ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 161.

An Act for enlarging the Term and Powers of ſeveral Acts of His late and preſent Majeſty, for repairing the Roads from *Mead Brook* in the County of *Glouceſter*, to *Chriſtian Malford Bridge* in the County of *Wilts*, and other Places therein mentioned; and for extending the ſaid Road to the Centre of *Chriſtian Malford Bridge*.

[10th *June* 1809.]

WHEREAS an Act was made in the Twenty-ninth Year of the Reign of His late Majeſty, intituled, *An Act for amending and keeping in Repair the Roads leading from* Mead Brook, *which divides the Pariſhes of* Pucklechurch *and* Mangotsfield *in the County of* Glouceſter, *to* Chriſtian Malford Bridge *in the County of* Wilts; *and alſo from* Pucklechurch *aforeſaid to certain Coal Mines in the ſaid Pariſh*: And whereas another Act was made in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act to amend and render more effectual an Act, made in the Twenty-ninth Year of the Reign of His late Majeſty, intituled,* 'An Act for amending and keeping in Repair the Roads leading from Mead Brook, which divides the Pariſhes of Pucklechurch and Mangotsfield in the County of Glouceſter, to Chriſtian Malford Bridge in the County of Wilts; and alſo from Pucklechurch aforeſaid to certain Coal Mines in the ſaid Pariſh:' And whereas another Act was made in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing the Roads leading from* Mead Brook, *which divides the Pa-*

29 G. 2. c. 56.

2 G. 3. c. 74.

27 G. 3. c. 68.

riſhes of Pucklechurch *and* Mangotsfield *in the County of* Glouceſter, *to* Chriſtian Malford Bridge *in the County of* Wilts; *and from* Pucklechurch *aforeſaid to certain Coal Mines in the ſaid Pariſh:* And whereas the Truſtees appointed by and in purſuance of the ſaid recited Acts have made great Progreſs in the Repair of the ſaid Roads, and for that Purpoſe have borrowed the Sum of Three thouſand four hundred and eighty Pounds upon the Credit of the Tolls authorized to be taken upon the ſaid Roads, which ſtill remains due, with a conſiderable Arrear of Intereſt, and the ſame cannot be repaid, nor the ſaid Roads effectually amended and kept in Repair, unleſs the Term granted by the ſaid Acts be continued, and the Powers and Proviſions thereof altered, enlarged, and rendered more effectual: And whereas, although the ſaid Roads were not in and by the ſaid recited Acts declared to be Two diſtinct Diſtricts of Road, the ſaid Truſtees have always deemed them to be ſo, and have kept the Accounts of Money borrowed, and the Tolls received thereupon, ſeparate and diſtinct from each other, and ſettled in and by their Accounts that the Sum of Three thouſand and eighty Pounds, Part of the ſaid Sum of Three thouſand four hundred and eighty Pounds was due and owing, and charged on the Tolls ariſing on that Part of the ſaid Road deemed the Lower or *Pucklechurch* Diſtrict, and the remaining Sum of Four hundred Pounds in like Manner, on the other Part of the ſaid Road which they deemed the Upper or *Draycot* Diſtrict; and it would be more convenient to the ſaid Truſtees if ſuch Diſtricts were directed to be made ſeparate by this Act: And whereas if the ſaid Road was extended to the Centre of *Chriſtian Malford Bridge*, it would be an Accommodation to the Public: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Road ſhall be extended to the Centre of *Chriſtian Malford Bridge*; and that the ſaid recited Acts, and all the Clauſes, Powers, Authorities, Proviſions, Penalties, Forfeitures, Matters, and Things therein contained (except ſuch Parts thereof as relate to Exemptions from Stamp Duties, and alſo ſuch as are hereby varied, altered, or repealed), ſhall be and remain in full Force and Effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, and as if the ſaid Road to the Centre of *Chriſtian Malford Bridge* aforeſaid had been Part of the Road included in the ſaid Acts, but ſubject nevertheleſs to the Alterations and Amendments herein contained; and that this Act ſhall commence and take Effect upon the paſſing thereof; and the Term and Powers hereby granted ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the ſaid recited Acts, and of ſuch other Sums of Money as ſhall or may hereafter be borrowed upon the Credit thereof and of this Act, and of all Intereſt due and to grow due thereon reſpectively, in Manner herein-after mentioned.

Additional Truſtees.

