ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxlvii.

An Act for more effectually repairing and improving so much of the Road leading from the Town of *Cheltenham*, in the County of *Gloucester*, towards the City of *Gloucester*, as lies within the *Cheltenham* District, and for opening new Communications with such Road. [10th *June* 1825.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the first small Bridge or Culvert which crosses the present Turnpike Road from* Cheltenham *to* Gloucester, *on the* Gloucester *Side of* Staverton *Bridge, to join the same Turnpike Road in the Town of* Cheltenham, *in the County of* Gloucester, whereby certain Persons therein named, and their Successors to be nominated as therein mentioned, were appointed Trustees for carrying the said Act into Execution: And whereas the said Trustees, in pursuance of the Powers and Authorities to them given by the said Act, have caused the Road thereby authorized to be made, to be made and completed, and have borrowed considerable Sums of Money on the Credit of the Tolls granted by the said Act, which still remain due: And whereas it would considerably shorten the Distance between the said City of *Gloucester* and the said Town of *Cheltenham* if the Line of the said Road were varied and altered, by making a new 49 G. 3. c. 29.

new Branch from or near to a House by the Side of the said Road, called *The Golden Pheasant*, across or near to an Inclosure called *Great Pease Hill*, and from thence to the present Turnpike Road leading from the City of *Gloucester* towards *Cheltenham* in the Parish of *Churchdowne*; and it would afford a very material Accommodation to the Public if a further Communication was made with the said Road, by forming a Branch from and out of the same at or near to a Cottage called *Lane's Cottage*, in the Parish of *Staverton*, into and through the Township of *Badgworth*, unto the Turnpike Road leading from *Cheltenham* to *Painswick*; but such Improvements cannot be effected, nor can the Money now remaining due on the Credit of the said Tolls be repaid, unless the Term granted by the said Act be extended, and further Powers be given to the Trustees for the better Execution of the Trusts reposed in them: And whereas an Act was passed in the Third Year of the Reign of
3 G. 4. c. 126. His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth
4 G. 4. c. 95. Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of
5 G. 4. c. 69. His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Forty-ninth Year of His said late Majesty King *George* the Third shall be, and the same is hereby repealed, and that instead thereof this Act shall thenceforth commence and take Effect, and be put in Execution during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in Repair as well the Branches and Deviations herein-after authorized to be made as the said Road so as aforesaid made and formed by virtue of the Powers granted by the said first recited Act.

Recited Act 49 G. 3. repealed, and this Act to be executed in lieu thereof.

Powers of the Acts of 3, 4 & 5 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or by this Act, and also the said recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or provided for by this Act,) shall be as good, valid, and effectual

for carrying this Act into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

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

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be, and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said recited Act of the Forty-ninth Year of the Reign of His late Majesty King *George* the Third to be taken or received, and of all the Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act.

Persons liable for Debts to the old Trustees to be liable to the Trustees under this Act.

IV. And be it further enacted, That all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Act hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. under the recited Act available to the New Trust.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Act hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on Behalf of the said Trustees, according to the Provisions of such Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and performed on account of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

Books used under former Act to be Evidence under this Act.

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

Trustees nominated.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Gloucester*, together with *James Agg*, *John Allen*, *James Arkell*, *Edward Armitage*, *John Browne*, *Joseph Brooks*, *Thomas Packer Butt*, *Michael Hicks Beach*, *William Hicks Beach*, *Henry Bromfield*, *Thomas Blayney*, *Henry Charles Boisragon* M.D., *Thomas Byrch*, *John Byrch*, *William Byrch*, *Joseph Seymour Briscoe*, *Richard Butler*, *Robert Baylis*, *John Briggs* M.D., *John Baylis*, *Robert Capper*, *Joseph Cripps* M.P., *Thomas Christie*

