ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xlii.

An Act to enlarge the Term and Powers of Two Acts of His present Majesty, for repairing and widening the Road from the City of *Gloucester* to the Town of *Stroud*, in the County of *Gloucester*.

[19th *May* 1819.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from the City of* Gloucester *to the Town of* Stroud, *in the County of* Gloucester: And whereas another Act was passed in the Fortieth Year of His said Majesty's Reign, intituled *An Act for enlarging the Term and Powers of an Act made in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the City of* Gloucester *to the Town of* Stroud, *in the County of* Gloucester: And whereas the Trustees appointed under and by virtue of the said several Acts, have made considerable Progress in the Repair and Improvement of the said Road, and have borrowed and taken up at Interest considerable Sums on the Credit of the Tolls granted by the said several Acts, great Part of which still remains due: And whereas several Parts of the said Road, in and near the Town and Parish of *Painswick*, and particularly those Parts which lead from the Town of *Painswick* towards the Town of *Stroud*, and from the said Town of *Painswick*, towards *Prinknash Park* and *Cranham Hill*, are so extremely hilly as to be dangerous to Passengers, and it will materially conduce to the Accommodation of the Public, if more convenient Communications be formed to those respective Places; but such Improvements cannot be effected, nor can the Sums now remaining due on the Credit of the Tolls granted

18 G. 3. c. 98.

40 G. 3. c. 97.

by the ſaid Acts be repaid, unleſs the Term thereby granted be further extended, and additional Powers be granted to the Truſtees under the ſaid Acts: 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,

Acts continued. That the ſaid recited Acts, and the ſeveral Clauſes, Powers, Exemptions, Penalties, Forfeitures, Matters and Things therein contained (except ſuch as are varied, altered, or repealed), ſhall, together with this preſent Act, be put in Execution during the Term herein-after mentioned, as well with reſpect to the new Line of Road hereby authorized to be made, as to the Part of the ſaid Road already formed and completed, in like Manner, and as fully and effectually in all reſpects, and to all Intents and Purpoſes as if the ſaid ſeveral Clauſes, Powers, Exemptions, Penalties, Forfeitures, Matters and Things contained in the ſaid recited Acts, were repeated and re-enacted in the Body of this preſent Act; which ſaid additional Term hereby granted ſhall be ſubject and liable to the Payment of all Monies now due and owing on the Credit of the ſaid recited Acts, and alſo of all further Sums which may be borrowed and become due on the Credit of this Act, and of the Intereſt due or to grow due for the ſame reſpectively.

Truſtees. II. And be it further enacted, That the Honourable *Thomas Henry Howard Molyneux Howard* commonly called Lord *Thomas Henry Howard Molyneux Howard*, the Honourable *Henry Edward Somerſet* commonly called Lord *Henry Edward Somerſet*, the Honourable *Henry Bathurſt* commonly called Lord *Apſley*, Sir *William Hicks* Baronet, Sir *George Oneſipherus Paul* Baronet, Sir *Thomas Crawley Bovey* Baronet, Sir *Berkeley William Guiſe* Baronet, Sir *Chriſtopher Bethel Codrington* Baronet, *Edward Webb*, *Robert Branſby Cooper*, *Joſeph Cripps*, the Reverend the Dean and Prebendaries of the Cathedral Church of the Holy and Indiviſible Trinity in *Glouceſter*, the Mayor, Aldermen, and Common Council of the City of *Glouceſter*, *John Adey*, *Richard Adey*, *Edward Aldridge*, *Martin Barry*, *Michael Hicks Beach*, *William Baylis*, *William Baylis* junior, *Joſeph Baylis*, *Edward Brainsford*, *James Buchanan*, *Henry Burgh*, *Nathaniel Burdock*, *William Capel*, *John Capel*, *Edward Palling Caruthers*, *Henry Clift*, *Philip Combauld*, *John Cox*, *William Cox*, *Eſtcourt Creſſwell*, *Edward Cripps*, *Thomas Croome*, *Jeremiah Day*, *William Dreu*, *Thomas Baghot De la Bere*, *Nathan Driver*, *Nathan Driver* junior, *Henry Eycott*, *John Fletcher*, *Charles Fletcher*, *William Fletcher*, *John Fearon*, *George Garlick*, *Samuel Goddard*, *William Griffith*, *Charles Gyde*, *William Halliday*, *Charles Hardwick*, *James Harriſon*, *Peter Hawker*, *John Hawker*, *George Hayward*, *James Helps*, *Richard Helps*, *Weſton Hickes*, *John Heath*, *William Hodges*, *Charles Horlick*, *Thomas Heague*, *Thomas Jones Howell*, *Thomas Holbrow*, *John Holbrow*, *John Humpage*, *Edward Jones*, *Nathaniel Jones*, *Edward Jerningham*, *Robert Kingſcote*, *John King*, *James Lawrence*, *John Loveday*, *John Little*, *William Loveday*, *William Loveday* junior, *Thomas Loveday*, *Charles Matthias*, *John Mills*, *William Montagu*, *Robert Morris*, *William Morris*, *Charles Edward Neville*, *Charles Newman*, *James Parſons*, *James Barton Pegler*, *Thomas Pettat*, *Edmund Probyn*, *John Palling*, *William Parker*, *Charles Palmer*, *John Partridge*, *Thomas Palin*, *John Phillpotts*, *Thomas Phillips*, *Thomas Rudge*, *Samuel Saunders*, *John Snowden*, *John Snowden* junior, *Viner Snell*, *Hugh Stevens*, *William Sims*, *Robert Lawrence Townſend*, *William Veel*, *Edmund Wick Viner*, *Thomas Walker*, *John Clarke Wallop*,