II. And be it further enacted, That *Robert Aſhe* Clerk, *Thomas Brooke*, *Fitzherbert Brooke*, *James Browning*, *Joſeph Baldwin*, *John Baldwin*, *George Biſſett* Clerk, *William Powell Bendry*, *William Coleman*, *John Dark*, *Stephen George*, *Francis Triboudet Demainbray* Clerk, *Abraham Lloyd Edridge*, *Thomas Edridge*, *Iſaac Sadler Gale*, *Ralph Gaby*, *Hooper* Clerk, *John Heath*, *Jones* Clerk, *Matthew Marſh* Clerk, *Nicholas*

Nicholas Clerk, *Philip Prothoroe*, *John Perris*, *Thomas Pyke*, *John Parſloe*, *John Reeks*, *William Smith*, *Iſaac Underwood*, the Honourable *Henry Windſor*, *John Chapman Wallace*, and *Henry Wightwick* Clerk, (being qualified according to the Directions of the ſaid recited Acts) ſhall be and are hereby added to and joined with the ſurviving and remaining Truſtees appointed by or in purſuance of the ſaid recited Acts for putting the ſaid recited Acts and this Act into Execution, and ſhall have the like Powers for that Purpoſe as if they had been named and appointed Truſtees in or by virtue of the ſaid recited Acts, or either of them: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons who have acted as a Truſtee or Truſtees in the Execution of the ſaid recited Acts, or who ſhall act as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified previous to his or their being convicted of the ſaid Offence, ſhall notwithſtanding ſuch Conviction be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of the ſaid firſt recited Act: Provided alſo, that all Matters and Things to be done by the ſaid Truſtees ſhall and may be done from the paſſing of this Act by any Five or more of them preſent at any Meeting to be held under this Act; any Thing in the ſaid recited Acts contained to the contrary thereof notwithſtanding.

Roads divided into Diſtricts.

III. And be it further enacted, That from and after the paſſing of this Act, the ſaid ſeveral Roads ſhall be divided into Two Diſtricts, that is to ſay, the Road leading from *Mead Brook*, which divides the Pariſhes of *Pucklechurch* and *Mangotsfield* in the County of *Glouceſter*, to the *Salutation Inn* in the Pariſh of *Caſtle Coomb* in the County of *Wilts*, and from *Pucklechurch* aforeſaid to certain Coal Mines in the ſaid Pariſh mentioned in the ſaid recited Acts, ſhall be the Firſt Diſtrict, and be called or known by the Name and Diſtinction of "*The Pucklechurch* or *Lower Diſtrict*," and the Road from the ſaid *Salutation Inn* to the Centre of *Chriſtian Malford Bridge*, ſhall be called the Second Diſtrict, by the Name and Diſtinction of "*The Draycot* or *Upper Diſtrict*."

Perſons paying Tolls at ſuch Gates to paſs through other Gates Toll-free.

IV. Provided always, and be it further enacted, That every Perſon who ſhall pay Toll at any Turnpike or Turnpikes, Side-Bar or Side-Bars, already erected, or which by virtue of this Act ſhall be erected on any Part of the Roads in the ſaid *Draycot* or Upper Diſtrict, ſhall be permitted to paſs Toll-free on the ſame Day through every other Turnpike or Side-Bar that is or ſhall be erected on the ſaid Road called the *Draycot* or Upper Diſtrict, on producing a Note or Ticket to the Collector or Collectors of ſuch Tolls, denoting ſuch Payment, which Notes or Tickets ſuch Collector or Collectors are hereby required to give on Receipt of the Tolls; and if any Perſon ſhall fraudulently take the Benefit of ſuch Exemption, ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Exemptions.

V. And be it further enacted, That the ſaid Truſtees may and are hereby authorized and empowered to demand and take, by the reſpective Perſons who are and ſhall be appointed for that Purpoſe in and by the ſaid Acts or this Act, the ſeveral Tolls directed to be received and taken by the ſaid recited Act of the Twenty ſeventh Year of the Reign of His preſent Majeſty, before any Horſe or other Cattle ſhall be permitted to paſs through any Turnpike or Side-Bar erected or to be erected on the ſaid Roads, except

cept as herein-before mentioned, and alſo except for any Horſe, Cattle, or Beaſt herein-after mentioned, for which no Toll ſhall be demanded or taken, (that is to ſay) for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the ſaid Roads, or any of the Roads in the Pariſhes in which any Parts of ſuch Roads lie, or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners; nor for any Horſe, Cattle, or Beaſt employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, employed in Huſbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; nor for any Horſes or other Cattle returning with any Carriage laden with Coals only dug in and from the ſaid Mines, and for which the ſaid Tolls ſhall have been paid the preceding Day on paſſing with ſuch Carriage empty going for ſuch Coals, unleſs ſuch Horſe or other Cattle ſhall paſs and repaſs the ſaid Gates with ſuch Carriage laden more than Once in Twenty-four Hours; nor for any Horſes or Cattle going to or returning from Paſture or Watering-Places; nor from any Perſon going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon that ſhall die or be buried in any of the ſaid Pariſhes; nor for any Clergyman going to or returning from viſiting any ſick Perſon or upon other Parochial or Miniſteral Duty upon a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horſe, Cattle, or Carriage of whatever Deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame, according to the Directions contained in the Statutes for conveying ſuch Mails and Expreſſes; nor for any Horſe, Cattle, or Beaſt attending any Soldiers upon their March or Duty, or drawing any Carriage attending them with Arms or Baggage; 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, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Glouceſter* and *Wilts*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall 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 Exemptions as aforeſaid;

ſaid; and if any Perſon or Perſons ſhall in any fraudulent or colluſive Manner whatſoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

VI. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

To prevent evading the Tolls.

