll Gates then erected and ſet up by virtue of this Act, and inſerted in ſome public Newſpaper circulating in the Pariſhes through which the ſaid Road is intended to paſs, may and they are hereby empowered from Time to Time by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any of the Tolls to be collected and to ariſe by virtue of this Act; and alſo the Toll Houſes, Turnpike Gates, and Appurtenances thereunto belonging (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, or his, her, or their Truſtee or Truſtees, as ſhall advance or lend the ſame, to ſecure the Repayment thereof, with ſuch legal Intereſt as the ſaid Truſtees or any Five or more of them ſhall think proper; which ſaid Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpikes or Toll Gates are hereby directed to be applied and diſpoſed of, and to no other Uſe and Purpoſe whatſoever; and that ſuch Mortgage or Mortgages, Aſſignment, or Aſſignments, may be in the Form following, or ſuch other Form as the Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of Mortgage.

'BY virtue and in purſuance of an Act paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of this Act*] in conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act in Execution, this Day paid by *C. D.* of we whoſe Names are hereunto ſubſcribed and Seals affixed, being Five of the ſaid Truſtees, do grant and aſſign unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the Road in the ſaid Act mentioned, and of the Turnpikes and Toll Houſes erected for collecting the ſame Tolls, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit of the ſame Tolls, or charged thereupon for the Term of this Act, to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Turnpikes, Toll Houſes, and Premiſes, with the Appurtenances unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, for the Reſidue and Remainder now to come of the Term of Twenty-one Years for which the ſaid Tolls are granted by the ſaid Act, ſubject to the Proviſo following; (that is to ſay) Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *C. D.* his Executors, Adminiſtrators, or Aſſigns, together with the Intereſt for the ſame, after the Rate of *per Centum per Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full force. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of One thouſand eight hundred and

Of all which Mortgages or Aſſignments Copies ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees, and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the ſame or the Money thereby ſecured, is and are thereby

Copies to be entered.

thereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal or Hands and Seals, to be indorsed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals before one credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

'I do hereby transfer and assign this Mortgage [*or*, a certain Mortgage &c. *as the Case may be*] with all my Right and Interest to the Principal Money thereby secured, and all Interest now due on the same, unto Executors, Administrators, and Assigns. In Witness whereof I have hereunto put my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees within Sixty Days after the making thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties and Sums of Money therein mentioned, to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for each of which Entries the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Ten Shillings and no more; and which said Book or Books shall and may at all seasonable Times be perused or inspected without any Fee or Reward; and after such Entry made and not before, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and to the Monies thereby secured and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies thereon due.

No Priority of Mortgages.

XXV. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons who may advance any Sum or Sums of Money upon the Credit of the said Tolls in respect of the Priority of advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Application of the Tolls and Money borrowed.

XXVI. And be it further enacted, That out of the first Money to arise by virtue of this Act the said Trustees or any Five or more of them shall in the first Place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto, and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and making, repairing, widening, diverting, and amending the Road to be made under this Act, and in paying the Principal and Interest of the Monies to be borrowed on the Credit of the

the Tolls hereby granted, and in defraying the neceſſary Expences attending the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

Power to enter Lands and make the Road.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the ſaid Road hereby authorized to be made is intended to paſs, and to ſtake out and make the ſame of ſuch Width, not exceeding Sixty Feet, and in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands and Grounds for the Damage which ſhall be done to the Land or Ground on the Sides of the ſaid Road whilſt the ſame ſhall be making; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out or making any ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyor to get Gravel.

XXVIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Coping Stone, Wall Stone, or other Stone, and alſo any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the ſaid Road, and the Bridges, Culverts, Walls, and Fences in or upon the ſame, in, upon, out of, or from any Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks in any Pariſh, Townſhip, or Place in which any Part of the ſaid Road lies, or in any adjacent Pariſh, Townſhip, or Place to be uſed in making and repairing the ſaid Road, without paying any thing for the ſame, and to cart and carry away the ſame over the Lands and Grounds of any Perſon or Perſons, 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 Coping Stone, Wall Stone, or other Stone, or 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 made and repaired, 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 Five or more of them, cut, dig, and make Pits, and get, gather, take and carry away any ſuch Stone and Materials as aforeſaid in, upon, or out of, from, and over the Lands or Grounds of any Perſon or Perſons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or planted with ornamental Trees) paying or tendering Payment to the reſpective Owners or Occupiers of ſuch Lands or Grounds ſufficient Compenſation for ſuch Damages and Loſs which may

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arise in consequence of the cutting, digging, gathering, taking, and carrying away the said Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for 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 Five 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 or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County or Place 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 Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining of the same, and the Judgement and Order of the said Justices therein shall be final and conclusive upon all Parties.