Jonathan Wane, Thomas Ruſhworth Ward, George Wathen, Nathaniel Watts, Peter Watts, Jacob Wilkinſon, James Wintle, John Wight, Robert Wight, Edward Wood, together with ſuch Number of Perſons, not exceeding Ten, as they, or any Five or more of them, ſhall at their Firſt Meeting nominate and appoint, ſhall be, and they and their Succeſſors to be elected in the Manner herein-after mentioned, are hereby appointed Truſtees for cauſing the ſaid Road to be properly amended and repaired, and for effecting the Improvements herein-after mentioned, and otherwiſe carrying the ſaid Acts and this Act into Execution.

Power to elect other Truſtees.

III. And be it further enacted, That when and ſo often as any of the Truſtees hereby appointed, or to be elected and appointed in Manner herein mentioned, ſhall die, or by Writing under their Hands decline, or for the Space of Two Years at any one Time ſhall neglect to act in the Execution of the ſaid Acts and this Act, it ſhall be lawful for the ſurviving or remaining Truſtees, from Time to Time to elect and appoint One or more fit and proper Perſon or Perſons to be a Truſtee or Truſtees in the Room of every Truſtee or Truſtees dying, declining or neglecting to act as aforeſaid; provided that public Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election, be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing upon all the Toll Gates then erected upon the ſaid Road, and by inſerting ſuch Notice in One or more of the Newſpapers publiſhed within the County of *Glouceſter*, Ten Days at leaſt before every ſuch Meeting; and every Perſon who ſhall be elected and appointed a Truſtee or Truſtees, purſuant to the Directions of this Act, ſhall and may act with the ſurviving and continuing Truſtees in the Execution of this Act, to all Intents and Purpoſes as if he or they had been named and appointed a Truſtee or Truſtees in and by this Act.

Repeal of Qualification of Truſtees.

IV. And whereas it is by the ſaid firſt-recited Act enacted, that no Perſon ſhall act as a Truſtee in the Execution thereof who ſhall not be poſſeſſed of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds, or ſhall have a Perſonal Eſtate of the Value of One thouſand Pounds, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds: And whereas the ſaid Proviſion has been found inconvenient; be it therefore enacted, That the ſame ſhall be and is hereby repealed.

Qualification of Truſtees.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid Acts and this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeized of Meſſuages, Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of Four thouſand Pounds; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of the ſaid Acts and this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be

be recovered in any of His Majeſty's Courts of Record, 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; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of the ſaid Acts and this Act: Provided nevertheleſs, that all Acts and Proceedings by any ſuch Perſon as a Truſtee in the Execution of the ſaid Acts and this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtees to take an Oath.

VI. And be it further enacted, That every Truſtee appointed, or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath herein-after mentioned), ſhall take and ſubſcribe an Oath before Two or more of the ſaid Truſtees (who are hereby empowered to adminiſter the ſame), in the Form or to the Effect following; that is to ſay,

'I *A. B.* do ſwear, That I am, in my own Right [*or* in the Right of my Wife] truly and *bona fide* ſeized or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; or am Heir Apparent of a Perſon truly and *bona fide* ſeized or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or am truly and *bona fide* poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of Four thouſand Pounds; and that I will truly and faithfully execute the Powers and Truſts repoſed in me by Three Acts of Parliament, paſſed in the Eighteenth, Fortieth, and Fifty-ninth Years of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Titles of the ſaid Acts*].

'So help me GOD.'

Truſtees holding Places of Profit not to act.

VII. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid Acts and this Act during the Time he ſhall hold any Place of Profit, or be intereſted or concerned in any Contract or Contracts under the ſaid Acts and this Act; but that no Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the ſaid Acts and this Act, or receiving Intereſt thereout for the ſame, ſhall be on that Account deemed unqualified to act as a Truſtee in the Execution of the ſaid Acts and this Act.

Victuallers not to be Officers, or act as Truſtees.

VIII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe 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 or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls granted by the ſaid recited Acts, and made payable during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Place of public Entertainment, or

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, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

General Meetings of Truſtees.

