ANNO TERTIO

GEORGII IV. REGIS.

Cap. ci.

An Act for more effectually amending and repairing the Road from *Cirencester* in the County of *Gloucester*, to the Town Bridge in *Cricklade* in the County of *Wilts*. [1st *July* 1822.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from* Cirencester *in the County of* Gloucester, *to* Cricklade *in the County of* Wilts: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, for repairing and widening the Road from* Cirencester *in the County of* Gloucester, *to* Cricklade *in the County of* Wilts: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two Acts passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing the Road from* Cirencester *in the County of* Gloucester; *to* Cricklade *in the County of* Wilts; *and for amending, improving, and keeping in Repair the Road leading from near the Wharf at* Latton *in the said County of* Wilts, *to the Town Bridge in* Cricklade *aforesaid:* And whereas considerable Sums of Money have been borrowed on the Credit of the

31 G. 2. c. 61.

19 G. 3. c. 116.

41 G. 3. c. 42.

Tolls granted by the said Acts, which still remain owing and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid if the said Acts were repealed, and if such of the Powers and Provisions of the said Acts as shall be continued or amended were to be consolidated and incorporated in One Act, and if further Powers and Provisions were granted and made: 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 Second *Friday* next after the passing of this Act the said recited Acts shall be and the same are hereby repealed; and that instead thereof this Act shall commence and take effect, and be put into execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in Repair the said Road from *Cirencester* in the County of *Gloucester*, to the Town Bridge in *Cricklade* in the County of *Wilts*.

Repeal of former Acts.

This Act made subject to the Payment of all Monies borrowed on the Credit of the former Acts.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed, or which are now due and owing on the Credit of the Tolls authorized to be taken by the said former Acts, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed, or had become due and owing on the Credit or on account of this Act; and all and every Person and Persons owing any Sum of Money to the Trustees for executing the said former Acts, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person to or with the Trustees for executing the said former Acts, shall remain in full force and effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made and entered into by the said Trustees for executing the said former Acts, 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 under this Act, according to the Stipulations thereof respectively; the Repeal of the said former Acts, or any Law to the contrary notwithstanding.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said Counties of *Gloucester* and *Wilts* respectively, together with the Honourable *Henry George Bathurst* commonly called Lord *Apsley*, the Honourable *William Lennox Bathurst*, the Honourable *Seymour Thomas Bathurst*, the Right Honourable *John Thynne* commonly called Lord *John Thynne*, *Edmund Adams*, *Robert Anderson*, *John Archer*, *Michael Hicks Beach*, *William Hicks Beach*, *Francis Bedwell*, *John Bedwell*, *George Bevir*, *Joseph Bevir*, *George Bevir* the younger, *Henry Bowly*, *James Bowly*, *Christopher Bowly*, *Richard Bowly*, *William Bowly*, *Thomas Boys* Doctor in Divinity, *Thomas Brown*, *Thomas*

Crowther Brown, Robert Jeffries Brown, John Brewin, James Buckoll Clerk, *William Buckland, Thomas Packer Butt, Thomas Byrch, John Byrch, Joseph Cripps, Edward Cripps, Joseph Cripps* the younger, *Charles Cripps, Henry Cripps* Clerk, *John Cripps, James Fielder Croome, William Croome, Robert Bennett Croome, Richard Champernowne, William Champernowne, Richard Dennison Cumberland* Clerk, *Neville Cuss, Edward Andrew Daubeny* Clerk, *John Ellis, John Fisher, Richard Wilbraham Forde* Clerk, *Henry Gauntlett* Clerk, *John Green, Robert Gordon, Joseph Gillman, William Gillman, Richard Gregory, William Gregory, James Grooby* Clerk, *Thomas Heberden* Clerk, *Richard Hall* the younger, *Francis Hoare, Thomas Habgood, Thomas Jenner, Daniel Jenner, Thomas Jones, John Price Jones* Clerk, *Richard Kinneir, William Kimber* of *Sapperton, William Lawrence, Charles Lawrence, John Lawrence, Thomas Lediard, Robert Lyne, Charles Large, William Maskelyne, John Masters, John Masters* the younger, *Bryan Mackey* Clerk, Sir *James Musgrave* Baronet, *Thomas Master, Thomas Maule, Robert Nicholas, Edward Nicholas, Henry Anthony Pye* Clerk, *Joseph Pitt, Cornelius Pitt, Joseph Pitt* the younger, *Charles Poulton, Joseph Poulton, William Poulton, John Parker* Clerk, *John Paul Paul, Michael Poole, Joseph Poole, Edmund Ruck, William Search, George Smith, William Stevens, William Stevens* the younger, *Timothy Stevens, John Stevens, Thomas Slatter, Daniel Trinder, Thomas Vaisey, Edward Wilbraham, Edward Wilbraham* the younger, *Nathaniel George Woodroffe* Clerk, *Stephen Wilkins, Henry Wilkins, John Wilkins, Edmund Wood, Philip Watkins, Charles Bruce Warner, William Wells, David Whatley, David Whatley* the younger, *James Wyatt* Clerk, *William Worme, Edmund Young,* and *Daniel Zachary,* shall be and they are hereby appointed the Trustees for carrying this Act into Execution.

Additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered at any Meeting to be held for that Purpose, of which Meeting, and the Purpose thereof, Ten Days Notice shall be given in manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons not exceeding Five in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been nominated by this Act.

Power to elect new Trustees.