Justices to determine Differences.

Notice to be given to Occupiers of Lands before Materials are taken for repairing Roads.

XXIX. 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, gather, take, and carry away Stone or other Materials for making or repairing the said Road, Bridges, Culverts, Walls, and Fences out of or from any inclosed Lands or Grounds until Notice in Writing shall have been 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 Five or more of them at a Meeting to be called for that Purpose, or any Two or more Justices of the Peace acting for the Division of the County in which such Lands are situate, to shew cause why such Materials should 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 Five or more of them, or such Justices, shall if they think proper authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stone and Materials at such Time or Times as to such Trustees or any Five or more of them, or to such Justices, 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 Justices as aforesaid, then and in such Case the said Trustees or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended.

Surveyors may make Causeways, Bridges, &c.

XXX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to make Causeways in and upon the said Road, and also to make any Ditches or Drains in, under, or upon the said Road, and in, upon, under, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Road (not being the Ground whereon any House or Out-building stands, or a

Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or planted with ornamental Trees) and alſo by Order of any Five or more of the ſaid Truſtees to build, erect, or repair, and keep in repair, any Bridge or Bridges, Arch or Arches upon any Part or Parts of the ſaid Road, and acroſs any Canal, Stream, River, Brook, Water Ditch or Drain therein or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the Private Grounds reſpectively for the Damages which they ſhall or may thereby ſuſtain; as ſhall be adjudged reaſonable by the ſaid Truſtees or any Five or more of them; and in caſe of any Difference concerning ſuch Damages, the Juſtices of the Peace for the ſaid County of *Glouceſter* aſſembled at the General Quarter Seſſions of the Peace next after ſuch Difference ſhall have ariſen, and ſuch Notice as before directed having been given, ſhall hear, ſettle, and determine the Matter of the ſaid Damages, and the Coſts attending the hearing and determining of the ſame, and the Judgement and Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties: Provided always, that no Satisfaction ſhall be made for doing and performing any of the Works aforeſaid upon or through any Waſte Ground, Common, or uncultivated Land.

Penalty on taking away Materials got by Surveyors.

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

Surveyors may remove Annoyances.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five 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 Five or more of them) to remove and prevent all Annoyances on any Part of the ſaid Road by Timber, Stone, Carriages, Saw-pits, or other Pits, Buildings, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw, or by any other Thing or Means whatſoever, and to turn any Watercourſes, Sinks, or Drains running along, into, or out of the ſaid Road to the Prejudice thereof, 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 to cut down, lop or top, at proper Seaſons of the Year, any Trees, Shrubs, or Buſhes growing or to grow on the ſaid Road or in the Hedges or Banks adjacent thereto reſpectively, ſuch Watercourſes, Sinks, Drains, Ditches, Trees, Shrubs, and Buſhes, not being or growing within any Garden, Orchard, Plantation, Walk, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or Avenue to a Houſe planted with ornamental Trees, to take and carry away the ſame Trees, Shrubs, or Buſhes, in caſe the Owners or Occupiers of the Premiſes ſhall for the Space of Ten Days

next after Notice in Writing ſhall have been given for that Purpoſe by ſuch Surveyor or Surveyors, neglect to top, lop, 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 Annoyances in ſuch Manner as the ſaid Truſtees or any Five or more of them, or the ſaid Surveyor or Surveyors ſhall require, the Charges whereof ſhall be ſettled by the ſaid Truſtees or any Five or more of them, and ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and 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 Removal of any of the ſaid Annoyances any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Penalty for obſtructing Collectors or Surveyors.

XXXIII. 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 Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees or any Five or more of them employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may make and divert the Road.