Christie M.D., *George Caldwell* Clerk, *Richard Critchett*, *James Fielder Croome*, *Frederick Corfield*, *Frind Cregoe*, *James Clutterbuck*, *John Cox*, *Daniel Capel*, *Christopher Capel*, the Honourable *James Dutton*, the Honourable *John Dutton*, *Charles Francis Durell*, *George Dinsdale*, *Thomas Davis*, *John William Dawson*, *Thomas Edwards*, *Henry Elwes*, *John Edwards* Clerk, *William Seale Evans*, *Richard Forster*, *Henry Fowler*, *John Ferryman*, *James Fisher*, *Peter Frost*, *Thomas Gray*, *William Griffith*, *Theodore Gwinnett*, *John Gardner*, *Philip Godsal*, *Thomas Griffiths*, *Charles Cook Higgs*, *Edward Howell*, Sir *William Hicks* Baronet, *Abraham Hatherell*, *Robert Hughes*, *Henry William Harris*, *Thomas Harward* Clerk, General *John Hughes*, *James Hawkins*, *Thomas Hill* Clerk, *Charles Jervis* Clerk, *Baynham Jones*, *Thomas Jones*, *John Jones*, *Gilbert Jones*, *Robert Fitzhardinge Jenner*, *Brook Kay*, *James Kettilby*, Sir *Anthony Lechmere* Baronet, *Walter Lawrence Lawrence*, *Thomas Hayter Longden*, *Francis Longworth*, *Conway Whithorn Lovesy*, *Richard Masters*, *George Madegon*, *Thomas Minster*, *Peter Ryder Minster*, *Robert Morris*, *William Morris*, *Thomas Nash* D.D., *John Neale* Clerk, *Thomas Newell* M.D., *Edmund Lambert Newman*, *Thomas Newman*, *William Nettleshipp*, *Alexander Nicholson*, *Benjamin Newmarch*, *George Newmarch*, *John Harvey Ollney*, *William Hinds Prescod*, *George Bragge Prowse*, *Joseph Pitt* M. P., *William Gregson Pitt*, *Plumptre* Clerk, *John Portis* Clerk, *Thomas Pruen* Clerk, *Richard Pruen*, *Edward Pruen*, *John Prince*, *John Phillpots*, *Joseph Read Tristram*, *Robert Ricketts*, *Luke Reilly*, *William Russell*, *Harry Rooke*, *John Roebuck*, *John Roughton*, Lord *Robert Edward Henry Somerset*, Lord *John Somerset*, *Richard Shillicorne Shillicorne* Clerk, *James Robert Scott*, *Michael Joseph Semper*, *William Sealey*, *Thomas Smith*, *Charles Seager*, *Thomas Smith*, *Edward Southouse* Clerk, *Robert Lawrence Townsend* D.D., *Charles Hanbury Tracy*, *Robert Lawrence Townsend* the Younger, *William Lawrence Townsend* Clerk, *Edward Tatham* D.D., *Charles Sheldon Timins*, *James Trecothick*, *Henry Norwood Trye*, *Pearson Thompson*, *John Turner*, *Thomas Turner*, *Joseph Ellis Viner*, *Walter Wilkins* M.P., Sir *Alexander Wilsonn* Knight, *John Gregory Welch*, *Hugh Hughes Williams*, *William Wood*, *Thomas James Welles*, *Richard White*, *Richard Wetherell* Clerk, *Henry Wetherell* Clerk, *George Asser White Welch*, *John Gregory Welch* the Younger, and their Successors, being duly qualified in Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be, and they are hereby appointed Trustees for amending, widening, altering, improving, and keeping in Repair the Road from the first small Bridge or Culvert which crosses the present Turnpike Road leading from *Cheltenham* to *Gloucester*, on the *Gloucester* Side of *Staverton* Bridge, through the several Parishes, Hamlets, Tythings, and Places of *Churchdowne*, *Staverton*, *Boddington*, *Arle*, *Alstone*, and *Cheltenham*, all in the County of *Gloucester*, to the Town of *Cheltenham* aforesaid; and also for making, maintaining, and keeping in Repair a new Branch from or near to a House by the Side of the said Road called *The Golden Pheasant*, across or near to an Inclosure called *Great Pease Hill*, and from thence to the present Turnpike Road leading from the City of *Gloucester* towards *Cheltenham* in the Parish of *Churchdowne*; and a Branch from and out of the same at or near to a Cottage called

called *Lane's Cottage*, in the Parish of *Staverton*, into and through the Township of *Badgworth*, unto and into the Turnpike Road leading from *Cheltenham* to *Painswick*; and for putting this and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty into Execution.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at their First Meeting to be holden under the Powers of this Act, to nominate and appoint any Number of Persons not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so to be appointed, being duly qualified as aforesaid, shall be, and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, and this Act, as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the Masonic Hall in the Town of *Cheltenham* aforesaid, or at some other convenient Place in the said Town, on the Second *Friday* after the passing of this Act, at Eleven of the Clock in the Forenoon, and shall then and there proceed to put the said Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, into Execution.