V. And be it further enacted, That in case any of the Trustees appointed in or by virtue of this Act, (other than and except the Justices of the Peace acting for the said respective Counties), shall die, or become bankrupt or insolvent, or refuse, decline, or become disqualified or incapable to act, it shall be lawful for any Three or more of the surviving or remaining Trustees, by Writing under their Hands (at any Meeting whereof at least Ten Days Notice shall be given upon all the Toll Gates erected or to be erected upon the said Road, specifying that an Appointment of new Trustees is intended to be made at such Meeting, and also by inserting a public Notice of the Time, Place, and Purport of such Meeting Twice in some Newspaper or Newspapers published or circulated in the Neighbourhood of the said Road, to nominate and appoint One fit Person, living in one of the said respective Counties, to be a Trustee in the Room of such Trustee so dying, becoming bankrupt or insolvent, or disqualified, or refusing,

refusing, declining, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required), shall have the same Power and Authority to act as a Trustee in the Execution of this Act, and he is hereby authorized and empowered to act as fully and amply, as if he had been hereby nominated and appointed.

Qualification of Trustees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, possessed of or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Six thousand Pounds, or unless he be Heir Apparent to a Person possessed of or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Person not qualified as aforesaid, or being disqualified by any of the Causes herein-after mentioned, or not having taken and subscribed the Oath herein-after mentioned (or being a Quaker, not having made and subscribed the Affirmation herein-after mentioned), shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided always, that all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of or a Verdict given against him for the Offence before mentioned, shall, notwithstanding such Conviction or Verdict, be as valid and effectual as if such Person had been duly qualified to act as a Trustee according to the Directions of this Act.

Trustees Oath.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees), until he shall have taken and subscribed the Oath or Affirmation following, before any One or more of the said Trustees, who are hereby authorized to administer the same; (that is to say),

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly, sincerely, and truly affirm and declare], That I am truly and *bonâ fide*, in my own Right, [*or*, in the Right of my Wife, *as the Case may be*], possessed of [*or*, in the Receipt of the Rents and Profits issuing out of] Freehold [*or*, Copyhold] Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am Heir Apparent of *A. B.* who, to the best of my Knowledge and Belief, is seised and possessed of, *or*, in the Receipt of the Rents and Profits

'issuing

'issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, 'or, am possessed of a Personal Estate alone, or of a Real and Personal 'Estate together, to the Amount or Value of Six thousand Pounds, after 'the Payment of all my just Debts.] So help me GOD.'

Except that in the Case of any of the People called *Quakers*, the Words 'So help me God' are to be omitted.

Persons holding Places of Profit not to act as Trustees.

VIII. And be it further enacted, That no Person appointed or to be appointed a Trustee for carrying this Act into Execution, who shall have or accept any Place or Office of Profit arising out of or by reason of any Tolls or Duty by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or shall be a Lessee or Farmer of the Tolls granted by this Act, shall be capable of acting as a Trustee in the Execution of this Act during the Time of his Enjoyment of such Place or Office of Profit as aforesaid.

Victuallers, &c. incapable of acting or holding any Place of Profit.

IX. Provided also, and be it further enacted, That no Person who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted or made payable, and to be collected on the said Road, during such Time as he or she shall keep such Victualling House, Alehouse, or other House of Entertainment, or shall sell any Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he or she employ a Person to collect such Tolls who shall not be under any such Incapacity.

First Meeting of Trustees.

Power to adjourn.

X. And be it further enacted, That the said Trustees shall meet at the Town Hall in *Cirencester* on the Second *Friday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Two in the Afternoon, and shall then and there proceed in the Execution of this Act, and from Time to Time adjourn themselves to meet at the same Place, or at such other Place upon or near to some Part of the said Road, and at such Times as the said Trustees shall from Time to Time order and direct: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and in case a competent Number of Trustees shall not appear at the Time and Place appointed for any Meeting of the Trustees for carrying this Act into Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for any Two or more of the said Trustees (or for the Clerk to the said Trustees, being authorized by an Order in Writing signed by any Two or more of the said Trustees) to call a Meeting of the said Trustees, by a Notice in Writing to be affixed upon all the Turnpikes and Toll Gates which shall be then erected upon the said Road, at least Seven Days previous to the Time of such Meeting, at such Time and Place as such Two Trustees shall think proper and appoint; and the said Trustees shall at all their

Trustees to defray their own Expences.

Meetings pay their own Charges and Expences, except a reasonable Allowance for the Use of the Room where such Meeting shall be held, which shall be paid out of the Tolls.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Three or more of the said Trustees (or for the Clerk to the said Trustees, being authorized by an Order in Writing signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place and Purpose of such Meeting), to give Notice thereof in the Manner before directed, and of the Time, Place, and Purpose of such Meeting, as shall be mentioned in the Order of the said Trustees (such Time not being less than Three Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment, and such Meeting shall and may be adjourned to and be held at such Time and Place as any other Meeting under this Act is authorized to be adjourned to or held at.

Orders to be made at Meetings only, and Majority to concur.

General Quorum of Trustees.

Chairman to be appointed, who shall have a casting Vote.

XII. And be it further enacted, That no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less Three (except in Cases where any other Number is herein named); and all Acts, Orders, and Proceedings had, made, or done by or before such Three Trustees, shall have the same force and effect, and shall be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue of this Act, who in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote: Provided always, that no Order made by Three or more Trustees at any Meeting shall be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration, nor unless Fourteen Days Notice shall be given by Two or more Trustees to the Clerk to the said Trustees, of their Desire to have a Meeting at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice of the Time, Place, and Purport of such Meeting shall be given by the said Clerk, or by any Two or more of the said Trustees, Ten Days at least before such Meeting, by affixing the same upon all the Toll Gates erected or to be erected on the said Road.