XXXIV. 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 fully authorized and empowered to make and repair the ſaid New Turnpike Road in the Lines and Directions herein-before ſpecified, and from Time to Time to widen, divert, ſhorten, vary, turn, and alter the Courſe or Path of any Part or Parts of the ſaid Road, within the Diſtance herein-after mentioned, and for that Purpoſe to take any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame, and alſo any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damages they may ſuſtain thereby; and it ſhall be lawful for the ſaid Truſtees or any Five or more of them to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands and Hereditaments; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees, not only for and on behalf of themſelves their Heirs and Succeſſors, but alſo for and on behalf of their *Ceſtuique* Truſts, whether Femes Covert, Infants, or Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every Perſon and Perſons who are or ſhall be poſſeſſed of and intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees or any Five or more of them for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them or any Five or more of them all or any of ſuch Lands or Hereditaments or any Part thereof for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or Cuſtom to the contrary in anywiſe

anywiſe notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons intereſted neglect or refuſe to treat.

XXXV. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling Houſe or Dwelling Houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments through which any Part of the ſaid Road is intented to be made as aforeſaid, or may be widened, diverted, turned, or altered, ſhall for the Space of Thirty Days next after ſuch Notice ſhall have been given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees or any Five or more of them ſhall cauſe ſuch Damage, Value, or Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the County of *Glouceſter*, and in order thereto the ſaid Truſtees or any Five or more of them are hereby empowered and required from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath all and every Perſon and Perſons whom they ſhall think neceſſary and proper to be examined concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter) and ſuch Truſtees or any Five or more of them ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own as for the ſaid Jury's Information in the Premiſes, and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees or any Five or more of them ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands and Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and the Judgement, Order, and Determination thereon, ſhall be final, binding, and concluſive to all Intents and Purpoſes upon all Perſons and Parties, and upon all Bodies Politic, Corporate, and Collegiate, claiming or to claim any Eſtate in Poſſeſſion, Reverſion, or otherwiſe; and for ſummoning and returning ſuch Juries, the ſaid Truſtees or any Five or more of them are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Glouceſter*, commanding him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries to appear before ſuch Truſtees or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff, or his Deputy or Deputies is and are hereby required to empannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them ſhall and they are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men, who

The Damages and Recompence to be ſettled by a Jury.

Verdict of the Jury to be final.

Truſtees to iſſue Warrants to the Sheriff to impannel a Jury.

who ſhall be a Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees or any Five or more of them acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no One Fine be more than Five Pounds on any One Perſon for One Offence.

Jury may be challenged.

Truſtees may impoſe Fines on Sheriffs making Default, or on Jury, or on the Witneſſes.

Fines.

How the Expences of the Jury and Witneſſes are to be borne.

XXXVI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees or any Five or more of them before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees or any Five or more of them before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County of *Glouceſter*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein-after provided

provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, either to the Party or Parties respectively entitled thereto, or into the Bank of *England*, in Manner directed by this Act, and upon Payment thereof as aforesaid, and Five Days Notice of such Payment having been given to such Parties or Persons or their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter, and shall be repaired and kept in repair in such Manner and by the same Ways and Means as the Road hereby authorized to be made and repaired is hereby directed to be made and repaired, and from thenceforth all Parties and Persons shall be divested of all Right and Title to such Lands and Hereditaments; and in case the Course of any Part or Parts of the said Road, after such new Road shall be completed, shall be turned or altered, the Lands constituting such foormer Road or Roads or any Part thereof, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such New Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees or any Five or more of them in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the said County of *Gloucester*, shall be good and effectual in the Law to all Intents and Purposes.

Trustees not to take down Houses, without Consent of Owners.

XXXVIII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees shall not extend to enable the said Trustees to take, use, injure, or damage any Dwelling-house or other Building, or to take any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation, or Nursery of Trees, for any of the Purposes of this Act, without the Consent in Writing of the Owners or Proprietors thereof and other Persons interested therein first had and obtained.

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

XXXIX. And whereas by Means of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by diverting of some Part or Parts of the said Road, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of any Piece or

Pieces of Land or Ground, or Piece or Pieces of old Road or Roads either together or in Parcels as they ſhall find moſt convenient and advantageous to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons whoſe Lands adjoin to have the Preference.