IX. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Falcon Inn* at *Painſwick*, in the County of *Glouceſter*, on the Third *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees ſhall then and from Time to Time afterwards adjourn themſelves, and meet at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees, at any Meeting aſſembled, ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed on the Toll Gates then erected in, upon, acroſs, or on the Sides of the ſaid Road, and to be inſerted in One or more of the Newſpapers publiſhed within the City or County of *Glouceſter*, at leaſt Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed: Provided always, that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any Meeting to be holden under the ſaid Acts and this Act, before the Hour of Eleven in the Forenoon; nor ſhall any Adjournment be made at any Meeting appointed to be held at any later Hour than Three in the Afternoon of the Day on which ſuch Meeting is appointed to be held; and all ſuch Meetings, whether by Adjournment or Notice, ſhall be holden within the Town of *Painſwick* aforeſaid; any Thing in the ſaid recited Acts, or either of them, to the contrary notwithſtanding.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Meeting not being leſs than Seven Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements in the Execution of the ſaid Acts and this Act, and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Deter-

How Orders of Truſtees are to be made and revoked.

mination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given at leaſt Twenty-one Days before, in ſome public Newſpaper uſually circulated within the ſaid County, of the Intention to apply to revoke or alter the ſame, nor unleſs a greater Number of Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making of any ſuch Order, Agreement, or Determination; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and ſo often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe it ſhall and may be lawful for the Chairman to give the deciſive or caſting Vote.

Truſtees to pay their own Expences at Meetings.

Chairman to have a caſting Vote.

All Acts may be done by the Majority of Truſtees, unleſs otherwiſe directed.

XI. And be it further enacted, That all Acts, Proceedings, Matters and Things relative to the Execution of the ſaid recited Acts and this Act, may be done and executed by the Majority of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five; and all Acts, Matters, and Things ſo done by any ſuch Five or more Truſtees, ſhall be as good, valid, and effectual as if the ſame had been done by all the Truſtees herein named or to be appointed, except only in Caſes herein particularly directed to be done and executed by any greater Number.

Repeal of Proviſion for verifying Accounts on Oath.

XII. And be it further enacted, That ſo much of the ſaid Act paſſed in the Eighteenth Year of the Reign of His preſent Majeſty as requires any Officer or other Perſon to verify his Account on Oath, and as authorizes the Truſtees for executing the ſaid Act to adminiſter an Oath to any ſuch Officer or Officers appointed or to be appointed by virtue of the ſaid Acts or this Act, as to the Correctneſs or Juſtneſs of his or their Accounts, or reſpecting any Sum or Sums of Money received or expended by virtue of his or their Office, ſhall be and the ſame is hereby repealed.

Orders to be entered in a Book.

XIII. And be it further enacted, That all Orders and Proceedings of the 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 at ſuch Meeting, which Book or Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments or Transfers thereof, ſhall be admitted as Evidence in all Courts whatever.

Accounts to be kept of Receipts and Diſburſements.

XIV. 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 any 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 or Creditors on the Tolls granted by the ſaid Acts, without Fee or Reward; and the ſaid

Truſtees and Creditors ſhall or may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the ſaid Act directed.

Truſtees may appoint temporary Collectors, &c. in certain Caſes.

XV. And be it further enacted, That upon the Death, Incapacity, Abſconding, or Abſence of any Collector or Receiver of Tolls, any Five or more of the ſaid Truſtees, though not aſſembled at any General Meeting of the Truſtees appointed by virtue of this Act, by Writing under their reſpective Hands, ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver as ſhall ſo die, become incapable, abſcond, or abſent himſelf, which 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, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to; and if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or Repreſentatives of any Collector or Receiver, who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon having the Poſſeſſion of any Toll Houſe or Buildings to be erected or ſet up by virtue of the ſaid Acts and this Act, ſhall neglect or refuſe to deliver up ſuch Poſſeſſion for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Five or more of the ſaid Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Glouceſter*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Five or more of them, or any of their Officers, in the Poſſeſſion thereof.

Clerk reſtrained from acting as Treaſurer, and vice verſa.

XVI. 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 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 the ſaid Acts and this Act, or any of them, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Acts and this Act, or any of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Acts and this Act, or any of them, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer, ſhall act as Clerk in the Execution of the ſaid Acts and this Act, or any of them, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record

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, or more than One Imparlance, ſhall be allowed.

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

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

How Expences to be paid.

Power to erect Toll Gates, &c.