XIII. And

Trustees being Justices of the Peace may act as such.

XIII. And be it further enacted, That such of the Trustees as may be Justices of the Peace shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested; and no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall on that account be deemed disqualified to act as a Trustee in the Execution of this Act.

Proceedings to be entered in a Book and signed.

XIV. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman of the Meeting at which such Order or Proceeding shall be made or had; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls, or Transcripts thereof, and all Books of Proceedings of the Trustees in the Execution of the said former Acts, provided according to the Directions or Provisions thereof, and thereby made Evidence, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes touching any thing done by virtue of or in pursuance of this Act, or in anywise relating thereto.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Trustees may appoint Officers,

XVI. And be it further enacted, That the said Trustees may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise and be made due and payable by virtue of this Act, and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees shall think necessary and proper, to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and upon the Death, Resignation, or Removal of such Officers,

and remove them.

Officers, or any or either of them; the said Trustees may appoint others in their Stead; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, and all other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be so appointed as aforesaid, shall from Time to Time, when thereunto required by the said Trustees by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver up such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Trustees, or by any Person on behalf of the said Trustees, of any such Neglect or Refusal, to any Justice of the Peace for the Counties of *Gloucester* or *Wilts* respectively, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby authorized and empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer

Officers to account.

Proceedings against Officers refusing to account, &c.

Officer or Person, to the Common Gaol or House of Correction of the County or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof, to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XVII. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees shall seem meet.

Officers under former Acts (other than the Treasurer) continued.

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

Clerk not to act as Treasurer and vice versâ.

XIX. Provided always, 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 who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or who may be appointed the Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, or Wager of Law, nor more than one Imparlance shall be allowed.

Trustees may discharge Collectors and appoint temporary ones.

XX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform, or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed to be held by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees, or any Two or more of them, (though not assembled at a Meeting of the said Trustees) shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the stead of such Collector or Receiver who 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 die or be discharged would have had or would have been subject to; and 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, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or of any of the Appurtenances thereof, for the Space of Two Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, (although not assembled at a Meeting) or by the Clerk or Treasurer to the said Trustees for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act, shall retain and keep Possession of any such Toll Gate, Toll House, or Appurtenances, after the End of his, her, or their Lease or Term therein, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Gloucester* or *Wilts* respectively, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees or any of them, or their Clerk or Treasurer, or such new appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

Collectors refusing to deliver up Toll Houses, &c.

Trustees may sue and be sued.

XXI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue of or in pursuance of this Act, in the Name of any one of the said Trustees, or of their Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in the Name of such Trustee or Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, nor by the Act of such Trustee or Clerk, without the Consent of the said Trustees at a Meeting to be held in pursuance of this Act: Provided always, that every such Trustee or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall

pay, bear, expend, or to be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Tolls.

XXII. And be it further enacted, That from and after the Third *Friday* after the passing of this Act it shall be lawful for the said Trustees, or any Person by their Authority, to demand, collect, and take the following Tolls or Duties at every Toll Gate, Turnpike, or Sidebar, erected or to be erected or placed by virtue of this Act, in, upon, across, or on the Side of the said Road, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same respectively; that is to say,

For every Horse or other Beast drawing any Coach, Barouche, Landau, Chariot, Chaise, Curricle, Caravan, Chair, or other wheeled Carriage, not being a Waggon or Cart, the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Sole thereof, the Sum of Nine-pence:

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

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

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Nine-pence *per* Score; and so in proportion for any greater or less Number.

Table of Tolls to be affixed to the Toll Houses.

XXIII. And be it further enacted, That a Table of the Tolls payable by virtue of this Act, shall be affixed to all the Toll Houses erected or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Tickets to be provided denoting Payment of Toll.

XXIV. And be it further enacted, That upon Payment of the Tolls authorized to be collected and taken upon the said Road, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which such Payment is made, and also the Name or Names of the Gate or Gates freed by such Payment.

Tolls to be paid but once a Day.

XXV. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person passing and repassing on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), through all or any of the Turnpikes or Toll Gates now erected or to be erected on the said Road, with the same Horses or other Cattle; and every such Person producing a Ticket denoting Payment of such Toll shall be permitted to pass

pass and repass during such Day with the same Horses or other Cattle Toll-free through all the Turnpikes or Toll Gates on the said Road.

Tolls on Stage Coaches and Post Chaises.

XXVI. Provided also, and be it further enacted, That the Tolls granted by this Act shall be paid for and in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Road; and also for all Post Chaises and other Carriages travelling for Hire, for passing and repassing along the said Road upon every Time of a new Hiring of such Post Chaises and other Carriages, on a Ticket being produced denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning within the Space of Twelve Hours after having so passed, without the Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

Waggons, &c. having Wheels and Axletrees according to 55 G. 3. c. 119. to have an Abatement.

XXVII. And be it further enacted, That for or in respect of all Waggons, Carts, or other Carriages having the Wheels of the Widths and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses or other Beasts drawing the same, there shall be granted and allowed the several Provisions and Exemptions granted by such Act.

General Exemptions from Toll.

XXVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor for any Horses, Cattle, or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, nor for the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; nor for the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, provided

provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Rector, Vicar, or Curate going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on other his parochial or ministerial Duty, or visiting his sick Parishioners; nor from any Person residing in any Parish, Township, or Place through which the said Road, or any Part thereof, doth or shall lead, going to or returning from his or her proper parochial Church or Chapel, nor from any Person going to or returning from his or her usual Place of religious Worship, tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or going to or returning from the Funeral of any Person who shall die and be buried in any such Parish, Township, or Place; nor for any Horse, Beast, Cattle, or Carriage used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight of the Shire to serve in Parliament for the said Counties of *Gloucester* and *Wilts*, during the Time of such Elections, or on the Day before or the Day after such Elections respectively shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or Prisoners sent in Custody under any legal Warrant, or returning after having been so employed; or of carrying or conveying Hay or Straw, or Corn in the Straw only, and not sold or disposed of, or going to be sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards, or on the Lands of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Plough, Harrow, or other Implement of Husbandry, or Thing used therein, belonging to any Inhabitant or Occupier of Lands within the said respective Parishes or Places, or any Dung, Mould, Manure, or Compost (Lime excepted) used in Husbandry for manuring or improving Lands or Gardens; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or going to be or returning from being shod or farried; nor for any Horse, Beast, or Cattle, nor for any Waggon, Cart, or other Carriage used for the Purpose only of conveying, or going empty to fetch or convey, or returning empty from conveying, having been employed only in conveying on the same Day, any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Road, or any other Highway within any Parish or Place in which any Part of the said Road lies, or for building or rebuilding, enlarging or repairing any present or future public Bridge or Bridges on the said Road, nor for any Horse, Cattle, Beast, or Carriage going no more than One hundred Yards upon the said Road; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied in Manner herein-after provided.

Penalty on fraudulently taking Benefit of Exemptions.

XXIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided

Waggons conveying Military

Stores not subject to Penalties for Overweight.

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 other Beasts of Draught; 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 other Beasts of Draught in any such Waggon, Wain, Cart, or other Carriage; any thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary thereof notwithstanding.

Penalty on avoiding Tolls.

XXX. And be it further enacted, That if any Person shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage through or over any Gate, private Passage, Land, Ground, or Place, not being the Owner or Occupier thereof, or any of his or her Family, or in his or her employ, lying by the Side of or near to any Part of the said Road; or if any Person owning or occupying any Land, Ground, or Place situate as aforesaid, shall knowingly or wilfully permit or suffer any Person, not being of his or her Family, or his or her Servant, to go or pass with any Horse, Beast, Cattle, or Carriage, or other Thing liable to the Payment of Toll, through or over such Gate, private Passage, Land, Ground, or Place, in order thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall offer, deliver to, or receive from any other Person any Note or Ticket with Intent to avoid or evade Payment of the said Tolls, or any Part thereof, or shall take off or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate or Side Gate now or hereafter to be erected upon the said Road, or having passed through any such Toll Gate or Side Gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road, or load or unload any Goods, Wares, or Merchandize, or any Box, Bale, Pack, Truss, Package, or Parcel, or other Thing, with Intent to avoid or evade the Payment of any of the said Tolls; or if any Person shall forcibly pass through any such Toll Gate or Side Gate with any Horse or other Cattle or Beast, with or without any Carriage, without paying the Toll, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, one Moiety whereof, when received, shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied to the Purposes of this Act.

For settling Disputes concerning Tolls.

XXXI. And be it further enacted, That if any Dispute shall happen about the Amount due for any of the Tolls hereby granted, or the Charges of making, keeping, or selling any Distress, such Dispute shall be settled and determined by any One Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall make such Order, and award such

Costs and Charges to either Party, as to the said Justice shall appear right; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Tolls vested in the Trustees.

XXXII. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons authorized and 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 Horse, Cattle, or other Thing, upon or in respect of which such Toll or any Part thereof is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or Beast separate from such Horse or Beast), or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charge of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Cattle, Carriage, or Thing so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Collectors of Tolls not incompetent Witnesses.

XXXIII. 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 acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or by reason of his, her, or their acting under the said Trustees.

Toll Collectors to put up their Names.

XXXIV. And be it further enacted, That every Toll Collector being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Renter, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall, and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front of the Toll House, immediately over the Door thereof, immediately upon his or her beginning to collect thereat, or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground,

or

or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he or she shall collect such Tolls or be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall demand or take a greater or less Toll than directed or authorized by this Act, or shall refuse to permit or suffer, or shall in anywise hinder any Person from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Toll Gate or Toll Gates at which such Ticket shall be delivered, and also the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Traveller, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Traveller; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Punishing Persons damaging Toll Boards, &c. or assaulting Collectors.

XXXV. Provided always, and be it enacted, That if any Person shall at any Time wilfully break in Pieces, tear down, obliterate, or destroy the Board, or the Name or Names of any such Collector as aforesaid thereon painted or written, or shall assault, obstruct, hinder or molest any Collector, or any Surveyor, or other Person who shall be, by or under the Order or Authority of the Trustees, employed in the said Road in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Enabling Trustees to take Possession of Toll Houses.

XXXVI. And be it further enacted, That in case any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, or in case such Lease or Agreement shall in any other Manner, or for any other Cause, become void, then and in either of such Cases it shall be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or their Clerk, Treasurer, or Surveyor, or by any other Person authorized by Writing under their Hands, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any such Toll House, Toll Gate, Bar, Chain, or Weighing Engine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectivel

respectively, and all other Persons whomsoever, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or to any Person acting by or under their Authority, Possession thereof, and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever (save only as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall be lawful for the said Trustees to demise or let to farm the said Tolls, Toll House, Gates, and Appurtenances again to any other Person, or to cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Power to erect Turnpikes.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates, and Toll Houses now standing and being in and upon or across the said Road, or on the Sides thereof, and to erect and set up or build, or cause to be erected, set up, and built upon, in, or across the said Road hereby intended to be maintained, repaired, and amended, or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same or any Part thereof, when, where, and as they shall judge necessary, any Gates, Turnpikes, Side Bars, Chains, Weighing Machines, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, with such Lamp or Number of Lamps at or near the said Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as the said Trustees shall think proper and direct or appoint; any thing contained in any Law or Statute relating to the Turnpike Roads of this Realm to the contrary notwithstanding.