XL. Provided always, and be it further enacted, That the ſaid Truſtees or any Five or more of them, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Road or Roads, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto, and that the ſaid Truſtees before they ſhall ſell or diſpoſe of the ſaid Piece or Pieces of Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground, and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Glouceſter*, by ſome Perſon or Perſons not intereſted in the ſaid Piece or Pieces of old Road or Roads or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees or any Five or more of them, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees or any Five or more of them ſhall differ or not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees or any Five or more of them in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees or any Five or more of them of ſuch Piece or Parcel of old Road or Roads or Grounds as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Reſtraining the Truſtees from deviating beyond a certain Diſtance from the Line deſcribed in the Map or Plan.

XLI. And whereas a Map or Plan deſcribing the Line of the ſaid New Turnpike Road, and the Lands through which the ſame is to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited at the Office of the Clerk of the Peace for the ſaid County of *Glouceſter*; be it therefore enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County of *Glouceſter*, to the end that all Perſons may at all ſeaſonable Times have Liberty to peruſe and inſpect the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One Hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan, and Book of Reference; and that the ſaid Truſtees in making the ſaid New Turnpike Road, ſhall not deviate more than One hundred Yards, of Three

Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through or over whose Lands or Grounds such Deviation shall be made.

Trustees may make the Road through Lands although the Names are not in the Book of Reference.

XLII. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said New Turnpike Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is, are, or may be Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Gloucester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not restrained from diverting the Road beyond One hundred Yards, if Parties consent.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to prevent, hinder, or restrain the said Trustees from widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road beyond the Distance of One Hundred Yards through the Lands or Grounds of any Person or Persons whomsoever, in case such Person or Persons shall be consenting thereto, and shall signify his, her, or their Consent in Writing to such Diversion or Alteration being made.

Application of Compensation Money if amounting to 200l.

XLIV. 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 Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any 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 Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter Thirty-second, and the General Orders of the said Court, without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents 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 Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited,

or

or ſuch of them as at the Time of making the Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XLV. 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 any 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 with the Privity and in the Name 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 the 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 Five or more of the Truſtees, for executing this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where leſs than 20l.

XLVI. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt 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 Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardian, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons can-

XLVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue

of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums 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 said 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 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim 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.

not be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

XLVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to 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 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, etc. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XLIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands,

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

Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Labour.

L. 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 Road by this Act directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, and they are hereby required and empowered, upon Application made to them 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 Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth 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 as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices (at ſome Place to be expreſſed in ſuch Summons) within Seven 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 and Effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and 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 Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay Time or Harveſt), and in ſuch Parts of the ſaid Road as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any ſuch 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 they the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and 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 the ſaid Act authorized or directed to be recovered, and each and every Perſon who ſhall neglect or refuſe to do Statute Work

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, by any Surveyor of 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 Stature in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, 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 Payments 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 Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Road; and in case the 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 shall 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 Forty Shillings.

Trustees may compound for Statute Work.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to, or chargeable with, the Repair of any Part of the said new Turnpike Road, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets, or Places first obtained 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 Five 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 new Turnpike Road; all which Composition Money shall be from Time to Time paid in Advance and shall be applied in the Repair of the said new Turnpike Road; and all such Surveyors shall be reimbursed the Money so by them paid in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

LII. And be it further enacted, That the said Trustees or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, turning, widening, or repairing the said New Turnpike Road, or any Part thereof, and for erecting Mile and Direction Stones or other 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

Contracts to be binding.

or Sums of Money as the ſaid Truſtees or any Five 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 Five or more of them, by their Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Perſon or Perſons relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees or any Five 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.

Perſons who may be Proſecutors, and Perſons proſecuted, on account of Truſtees, indemnified.

LIII. And be it further enacted, 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 Five or more of them, in every ſuch Caſe the ſaid Truſtees, or any Five or more of them 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 and proſecuted, all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall be really and *bona fide* out of Pocket for or by reaſon of ſuch Action or Proſecution, or any Judgement 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 Five or more of them.

Mile Stones to be ſet up.

LIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid New Turnpike Road to be meaſured and Stones or Poſts to be ſet up in or near the Sides of ſuch Road, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees or any Five or more of them, ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any of ſuch Stones or Poſts, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon; or if any Perſon ſhall ride upon any Cauſeway or Footway adjoining to ſuch Road, or ſhall drive any Horſe or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Cauſeway or Foot way; or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of ſuch Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber, or Stone, which ſhall be carried upon Wheel Carriages, to drag upon any Part of ſuch Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon ſuch Road, ſhall ſuffer them to root up and damage the ſame, or any Part thereof, or the Fences, Hedges, or Backings on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon ſuch Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of ſuch Road, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons

From paſſing him upon ſuch Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called Bonfires, or ſhall ſet Fire to, or let off or throw any Squib, Rocket, Serpent, or other Firework on any Part or Parts of ſuch Road; or if any Perſon ſhall leave any Waggon, Wain, Cart, or other ſuch Carriage in, upon, or on the Side of any Part of ſuch Road longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of ſuch Road or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons traveling thereon; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalties, how to be levied and applied.

LV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed, if the Manner of levying and recovering thereof is not herein otherwiſe directed, ſhall upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County or Place wherein the Offence ſhall have been committed, or any one Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of one or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale ſhall have been paid and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, ſhall, if not otherwiſe directed by this Act, from Time to Time be paid Half to the Informer, and Half to any Five or more of the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers, and be applied in the Repair of the ſaid new Turnpike Road; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any one Juſtice of the Peace within his Juriſdiction, as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County 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.

Form of Convictions.

LVI. 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 and may 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; (*videlicet*),

'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 where the Conviction may be made, 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.'

Proceedings not to be quashed for Want of Form.

LVII. 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 the Execution of any Power or Authority vested in such Trustees or Justice 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 Court of Record; any Law or Statute to the contrary notwithstanding.

Distress not to be deemed unlawful for Want of Form, nor the Party distraining deemed a Trespasser ab initio.

LVIII. Provided always, and be it further enacted, That when any Distress shall be made for any Sum or Sums of Money, 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 relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the special Damage in an Action upon the Case.

Limitations of Actions.

LIX. 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 Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after sufficient Satisfaction or a Tender thereof shall have been made to the Party or Parties aggrieved, or after the Expiration of Three 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 and 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 if such Action or Suit shall be brought before Fourteen Days Notice shall have been thereof given as aforesaid, or after a 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 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 and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

LX. And

Orders and Proceedings of Truſtees to be entered in a Book.

LX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, or any Five or more of them, ſhall be made and entered in a Book or Books to be kept for that Purpoſe, and ſigned by a competent Number of the Truſtees, or by their Clerk or Clerks; which ſaid Book or Books, and all other Book and Books directed to be kept for regiſtering the ſaid Mortgages, Aſſignments and Transfers as aforeſaid, ſhall and may be produced and read in Evidence in all Courts whatſoever.

For ſecuring tranſient Offenders.

LXI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to carry this Act into Execution; be it therefore further enacted, That it ſhall be lawful for any One or more of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them, before any Juſtice of the Peace for the County of *Glouceſter*, who is hereby authorized and required to determine the Matter of ſuch Complaint.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already preſcribed, ſuch Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace, to be holden for the ſaid County of *Glouceſter* within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty-one Days Notice at the leaſt in Writing of his or her Intention 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, with Two ſufficient Sureties, conditioned to try ſuch Appeal and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice having been given as aforeſaid, and of ſuch Recognizance having been entered into, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſion may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the ſame County wherein ſuch Quarter Seſſions ſhall be held, as the Caſe may be, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

For compelling Subſcribers to pay their Subſcriptions.

LXIII. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money for and towards the making of the ſaid new Turnpike Road, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed within or at ſuch Time or Times, and in ſuch

such Parts and Proportions as the said Trustees, or any Five or more of them, shall from Time to Time order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of the said Trustees, or any Five or more of them, or in the Name of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Public Act.

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

Commencement and Continuance of this Act.

LXV. And be it further enacted, That this Act shall commence upon and have Continuance from the Day on which the same shall receive the Royal Assent; and shall continue in force 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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