XVIII. And for the Purpoſe of collecting and receiving the Tolls herein granted and made payable, be it enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct and appoint, ſhall and may continue the Toll Gates and Toll Houſes at preſent erected, and erect or cauſe to be erected ſuch and ſo many additional Toll Gates or Toll Bars, in, upon, or acroſs ſuch Parts, and in ſuch Places of the ſaid old Road and new intended Branches, and alſo ſuch and ſo many Toll Gates or Toll Bars on the Sides of the ſaid Road, and in, upon, or acroſs any Street, Lane, or Bye-way that does or ſhall lead into or out of the ſame reſpectively, as they the ſaid Truſtees ſhall think proper and expedient, ſubject nevertheleſs to ſuch Reſtrictions and Directions as are hereinafter mentioned concerning the ſame; and alſo ſhall or may erect or provide a Toll Houſe, with ſuitable Buildings, a Garden, and other Conveniences, not exceeding Twenty Perches of Land, at or near each of the ſaid Toll Gates or Toll Bars.

Toll Houſes, &c. veſted in Truſtees.

XIX. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſts, Rails and Fences, which ſhall be erected and provided in purſuance of the ſaid Acts and this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided for repairing the ſaid Road, ſhall be veſted in the ſaid Truſtees for the Time being, and they are hereby authorized and empowered to apply and diſpoſe of the ſame as they ſhall think fit, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute or order and direct the preferring and proſecuting of any Informations or Indictments, againſt any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take, or carry away, ſpoil, deſtroy, injure, or damage any of the Toll Gates or Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction

rection Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid, stating the Property therein to be in their Clerk or Treasurer.

Power to remove Toll Gates.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, as they shall think proper, to cause any of the Toll Gates or Toll Bars which are or shall be erected in, upon, or across, or on the Side or Sides of the said Road, to be removed and placed upon such other Part or Parts of the said Road, or the Side or Sides thereof, as the said Trustees shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same, shall have been given in One or more of the Newspapers published within the County of *Gloucester* aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Road.

Power to make Agreement with the Trustees of the old Road from Gloucester to Stroud.

XXI. And whereas the new Branch of Road hereby authorized to be made, will communicate with the Road made under and by virtue of an Act passed in the Fifty-eighth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from the Town of* Stroud, *in the County of* Gloucester, *through* Pitchcomb, *into the City of* Gloucester; and it may be expedient for the Trustees under this Act to enter into Agreements with the Trustees acting under the said last-mentioned Act, for regulating the Proportion of Tolls to be taken by each Set of Trustees from Persons passing over those Parts of both the said Districts of Road which lie between the said Town of *Stroud* and the Town of *Painswick*, in the said County of *Gloucester*; be it therefore enacted, That all such Agreements as shall from Time to Time be made and entered into by the said Trustees acting under this Act for the Purpose aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

For settling Disputes concerning Tolls.

XXII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper; 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, 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 be so distrained and sold.

Number of Tolls limited.

XXIII. Provided always, That all and every Person and Persons, having once paid the full Toll imposed by the said Acts at any One or more of the said Toll Gates, and producing a Note or Ticket denoting the Pay-

ment thereof, ſhall paſs and repaſs during the ſame Day any Number of Times with the ſame Horſes, Carriages, and Cattle Toll-free through the ſame and all other the Toll Gates and Toll Bars to be erected by virtue of the ſaid Acts and this Act.

Tickets to be provided.

XXIV. And be it further enacted, That upon Payment of the Tolls by the ſaid Acts granted, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Tolls, 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 Names of the ſeveral and reſpective Gates freed by ſuch Payment.

To prevent Evaſion of Tolls.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, or Beaſt, drawing or not drawing, in order to avoid Payment of the ſaid Tolls, or any of them, paſs through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar to be erected by virtue of this Act (except the Owner or Occupier of any ſuch Land or Ground, or any of his, her, or their Family or Servants); or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons (except as aforeſaid), with any Horſe, Cattle or Beaſt, to paſs through the ſame, with Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof; or if any Perſon or Perſons ſhall give to or receive from any Perſon other than the Collectors of ſuch Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the ſaid Tolls, or ſhall forcibly paſs through any Toll Gate or Toll Bar with any Horſe, Cattle, or Beaſt, without Payment of Toll, or ſhall take off any Horſe, Beaſt, or other Cattle from any Carriage, with Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Carriage, Horſe, Cattle or Beaſt, with an Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Exemptions from Toll.

XXVI. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Cattle which ſhall not paſs more than One hundred Yards on the ſaid Road; nor for any Horſe or Cattle drawing any Carriage, paſſing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the ſaid Road, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed on or about the ſaid Road, or for repairing any of the Highways in the Pariſhes, Diſtricts, or Places which are liable to perform Statute Duty upon any Part of the ſaid Road, in their Way to, or on their Return after having been ſo employed; nor for any Horſe or Cattle drawing any Carriage employed in carrying or conveying Hay not having been ſtacked, Straw, or Corn in the Straw, only going to be laid up in the Houſes, Outhouſes, Barns or Yards of the Owners thereof, or drawing, carrying, or conveying any Plough, Harrow, or other Implement of Huſbandry to be uſed in the Cultivation of Lands, carried from one Part to another of Lands occupied by the ſame Perſon or Perſons, or in carry-