Toll Houses, &c. vested in Trustees.

XXXVIII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houses, Side Gates, Tables of Tolls, and the several Conveniences and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the said Road, or which shall be erected or made by virtue of this Act, and all Materials for building or repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things, which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees and their Successors, and they are hereby empowerd to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action, or prefer or cause to be preferred and prosecuted any Bill of Indictment against any Person who shall keep Possession of any such House or Appurtenances, or shall break down or damage, steal, or take

take away any of such Turnpikes, Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Thing for or concerning which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is the Property of the Trustees for repairing the Road from *Cirencester* in the County of *Gloucester*, to the Town Bridge in *Cricklade* in the County of *Wilts*, without particularly mentioning or specifying the Name or Names of all or any of the Trustees.

Power to vary Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time assembled at any Meeting to be held for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced to any Sum of Money not exceeding the respective Tolls herein-before mentioned, so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; and such reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls after the First Meeting, unless Twenty-one Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected upon the said Road.

Tolls may be leased.

XL. And be it further enacted, That it shall be lawful for the said Trustees (at any Meeting whereof Fourteen Days Notice shall have been given in Printing or Writing, and affixed upon all the Toll Gates then erected on the said Road, and inserted in some Newspaper circulated in the Neighbourhood of the said Road), from Time to Time to demise and let to farm, or agree to demise and let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, by public Auction, for any Term not exceeding Three Years, to the highest Bidder, and for the best Price that can be got for the same, and to put up and offer the same at such annual Sum or Sums of Money, and under such Conditions and Agreements, and with such Sureties for the Payment of the Rents at such Times and to such Person or Persons as the said Trustees shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied; and if the said Trustees at any Meeting for letting the said Toll shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may proceed in such Letting in such Manner as they shall think most likely to create a real *bonâ fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have or be entitled to Two or more Biddings for the said Tolls, either by themselves, or their Clerk or Treasurer, or other Person by them authorized, any thing in any Law or Statute to the contrary thereof notwithstanding; and in case

at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Tolls may be compounded for.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, and for any Renter or Collector of the said Tolls, or any Part thereof, with their Concurrence and Approbation, to compound for any Term, not exceeding One Year at any one Time, with any Person for any Carriage, Horse, Beast, or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriage, Horse, Beast, or Cattle passing or to pass during such Term through all or any of the Toll Gates then erected on the said Road, such Composition Money to be paid in advance quarterly, or otherwise, as the said Trustees shall think fit, and in default thereof the Composition to be void.

Trustees to borrow Money.

XLII. And be it further enacted, That the said Trustees shall and may, at any Meeting to be holden at any Time hereafter, and they are hereby authorized and empowered to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such Sum or Sums of Money as they shall think necessary; and they are hereby authorized and empowered, either at such Meeting, or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term, or during the Continuance of this Act, as a Security for any Sum of Money to be so borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same (subject and without Prejudice to the several Mortgages which have been made under the said former Acts, by certain Trustees appointed under and by virtue of such Acts), which Mortgages shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], we of the Trustees for putting the said Act in Execution, in consideration of the Sum of to the Treasurer to the said Trustees in hand paid, do grant, bargain, sell, and demise unto his, [her, *or* their] Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates and Houses for collecting the same, as the said Sum of doth or shall bear to the Whole of the Monies owing and secured on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of *per Centum per Annum*, shall

‘ shall be sooner paid and satisfied. Given under our Hands and Seals,
‘ this Day of in the Year of our
‘ Lord .’

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Mortgage or Assignment of the Tolls may have been made under the said former Acts, or any of them, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person whomsoever, by signing, before One credible Witness, an Instrument, either indorsed or not indorsed, upon such Mortgage or Assignment, in the following Words, or in Words to the like Effect; (that is to say),

Form of Transfer;

‘ I *A. B.* do transfer this Mortgage [*or*, Security, *or*, a certain Mortgage
‘ or Security, *shortly stating it, as the Case may be*], with all my Right
‘ and Title to the Principal Money thereby secured, and all the Interest
‘ now due thereon, unto *C. D.*, his, [her, *or* their] Executors, Admini-
‘ strators, and Assigns. Dated this Day of
‘ in the Year of our Lord
‘ Witness, *E. F.* *A. B.*’

which shall be entered with the Clerk.

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees 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 (except the Person or Persons to whom the same shall be last transferred), to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

One Mortgagee may obtain Possession of the Toll Houses.

XLIII. And be it further enacted, That if any Mortgagee of the said Tolls, Turnpike Gates, Weighing Machines, Engines, Toll Houses, and Buildings shall seek to obtain Possession of the said Turnpikes, Weighing Machines, Engines, Toll Houses, and Buildings, in order to pay himself or herself the Principal Money and Interest, or any Part thereof, due to him or her, it shall be competent for him or her, as Lessor of the Plaintiff, and upon his or her Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession, but such Person who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him or her to his or her own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Turnpike Gates, Toll Houses, Buildings, and Premises *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

XLIV. And

Application of the Tolls and Money to be borrowed.