Former Officers to continue.

X. And be it further enacted, That the Clerk, Surveyor, and other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing them; and shall be subject to the like Rules and Regulations, Pains and Penalties, in all Respects, as if they had been severally appointed under or by virtue of this Act, and the said Acts of the Third and Fourth Years of the Reign of His present Majesty.

Treasurer and Clerk not to be the same Person.

XI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Acts or of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such

Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer; every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance shall be allowed.

Books, &c. relative to former Act to be delivered to Trustees under this Act.

XII. And be it further enacted, That all Persons who are or have been employed, or who have received any Money on account of the Road by the said first recited Act authorized to be made and kept in Repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Thing relating to the said Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, and of this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Power to continue or erect Turnpikes.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees to continue the several Turnpikes, Toll Gates, and Toll Houses erected by the Trustees acting under the said Act hereby repealed, and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, if they shall think fit, upon, across, or by the Side of any of the Roads by this Act authorized to be made, improved, and kept in Repair.

Turnpikes to be erected on new Branches of Road.

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

Power to remove Turnpikes.

XV. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any Special Meeting to be holden for that Purpose, of which public Notice, specifying the Time and Place for holding such Meeting and the Purpose thereof, shall have been given Three Times in some Newspaper published or circulated in the County of *Gloucester*, and also by affixing a Copy of such Notice on all the Turnpikes, Toll Gates, and Side Gates which shall be then continued or erected and standing by virtue of this Act, at least Twenty-one Days previously to such Meeting, to order and direct any

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

Tolls.

XVI. And be it further enacted, That the respective Tolls following may (subject to the Provisions, Restrictions, and Exemptions in this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate which is now or which shall hereafter be set up or continued upon, across, or by the Side of the Roads by this Act authorized to be made, improved, and kept in Repair, by each and every Person who shall be appointed or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; that is to say,

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, or Ass, not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Sixpence *per* Score, and so in proportion for any greater or less Number.

Tolls vested in Trustees.

XVII. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, shall be vested in the said Trustees; and the same and every Part thereof shall be levied, collected, paid, applied and disposed of in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act.

Tolls to be paid only once a Day.

XVIII. Provided always, and be it further enacted, That in case Tolls shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage, for passing through any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of any such Horse, Beast, Cattle, or Carriage, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate, the same Day before Twelve of the Clock at Night, but that every Person on producing a Note or Ticket denoting the Payment of Toll shall (except in the Cases herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, Cattle, or Carriage, Toll-free.

Horses, &c. drawing different Carriages to

XIX. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates,

pay each Time of passing.

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

No more than Two full Tolls to be taken for passing the whole District on the same Day.

XX. Provided also, and be it enacted, That no more than Two full Tolls shall be demanded and taken (except in the Case hereinafter mentioned) for passing on the same Day throughout the whole Line of the Roads by this Act authorized to be made, improved, and kept in Repair.

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

XXI. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, Van, Caravan, or other Stage Carriage carrying Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time they shall pass and repass along the said Road on the same Day as often as a fresh Hiring thereof shall take place.

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

Power to make new Branches and Deviations.

XXII. And be it further enacted, That it shall and may be lawful for the said Trustees, and their Surveyor or Surveyors, and Workmen, and they are hereby authorized and empowered to make, execute, and complete the new Branches or Deviations from the said Road hereinbefore mentioned and described; and that such Branches or Deviations respectively, and every Variation thereof respectively, may be of any Width not exceeding Sixty Feet, exclusive of the Ditches and Fences on each Side thereof; they the said Trustees first making Satisfaction to the Owners and Occupiers of, and other Persons interested in the Lands, Hereditaments, and Premises over and through which such respective Branches or Deviations or any Variations thereof respectively shall be carried, for the Damages they shall respectively sustain thereby.

Branches to be made in Five Years.

XXIII. Provided always, and be it enacted, That in case the said Trustees shall not make and execute the said Branches and Deviations within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same without the Consent in Writing of the Owners of the Lands over and through which any such Branches or Deviations shall thereafter be made, first had and obtained.