ing or conveying Mould, Dung, Aſhes, Soil, or Compoſt for the manuring of Lands, or on their Way to or on their Return after having been ſo employed; nor from any Rector, Vicar, or Curate, going to or returning from performing his Duty at any Church or Chapel, or to or from viſiting any of his ſick Pariſhioners; nor of or from any other Perſon or Perſons for paſſing through any of the ſaid Toll Gates or Toll Bars to or from any his, her, or their proper parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Diſtricts, or Places; nor for any Horſe, Mare, Gelding, Mule, Aſs or Cattle, kept within ſuch Pariſhes, Diſtricts or Places, going to or returning from Work in cultivating Lands therein; nor for any Horſe or Cattle going to or returning from Water or Paſture, or going to or returning from being ſhod or farried; nor for any Horſe or Carriage, 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 the ſame, or in returning back from conveying the ſame; nor for the Horſes of Officers and Soldiers on their March or on Duty; nor for Carriages or Horſes or other Beaſts employed in carrying the Arms or Baggage of ſuch Officers or Soldiers, or in carrying any wounded or diſabled Officers or Soldiers; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officers, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that all ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption, and not otherwiſe; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance or Barrack, or other Public or Commiſſariat Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Carriage, Horſe or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or returning after having been ſo employed; nor for any Horſe or Carriage going to or returning from any Election of a Knight of the Shire or Citizen to ſerve in Parliament for the ſaid County or City of *Glouceſter*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of the Exemptions aforeſaid, not being entitled thereto, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Carriages employed in His Majeſty's Service, not to be ſubject to Regulations for Overweight.

XXVII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any Waggon, Wain,

Wain, Cart or other Carriage, while ſo employed, 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 Cattle; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage, any Thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

Tolls may be reduced.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce any of the Tolls which ſhall be payable at all or any of the Toll Gates to be erected by virtue of this Act, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by the ſaid Acts and this Act granted and made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Five Sixth Parts of the Money then due on the Security of the Tolls; but no ſuch Reduction ſhall be made, unleſs Twenty-one Days previous Notice thereof ſhall be affixed in Writing againſt all the Toll Gates then erected acroſs the ſaid Road, and alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the County of *Glouceſter*.

Truſtees may compound for Tolls.

XXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, from Time to Time, as they ſhall ſee convenient, to compound and agree, for any Term not exceeding Three Years at any One Time, with all or any of the Inhabitants of the ſeveral Pariſhes, Hamlets, or Places, to or through which the ſaid intended Road may lead or paſs, for the paſſing of all or any Deſcription of their Horſes, Cattle or Carriages, through all or any of the Toll Gates to be erected on the ſaid Road, or on the Sides thereof which Compoſition ſhall be paid yearly in Advance, and in Default thereof the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall thenceforth be void; and all ſuch Compoſition Money ſhall be paid and applied in ſuch Manner as the Tolls are hereby directed to be paid and applied.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXX. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in Farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed or farmed, and to uſe all ſuch Means and Methods for the Recovery thereof, in caſe of Nonpayment or Evaſion, as any Collector of the ſaid Tolls appointed under or by virtue of this Act is by this Act authorized or empowered to uſe; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Tolls, ſhall be ſubject to the like Pains, Penalties and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

XXXI. And

Penalty on Renters of Tolls compounding for Overweight.

XXXI. And be it further enacted, That no Leſſee or Leſſees, or Farmer or Farmers of the Tolls at any Toll Gate or Toll Bar to be erected upon the ſaid Road, or his or their Deputy or Deputies, Agent or Agents, ſhall make any Compoſition, by the Year or otherwiſe, with the Inhabitants of any Town or Place, or with any Perſon or Perſons whomſoever, for and in lieu of the Tolls of any Waggon, Wain, Cart or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the ſaid Road, for or in reſpect of the Overweight thereof; and in caſe any Leſſee or Farmer, or Deputy or Agent, ſhall offend herein, every ſuch Leſſee or Farmer, or Deputy or Agent, ſhall on Conviction thereof, by Confeſſion or upon the Oath of One Witneſs, before any One of His Majeſty's Juſtices of the Peace for the County of *Glouceſter*, forfeit and pay, beſides the Coſts and Charges attending the Conviction, any Sum not exceeding Five Pounds, and ſhall alſo forfeit his or their Contract or Leaſe for renting the Tolls, if the Truſtees, or any Five or more of them, ſhall think proper to order that the ſame ſhall be thereupon vacated and made void; and every ſuch Compoſition ſhall be, and the ſame is hereby declared to be null and void, and One Moiety of every ſuch Penalty as aforeſaid ſhall be paid to the Informer, and the other Moiety to the Clerk or Treaſurer of the ſaid Road, to be applied towards the Repairs thereof, the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Puniſhing Collectors miſbehaving.