XLIV. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said former Acts, and of each of them, or out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first Place pay and discharge all Costs and Expences relative to procuring and passing this Act; and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed, or now owing by virtue of the said former Acts or any of them, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in repairing, widening, improving, and rendering commodious the said Road, and in otherwise putting this Act into Execution, and to or for no other Use or Purpose whatsoever.

Trustees may widen and divert the Road.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to amend, repair, widen, divert, and alter the Course or Path of any Part of the said Road, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the amending, repairing, widening, diverting, or altering the Course or Path of any Part of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, 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 whomsoever, and to and for all other Femes Covert who are or shall be seized of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seized, possessed, or interested in any such Lands or Hereditaments, to contract or agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter, to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue and in pursuance of this Act.

Deviation from the present

XLVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or

Course not to exceed 100 Yards.

or Path of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, (unless such new Line or Course shall be along any public Road or Highway, or over any Common or Waste Ground) without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration.

Trustees restrained from pulling down Dwelling Houses, &c.

XLVII. Provided also, and be it further enacted, That the Power and Authority hereby given to the said Trustees shall not extend to the pulling down any Dwelling House or other Building, or taking in the Site of any House or other Building, or any Part thereof, or to take in any now existing Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground now set out as a Plantation, or as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

When Persons neglect or refuse to treat.

XLVIII. And be it further enacted, That if any such Bodies Politic, Corporate, or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, 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, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Sole, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be used or taken for the Purpose of widening, amending, diverting, repairing, or altering any Part of the said Road, or for other the Purposes of this Act, shall for the Space of Ten Days next after such Notice given or left, 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 or any such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place in which such Lands or Hereditaments shall be situate; and in order thereto the said Trustees are hereby authorized and required from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath any Person whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination thereon, shall be binding, final, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors; as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, as well as all Persons whomsoever; and for the summoning and returning such Jury the said Trustees

are hereby empowered to issue their Warrant or Warrants to the Sheriff of such County or Place, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees 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 impannel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up 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 shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, who without sufficient Excuse 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 a Verdict, or shall in any other Manner wilfully neglect their Duty thereon, 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 without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined or give Evidence, so that no such Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for One Offence.

How Expences of Jury shall be paid.

XLIX. And be it further enacted, That if any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person in any Lands or Hereditaments, or for any Loss or Damage to be by him or her sustained, than what shall have been agreed to or offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, 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 such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County of *Gloucester* or County of *Wilts*, within their respective Jurisdictions, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same, within Ten Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Trustees, or of any Goods or Chattels vested in the Treasurer to the

the said Trustees (unless such Treasurer shall pay such Costs and Expences out of any Money received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Gloucester* or County of *Wilts* within their respective Jurisdictions, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if such Jury 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 before the summoning and returning the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person and Persons with whom the said Trustees have had any such Controversy or Dispute; which said Costs and Expences having been settled by some Justice of the Peace for the County or Place in which such Lands or Hereditaments shall be situate, not interested in the Matter in question, (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person and Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Tender or Payment 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, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised under or by virtue of this Act.

Money agreed upon or assessed how to be paid or tendered.

L. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, or to the Parties or Persons respectively entitled to such Monies, or to their Agents (as the Case may require), and upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon depositing the same in the Bank of *England*, in manner herein-after mentioned, for the Use of such Persons, and after Twenty-one Days Notice thereof given to such 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, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to widen, divert, amend, repair, or alter any Part of the said Road through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees shall think fit, according to the Directions

rections of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be deemed a common Highway, and shall be maintained and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Road does not lead; and also all such Toll Houses, and other Buildings and Conveniences, as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of this Act, shall be vested in, and shall and may be sold, either by public Sale or private Contract, and conveyed by the said Trustees for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing of the said Road by this Act directed to be repaired, but the Purchaser or Purchasers of such respective Premises shall not be answerable for the Misapplication or Non-application of such Money; and all Conveyances of such Road, Toll Houses, Buildings, and Conveniences as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, and being enrolled with the Clerk of the Peace for the County or Place in which the same shall be situate, shall be good and effectual in the Law to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees by Surrender or other Conveyance, sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Former Roads and Toll Houses may be sold.

LI. 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, such Money 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 High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid 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 in 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 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 Messuages, 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

Application of Compensation when amounting to 200*l.*

as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined 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 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 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.*

LII. 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 Body Politic, or to any Person 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by 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 Chancery.

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

LIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-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 shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or Per-

LIV. And be it further enacted, That in case the 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 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 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 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 Sum or Sums of Money into the Bank as aforesaid.

sons entitled not being found.

LV. 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 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 be lawfully entitled to such Lands, Tenements, and Hereditaments according to such Possession, until the contrary shall be shown 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.

Persons in Possession presumptively entitled.

LVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled

The Court may order reasonable

Expences of Purchases to be paid by the Trustees.

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 Bank of *England*, 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 of Chancery 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.

Trustees empowered to sell overplus Ground.

LVII. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seised of some Piece or Pieces of Ground over and above what are and shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereto (unless the said Trustees shall deem it more eligible to exchange one Piece of Ground for another); and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse (except with respect to and on account of the Price thereof as herein-after mentioned), to purchase or re-purchase 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 Counties of *Gloucester* or *Wilts* (who are hereby respectively empowered to take such Affidavits) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on Behalf of the said Trustees, 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 the same, and he, she, or they and the said Trustees shall differ, and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in the Manner in this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in manner hereinbefore directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable;

First Offer to be made to the original Proprietor.

If the Parties do not agree, Price to be determined by a Jury.

or

or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

Power to get Materials.