Deviations to be made according to Plan deposited with

XXIV. And whereas a Map or Plan describing the respective Lines of the said new Branches or Deviations intended to be made, and the Lands over and through which the same are respectively intended to be carried, together with a Book of Reference, containing Lists

of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Gloucester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Gloucester*, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making such respective Deviations shall not deviate more than One hundred Yards from the respective Lines thereof described in the said Map or Plan, without the Consent or Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over or through whose Lands or Grounds such Deviations shall be made.

the Clerk of the Peace for the County of Gloucester.

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

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

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Branches or Deviations into, through, across, or over the several Lands, Tenements, or Hereditaments of any Person or Persons who is, or are, or may be the Owner or Owners, or Occupier or Occupiers of Lands, Tenements, or Hereditaments, over which the same or any Part thereof is or are mentioned and described in this Act, or set forth and described in the said Map or Plan and List as aforesaid, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or misstated in this Act, or in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Gloucester*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and

Lands marked in the Plan may be used notwithstanding Errors in the Books of Reference.

and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Application of Tolls and Money borrowed.

XXVII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following, (that is to say,) in the First Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; Secondly, in paying and discharging all the Interest which shall at the Commencement of this Act be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable on the Roads by this Act directed to be improved and kept in repair; Thirdly, in paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the said Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Roads; Fourthly, in defraying the Expences of diverting, altering, widening, improving, repairing, and preserving the Roads by this Act authorized to be diverted and kept in Repair as aforesaid, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby as aforesaid repealed, and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing by or on account of this Trust.

No Priority of Mortgages.

XXVIII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act hereby as aforesaid repealed, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee

or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act in equal Degree one with another, without any Preference or Priority.

No Lime Kiln or Brick Kiln to be set up within the Distance of 100 Yards from the Roads.

XXIX. And be it further enacted, That no Person shall hereafter erect, set up, or use, or cause to be erected, set up, or used, any Lime Kiln or Brick Kiln, or any other Erection, Matter, or Thing, for the Purpose of burning Lime, Bricks, or Clay, within the Distance of One hundred Yards from any Part of the said Roads hereby directed to be repaired, under the Penalty of Twenty Shillings for each and every Day such Lime Kiln, Brick Kiln, or other Erection, Matter, or Thing aforesaid, shall continue; such Penalty to be recovered in like Manner as any Penalty not exceeding that Amount imposed by the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, or either of them, are authorized to be recovered.

Application of Compensation when amounting to 200*l.*

XXX. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Monies shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court; and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, 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,

1 G. 4. c. 35.

or

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

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

XXXI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends and Interest arising thereon may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

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

XXXII. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for

for the Use and Benefit of such Person or Persons so entitled respectively.

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

XXXIII. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall and is hereby empowered in a summary Way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the 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 Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or of 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 be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased

with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made apparent to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXXV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Corporation, or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful 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 said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXVI. 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.

The Commencement and Continuance of this Act.

XXXVII. And be it further enacted, That this Act shall commence upon the Second *Friday* after the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE

SCHEDULE referred to by this Act.

No. in the Plan deposited with the Clerk of the Peace.	Description of Premises.	Owners Names.	Occupiers Names.
1	Garden	Mr. Chamberlain	Mary Ballenger
2	Cottage and Garden	Mr. Smith	Mr. Smith
19	Orchard	Walter Wilkins, Esq.	Thomas Herbert
26	Barn	Miss Newman	Miss Newman
34	Cottage and Garden	Thomas Lea	Thomas Lea
43	Brick-yard, &c.	John Lane	John Lane
48	Plantation	Thomas Hayter Longden, Esq.	S. Nicholls
49	Fold-yard	Ditto	Ditto
50	Ditto	Ditto	Ditto
59	Ditto	Mr. Thomas Gardner	Mr. Thomas Gardner
61	Ditto	Joseph Ellis Viner, Esq.	Mr. Finch
83	Orchard	Mr. Oakey	Mr. Oakey
84	Ditto	Joseph Ellis Viner, Esq.	Mr. Finch
85	Ditto	Corporation of Gloucester	Mr. Oakey
86	House, Garden, &c.	Mr. Killmister	Mr. Morgan
92	Orchard	Corporation of Gloucester	Mr. Oakey
93	Ditto	Ditto	Ditto
94	Ditto	Ditto	Ditto
98	Ditto	Joseph Ellis Viner, Esq.	Mr. Davis
99	Ditto	Mr. R. Oakey	Mr. R. Oakey
100	Ditto	Joseph Ellis Viner, Esq.	Mr. Davis.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1825.