XXXII. And be it further enacted, That every Toll Collector, whether appointed by the ſaid Truſtees, or by any Leſſee or Leſſees under them, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his 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 White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall 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 or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons 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 to denote the Payment of the Toll, ſuch Ticket having ſpecified thereon the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or to any Perſon or Perſons travelling upon the ſaid Road, or ſhall without ſufficient Cauſe detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay for every ſuch Offence any

Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge and determine.

Collectors declared not to be 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 or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be incompetent, on account of his being appointed to collect ſuch Tolls, to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Action of Ejectment may be ſupported by One Mortgagee.

XXXIV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the ſaid Act of the Forty-eighth Year of the Reign of His preſent Majeſty, ſhall ſeek to obtain the Poſſeſſion of the Toll Gates, Toll Houſes, and Buildings erected on the ſaid Road, in order to pay himſelf, herſelf, or themſelves, the Principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof, ſhall not apply the Tolls which may conſequently be received by him, her, or them, to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings and Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Application of the Money.

XXXV. And be it further enacted, That all the Monies which ſhall ariſe and be produced by and from the Tolls by the ſaid Acts and this Act granted and made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of the ſaid Acts and this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; that is to ſay, in the firſt Place, in Payment of all the Coſts, Charges, and Expences which have been incurred or incidental to or attending the applying for and obtaining and paſſing of this Act; in the ſecond Place, in defraying the Expences of purchaſing Land which may be neceſſary for the making and widening of the ſaid intended Road; in the third Place, in paying the Intereſt accruing from Time to Time upon the ſeveral Principal Sums of Money already due, or which ſhall from Time to Time be borrowed and ſecured in purſuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Houſes, and other Buildings, and keeping the ſame in Repair, and of altering, raiſing, widening, repairing, and preſerving the ſaid Road ſo intended to be made as aforeſaid, and of erecting and making neceſſary and convenient Bridges upon the ſame, and otherwiſe executing the other Purpoſes of this Act, and afterwards in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money already due and owing on the Credit of the ſaid recited Acts; and laſtly, in diſcharging the Principal Sums which ſhall be ſecured in purſuance of this Act, either rateably or by Lot, as the ſaid Truſtees ſhall think proper.

XXXVI. And

Power to make the new Road.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the Truſtees appointed in or by virtue of the ſaid recited Acts or this Act, or any Five or more of them, and they are hereby authorized and empowered to make the before-mentioned Deviations of Road in the Courſes and Directions particularly deſcribed in the Plan herein-after mentioned; and that the Lands and Hereditaments which ſhall be taken by the ſaid Truſtees for the Purpoſe of making the ſame (Satisfaction being firſt made to the reſpective Owners of ſuch Lands and Hereditaments and Perſons intereſted therein,) ſhall be for ever thereafter deemed a Common Highway to all Intents and Purpoſes, and be repaired and kept in Repair by the Pariſhes, Townſhips, or Diſtricts through which the ſame ſhall paſs, in like Manner as the Highways in general within ſuch Pariſhes, Townſhips, or Diſtricts reſpectively are required by Law or legal Preſcription to be repaired and amended, and as in the ſaid recited Acts or this Act is further provided in that Behalf; and that from the Time when ſuch Lands or Hereditaments ſhall be taken by the ſaid Truſtees for the Purpoſes aforeſaid, all other Parties or Perſons whoſoever ſhall be diveſted of all Right or Title to ſuch Lands and Hereditaments.

New Branches to be made according to Plan.

XXXVII. And whereas a Map or Plan, deſcribing the Line of the new Branches intended to be made, and the Lands through which ſuch Line is to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, hath been depoſited with the Clerk of the Peace for the County of *Glouceſter*; be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at all ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies and Extracts therefrom at their Will and Pleaſure, paying to ſuch Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees, in making ſuch new Branches, ſhall not deviate more than One hundred Yards from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

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

XXXVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid new Branches into, through, acroſs, or over the Lands, Hereditaments, and Premiſes of any Perſon or Perſons who is or are or may be the Owner or Owners of Lands or Premiſes over which the ſame, or any Part thereof, is or are ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed or omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake, or was not wilful; and ſuch Certificate ſhall be depoſited with and remain in the Cuſtody of the Clerk of the Peace for the ſaid County.

Truſtees may widen or alter Road.

XXXIX. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to make, widen, divert, turn, or alter any Part or Parts of the

the ſaid old Road, and new Branches, or any or either of them, beyond the Limits of One hundred Yards, without the Conſent in Writing of the Owners or Proprietors of the Lands through which the ſame ſhall be carried.