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Road, out of any common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Hamlet, or Place, and to take and carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as hereinafter mentioned; and also, that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of any Justice of the Peace for the County or Place in which the said Road doth lie, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person where the same may be had or found in any Parish, Hamlet, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, or Place (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Justice of the Peace for the County or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Three Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same: Provided always, that no such Materials as aforesaid shall be dug for or taken away within the Distance of One hundred Yards of any Bridge, Mill Weir, or Dam on any Account or Pretence whatsoever.

Notice to be given before Materials taken from private Lands.

LIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making

making or repairing the said Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County or Place where the Lands from whence such Materials are intended to be taken shall lie, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on taking away Materials raised by Surveyors.

LX. And be it further enacted, That if any Person whosoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Road, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Road, or any other the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit shall be made, as to Materials for his own private Use only, and not for or on Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Doors and Gates to open inwards.

LXI. And be it further enacted, That no Door or Gate of or to any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Road, or the Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of any such Part of the said Road that no Part of such Door or Gate shall project over any Part of the said Road, or any Footpath belonging thereto; and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure, having any Door or Gate opening outwards, contrary to the Meaning of this Act, shall, within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the said Road, cause such Door or Gate to be so hung that no Part of the Door or Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in default thereof the Surveyor of the said Road is hereby authorized to cause the Door or Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in

and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Doors or Gates, and shall also forfeit and pay a further Sum of Money not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

For removing Annoyances.

LXII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Thing being laid on any Part of the said Road, or upon Open, Common, or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owner thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing signed by the Surveyor of the said Road, given to such Owner for that Purpose, or in case the Owner is not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and it shall be lawful for the said Trustees or their Surveyor, or such Person or Persons as he or they shall appoint, from Time to Time to turn any Watercourse, Sink, or Drain running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditch adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and at proper Seasons of the Year to cut down or lop any Branch, Shrub, or Bush growing on or over the said Road, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Tree being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall, for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to cut and reduce such Hedges, 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 their said Surveyor or Surveyors, shall require, the Charges whereof to be settled by any Justice or Justices of the Peace of the County or Place where the same shall happen, 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-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Road.

LXIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying in the said Road, or by the Sides thereof (except in those Parts of the said Road where the same are not fenced, or are open on either Side to any Common or Waste Land), it shall be lawful for

for the Surveyor, or any other Person whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days next after such impounding, it shall be lawful for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been on Demand.

Punishment of Persons guilty of Pound Breach.

LXIV. And be it further enacted, That in case any Person shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other live Stock or Cattle, which shall be impounded under the Authority of this Act, from the Pound or Place where the same be so impounded; or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, (and which Oath the said Justice is hereby authorized and empowered to administer), be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Division wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on Persons committing Nuisances.

LXV. And be it further enacted, That if any Person shall ride upon any Footpath or Causeway by the Side of the said Road, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees under the Authority of this Act, or repaired or repairable by them, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried principally

cipally or in Part upon wheeled Carriages, to drag or trail upon the said Road to the Prejudice thereof; or shall in or upon the said Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall have, make, or assist in making, any Fire or Fires, or shall set fire to, or wantonly let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet of the Centre of the said Road; or bait, or run for the Purpose of baiting, or worry any Bull or Bear with Dogs or otherwise, or play at Football or any other Game upon the said Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger; or if any Person shall leave any Waggon, Wain, or Cart, (except in case of Accident) upon the said Road, or on the Side or Sides thereof, without some proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Road or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if the Surveyor of the said Road, or any Undertaker or Contractor for the Repairs thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Road or the Sides thereof, any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Road; or if any Person driving any Pigs or Swine upon the said Road shall suffer such Pigs or Swine to root up or damage the said Road, or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage, in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon the said Road, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof; or if any such Person meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage, under his or her Care, upon the said Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning

until after Twilight, bar and prevent the Light from shining into the said Road; or if any Person driving any Horse or other Beast on the said Road, carrying Iron in Bars or Rods, Basket, Brush, or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket, Brush, or Pannier, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Road; or if any Hawker, Higler, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Road, every Person offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds over and above the Damage occasioned thereby.

Penalty for erecting Encroachments on the Sides of the Road, &c.

LXVI. And whereas great Inconveniences may arise from erecting Dwelling Houses and other Buildings, and making Hedges, Ditches, and other Fences too near the said Road; for Remedy whereof be it enacted, That if any Person shall, from and after the passing of this Act, encroach, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, within the Distance of Fifteen Feet from the Middle or Centre of the said Road (except Turnpike Houses erected or to be erected by Order of the said Trustees, or unless the said Trustees shall consent or agree thereto, or that the same shall remain), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees, by Order under their Hands, made at a public Meeting or some Adjournment thereof, or at any Meeting to be held for that or any other Purpose, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace in and for the County or Place in which such Encroachment shall be erected, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Milestones and Direction Posts to be erected.

LXVII. And be it further enacted, That the said Trustees shall cause Stones or Posts to be set up or placed in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place, and also such Direction Post at the several Roads leading out of the said Road, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and if any Person shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County or Place where such Stones or Posts shall be so as aforesaid erected, by Confession of the Party,

Penalty on damaging them.

or by the Oath of One credible Witness, such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Power to make Causeways and Drains.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees) to make and repair, or cause to be made and kept in Repair, any Causeway for the Use of Foot Passengers along any Part of the said Road in such Manner as they shall see convenient; and also Ditches or Drains in and upon the said Road; and also through any Ground lying contiguous thereto; and also to erect, build, and keep in Repair Bridges and Arches upon the said Road, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road, (such Grounds respectively not being the Site of or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway whilst such ruinous or narrow Part of the said Road is repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damage they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Heath, Moor, Common, or Waste Grounds; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, then it shall be lawful for any Two Justices of the Peace acting in and for the County or Place wherein such Grounds shall be situate, on Foruteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties.