Surveyor may enter upon Lands to make Road.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time, to enter upon the Lands and Premiſes through which or whereupon the ſaid Road hereby authorized to be made, or any Alteration thereof, is intended to paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out the ſaid Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds to be made uſe of as a public Highway whilſt the narrow or ruinous Parts of the ſaid Road are being widened or altered, and until the ſaid Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned; ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as the Value of Lands to be purchaſed or uſed by virtue of the ſaid Acts and this Act is directed to be aſcertained and ſettled in caſe of Diſpute; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out any Part of ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds: Provided always, that the Powers and Authorities hereby given ſhall not in any Caſe be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart 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, other than and except ſuch as are marked or deſcribed in the ſaid Map or Plan and Book of Reference; any Thing in the ſaid Acts or this Act contained to the contrary in anywiſe notwithſtanding.

Truſtees reſtrained from pulling down Dwelling Houſes without Conſent of the Owners.

Truſtees to fence the new Road.

XLI. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall by virtue of this Act make any Part of the ſaid Road over and through any private Grounds, or ſhall take away any Fence for widening, diverting, or turning any Road already made, the ſaid Truſtees ſhall make or cauſe to be made proper Fences or Stone Walls on both Sides of ſuch new-made Road, or on the Side upon which any ſuch Fence ſhall be ſo removed as aforeſaid, ſo as effectually to guard and fence off the Lands adjoining to ſuch Road, and alſo proper Gates, Bridges, and Arches, where neceſſary, out of the ſaid Road, into the Lands adjoining, and ſhall keep ſuch Fences ſo to be made in good Order and Repair for and during the Term of One

Year from the Time that such Fences shall have been made or set up.

Trustees, with Consent, may take down Buildings to widen Road.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time or Times hereafter, when they shall see it convenient, to open, amend, and widen any Ways or Avenues, and to take down any Buildings within the Town of *Painswick* aforesaid, and the Suburbs thereof, with the Consent of the Owners and Occupiers of such Buildings, in order to widen any Part of the said Roads, and for rendering the Communication with other Turnpike Roads more convenient to the Public.

Upon Payment of the Purchase Money, the Land to be taken for the Road.

XLIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for and assessed as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Money to be borrowed upon the Credit of, or to be collected as Tolls by virtue of the said Acts and this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out as Part of the said Road.

First Offer of Land to be sold to whom to be made.

XLIV. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of the said Acts and this Act, or any old Road to be stopped up or discontinued by virtue of the said Acts and this Act, they shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto, and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to 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 such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices

thereof shall be ascertained by a Jury, in manner by 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 by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Money awarded above 200*l.*

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex-parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or 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 High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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, and Hereditaments so to be

purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and above 20l.

XLVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in 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 High Court of Chancery.

Where not more than 20l.

XLVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall not exceed 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 the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or 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 a good Title, &c.

XLVIII. 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 purchaſed by virtue of the ſaid Acts and 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 ſo 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, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of

of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or 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 meet, 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.

In caſe of a diſputed Title.

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

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

L. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporations, entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the

ſaid

ſaid Truſtees, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Getting Materials.

LI. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials, out of any Common River or Brook, or out of or from any Waſte or Common, proper and convenient for repairing and amending the Road aforeſaid, without paying any thing for the ſame, ſuch Surveyor or Surveyors, or other Perſons, levelling or cauſing to be levelled all ſuch Holes and Pits where any Materials as aforeſaid ſhall be digged, gathered or taken, and from whence the ſame ſhall be carried away, or making a ſafe and ſufficient Fence round all ſuch Holes or Pits; and where a ſufficient Quantity of Materials cannot be had from ſuch Rivers, Brooks, or Common, for repairing and amending the Road, it ſhall and may be lawful for ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, by Order of any Juſtice or Juſtices of the Peace for the County in which ſuch Materials are to be gotten, to be made upon the Application of the ſaid Truſtees, or any Five or more of them, to dig and gather ſuch Materials in, and carry the ſame out of and from the Lands and Grounds of any Perſon or Perſons, not being the Ground whereon any Houſe ſtands, or a Garden, Orchard, Yard or Park, Paddock, planted Walk or Avenue to any Houſe, or a Piece or Parcel of Ground ſet apart or uſed as a Nurſery for Trees, where ſuch Materials are or may be found, and from Time to Time to carry away the ſame, or ſo much thereof as the Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the ſaid Road, paying ſuch Rates for ſuch Materials, and for the Damage done to the Owners and Occupiers reſpectively of the Lands or Grounds where and from whence the ſame ſhall be digged, gathered, or carried away, or over which the ſame ſhall be carried, as alſo for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which ſuch Materials, gotten in any River, Brook, or Waſte Ground, ſhall be carried or conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages as aforeſaid, then Two Juſtices of the Peace, acting in and for the ſaid County, ſhall and may adjudge, aſſeſs, and determine the ſame.

Notice to be given of taking Materials.