Trustees may contract for repairing the Road, &c.

LXIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall or may and they and he are and is hereby empowered to contract with any Person for amending, repairing, diverting, widening, or altering the said Road, or any Part thereof, or for erecting Mile or Direction Stones, Posts, or Guide Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or any other Person, 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, or their Executors and Administrators; and Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his and their Name or Names respectively;

respectively; and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees not to repair Pavement of Streets of Towns, &c.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to pave or to repair or amend the Pavement in any of the Streets of the Towns of *Cirencester* or *Cricklade*, or of any other Town through which the said Road doth lead.

Persons now liable to repair the Road to continue so.

LXXI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, by reason of the Tenure of any Lands, Tenements, or Hereditaments or otherwise, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same); and all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road doth pass, shall be liable to the Repair of the said Road, and to perform their respective Works thereon, in such and the like Manner in every respect as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively.

For regulating Statute Labour.

LXXII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Gloucester* and *Wilts*, within their respective Jurisdictions, and they are hereby empowered and required, 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, Townships, or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, 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 or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place are by Law

subject

subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of and 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 List of Names shall be made in such Manner and under such Regulations as is or may be directed by any Statute in force and effect, or hereafter to be made for the Repairs 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 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 Surveyors or Surveyor, shall from Time to Time order, direct, or 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 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 this Act authorized or directed to be recovered; and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him or her at his or her last or usual Place of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his or her Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him or her, be subject and liable to such Pains, Penalties, and Forfeitures as such Person may be subject and liable to by any Law or Statute in force and effect, or hereafter to be made, 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 or Surveyors to the said Trustees, such Surveyor or Surveyors is and are 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 sending such Labourer, Team, or Draught shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if 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 of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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 and Sum not exceeding Ten Pounds.

Trustees may compound for Statute Work.

LXXIII. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person, Body Politic, or Corporate for the Repairs or Statute Work to be by him, her, or them done on the said Road, and also with the Surveyor or Surveyors of the High-

ways for any of the Parishes, Hamlets, or Places in which the said Road doth or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute Work, or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise such Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year, and all such Composition Money shall be applied for the Purposes of this Act; and every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same, in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended in buying Materials for the repairing of any other Highway.

In case of Non-payment of Compensation for Materials, Damages, or Injury done by the Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

LXXIV. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person acting by or under their Authority; and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or their Treasurer for the Time being, as the Case may be.

Recovery of Penalties and Forfeitures.

LXXV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences repectively before any Justice of the Peace for the County or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which

Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, if any, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offender shall be or reside, 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 attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and be applied and disposed of for the Purposes of this Act.

For securing transient Offenders.

LXXVI. And be it further enacted, That it shall be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors, or other Officers respectively, and such Person or Persons as they shall call to their Assistance (and which all By-standers and other Persons, on Demand, are hereby required to give), without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers), who shall commit any Offence against this Act, and take him or her before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender shall be seized and apprehended, and such Justice shall and is hereby required to act with respect to such Offender according to the Provisions of this Act.

Conviction.

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

'BE

Form of Conviction.

'Gloucester, [or Wilts, as the Case may require], to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before of His Majesty's Justices of 'the Peace for the said County of *Gloucester* [*or Wilts, as the Case may* '*be*], on his [*or* her] own Confession [*or* on the Oath of 'a credible Witness, *or* on the Oaths of and ' , Two credible Witnesses, *as the Case may be*] 'of [*hereby specify the Offence, and the Time and Place when and where* '*committed*], contrary to an Act passed in the Third Year of the Reign 'of His Majesty King *George* the Fourth, intituled [*here insert the Title* '*of this Act, or so much thereof as may be necessary*]; and I the said Jus- 'tice [*or* we the said Justices], do adjudge the said 'to have incurred the Penalty of , to be 'paid, recovered, and applied in manner directed by the said Act. 'Given under my Hand and Seal [*or* our Hands and Seals], the Day and 'Year first aforesaid.'

Proceedings not to be quashed for Want of Form.

LXXVIII. And be it further enacted, That no Order or Proceeding of the said Trustees, or of their Clerk, Treasurer, or Surveyors, or of any Justice of the Peace, to be made concerning any of the Matters in this Act contained, either on the Conviction of any Offender by virtue hereof or otherwise, shall be quashed, set aside, or vacated for Want of Form only, but the same shall be amended, if necessary, on any Appeal, and be proceeded upon on the Merits thereof; nor shall the same be removed or removeable by Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, Omission, or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall afterwards be committed by any Person distraining, he or she shall not on that account be deemed a Trespasser *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby in an Action upon the Case; but no Plaintiff shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made by or on Behalf of the Party distraining before such Action shall be brought.

Persons aggrieved may appeal to the Quarter Sessions.

LXXIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice in Writing of his or her Intention to bring such Appeal, and of the

Matter

Matter thereof, to the Respondent or Respondents, and to the Clerk or Clerks to the said Trustees, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the County or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured, as they shall judge reasonable, or may vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County or Place (as the Case may be), wherein the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

LXXX. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done or pretended to be done in pursuance of this Act, until after Twenty-eight Days Notice shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the same shall be committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Twenty-eight Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction, or Tender thereof had been made as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon any 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 recovering the same as any Defendant hath in any Course of Law.

General Issue.

Treble Costs.

Public Act.

LXXXI. 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 Term of this Act.

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

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