LII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take or carry away ſuch Materials for repairing ſuch Road out of or from any incloſed Land or Ground, until Fourteen Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Abode, to appear before any One or more Juſtice or Juſtices of the Peace, acting in and for the ſaid County, to ſhew Cauſe why ſuch Materials ought not to be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in

such Case it shall be lawful for such Justice or Justices by their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Justice or Justices may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Punishing Persons taking away Materials.

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

Surveyors may make Causeways, &c.

LIV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Road, or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Fences in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and make sufficient Fences and Barriers, and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the said County of *Gloucester*.

For erecting Guide Posts, &c.

LV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be erected Guide Posts upon such Parts of the said Road where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beasts, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath, or shall leave or suffer any Horse, Beast, Cattle,

Sheep, or Swine to graze or be and remain looſe on the ſaid Road, or any Part thereof; or if any Perſon ſhall cauſe to be 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 upon wheeled Carriages, to drag upon the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up and damage the ſaid Road or the Fences on either Side thereof; or if any Perſon driving any Carriage upon the ſaid Road ſhall ride upon the Shafts or other Part of the ſaid Carriage, without holding the Reins of the Horſe or Horſes, or meeting another Carriage, ſhall not keep his or her Carriage on his or her Left or Near Side of the ſaid Road, and alſo keep on the ſame Side himſelf; or if any other Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care, upon the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Foot-ball on any Part of the ſaid Road, or on the Banks, Land, Streets, or Places adjoining, or laying open thereto; or if any Perſon ſhall leave any Carriage (except in Caſes of Accident) upon or on the Side of the ſaid Road, longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or in caſe ſuch Carriage ſhall not, during ſuch Time, be drawn up to the Side of the ſaid Road as near as conveniently may be; or in caſe any Perſon ſhall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, upon the ſaid Road, or on the Side or Sides thereof, between the ſaid Road and the Fences to be erected on the Sides thereof, or ſhall plough up, dig up, or break up any of the Soil between the ſaid Road and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, or otherwiſe ſhall ſcrape off any Soil or other Thing from the ſaid Road or the Sides thereof, or ſhall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compoſt, or Manure from the Sides thereof, except ſuch as may be lying in his own Grounds, and be carried away, without being brought over any Part of the ſaid Road, or that the ſame may be done at ſuch Times and under ſuch Regulations as the Truſtees or their Surveyor ſhall direct and order; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as by the ſaid Acts is directed.

Gates to Fields, &c. to open inwards.

LVI. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the ſaid Road, ſhall be ſo made, hung, and conſtructed as to open inward towards ſuch Field or Ground, and not outward towards the ſaid Road; and in caſe any Perſon or Perſons ſhall hang or conſtruct any Gate or Gates contrary to the Directions of this Act, or ſhall, after the ſame ſhall have been hung ſo as to open inwards towards ſuch Field or Ground, again alter the ſame, ſo as to open outward towards the ſaid Road, every ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Twenty Shillings; and it ſhall be lawful for the ſaid Truſtees to cauſe all or any of ſuch Gates as are now

now erected and open outward towards the ſaid Road, to be altered and made to open inward towards ſuch Field, Ground, Yard, or other Place, as they the ſaid Truſtees ſhall think proper.

Statute Labour and Compoſition Money how to be performed and apportioned.

LVII. And be it further enacted, That ſo much of the ſaid recited Acts as relate to the Performance of Statute Labour on the ſaid Road, ſhall be, and the ſame is hereby repealed, and that all Perſons who by Law are or ſhall be liable to do Statute Work on the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace acting in and for the County, Borough, Riding, or Place where the ſaid Road is ſituate, and they are hereby required and empowered (upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by the Treaſurer, Clerk, or Surveyor, or 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 or any Part thereof lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any ſuch Townſhip, Pariſh, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereto 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 reſpectively are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compenſation for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint and order ſuch and ſo many Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſt ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compenſation for ſuch 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 or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized

or

or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees, ſhall, for every Day of his or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject and liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſons who ſhall be found idle or negligent as aforeſaid, and in that caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſet to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied toward 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, or to collect or pay over ſuch Compoſition, or any Part thereof, in Manner as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees to compound for Statute Work.

LVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in all or any of the Pariſhes or Places in which the ſaid Road is 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 or other Work to be done by all or any of the ſaid Inhabitants and Occupiers on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Pariſh, Townſhip or Place, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees on Advance, on or before the Tenth Day of *October* in each and every Year, or otherwiſe the Inhabitants and the Occupiers of ſuch Pariſh or Townſhip, or Place, ſhall not be permitted to compound for that Year.

Public Act.

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

Commencement and Continuance.

LX. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall, upon the Third *Tueſday* next after the paſſing of this Act, ceaſe and determine, and that the ſaid recited Acts (ſubject to the

the Alterations and Amendments herein contained) and this Act, shall from thenceforth continue and be in Force and Effect, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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