VII. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Lands, Grounds, or Hereditaments lying near any Turnpike erected or which ſhall be erected by virtue of the ſaid recited Acts or of this Act, the ſame not being a public Highway, or if any Owner or Occupier of any ſuch Ground, Land, or Hereditaments ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame, or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by the ſaid Acts or this Act directed to be given, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be avoided, or if any Perſon or Perſons ſhall forcibly paſs through ſuch Turnpike with any Horſe, or other Cattle or Beaſt, or ſhall take off or cauſe to be taken off any Horſe or other Cattle from any Carriage, or ſhall leave or cauſe to be left upon or near to any of the ſaid Roads, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods, Wares, or Merchandiſes from any Horſe, Cattle, Beaſt, or Carriage, or ſecrete any Goods chargeable with ſuch Toll, every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, whereof one Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties and Forfeitures are by the ſaid recited Acts directed to be applied.

Farmers of the Tolls or Collectors declared not to be incompetent to give Evidence.

VIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall happen to ariſe touching or in anywiſe relating to the Tolls to be collected on the ſaid ſeveral Roads, or the Recovery of ſuch Tolls, the Perſon or Perſons who ſhall or may happen to be the Farmer or Farmers, or Renter or Renters of the ſaid Tolls, or his, her, or their Servant or Servants for the Time being, who ſhall or may be appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees in the Collection of the ſaid Tolls, ſhall not be incompe-

tent to give Evidence in any such Dispute, Suit, or Litigation, relative to the Collection or Recovery of such Tolls, whether the Payment of such Tolls shall or may happen to be enforced by Distress and Sale, or by way of Information and Conviction, or by any other Ways and Means, on account of their, his, or her being Farmers or Renters, Farmer or Renter of the said Tolls, or being appointed to collect the same, or acting under the Authority of the said Trustees as aforesaid.

Meetings to be called on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall be thought necessary that an earlier Day of Meeting shall be appointed than the Day affixed by such Adjournment, then and in such Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by any Two or more of the acting Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof by Writing, to be affixed upon all the said Turnpike Gates then erected upon the said Roads, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

All Dung, Straw, &c. laid in the Roads to be the Property of the Trustees.

X. And be it further enacted, That from and after the passing of this Act, all Straw, Dung, Soil, and Compost on the said Roads, or any of them, shall be the Property of the said Trustees, and if any Person or Persons shall take, remove, or carry away any such Straw, Dung, Soil, or Compost without the Consent of the said Trustees, to be given at some public Meeting previous thereto, he, she, or they shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

Empowering Two Trustees to inspect the Books and Papers in the Hands of the Clerk, Treasurer, or other Officer.

XI. And be it further enacted, That it shall and may be lawful to and for any Two or more Trustees acting in the Execution of the said recited Acts and this Act at all seasonable Times in the Day-time, and upon giving One Day's previous Notice of such their Intention to the Clerks, Treasurers, or other Officers appointed by the Trustees, in whose Custody any of the Books and Papers relating to and concerning the said Trust shall for the Time being be lodged and deposited, to have Recourse to, and inspect and examine such Books and other Papers in the Custody of such Clerk, Treasurer, or other Officers, and to take Copies thereof, or Extracts therefrom, at their Will and Pleasure, without any Interruption from or by such Clerk, Treasurer, or other Officers, or any other of the said Trustees for the Time being acting in the Execution of the said Trusts; and in case such Clerks, Treasurers, or other Officers shall neglect or refuse to produce and show such Books and Papers, or shall not permit the same to be inspected and copied as aforesaid, or shall in any way interrupt such Trustee or Trustees in the Exercise of the Power hereby given, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be recovered in such and the same Manner as Penalties and Forfeitures by the said recited Acts are directed to be recovered, and shall be applied by the said Trustees in Aid of or Addition to the Funds of the said Districts in which the same shall arise.

XII. And

Directing from what Fund Expences of the Act shall be paid.

XII. And be it further enacted, That from and after the passing of this Act, as well all Sums of Money now remaining in the Hands of the Treasurer of the said Tolls by virtue of the said recited Acts, as also all Money that shall arise and be produced by and from the Tolls granted by the said recited Acts and this Act, and all other Money which shall come to the Hands of the said Trustees or their Treasurer or Treasurers, by or under the said Acts, shall be deemed a separate Fund, and shall in the first Place be paid and applied in Payment of the Costs, Charges, and Expences incident to and attending the procuring, soliciting, obtaining, and passing this Act, and all Expences incurred prior thereto, for or in respect thereof, together with lawful Interest for such prior Expences, and of any Money to be borrowed for the Expences aforesaid, from the Time of advancing the same until the Payment thereof.

How Tolls on each District are afterwards to be applied.

XIII. And be it further enacted, That from and after Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and such other Monies as aforesaid, all Money to arise and be produced by and from the Tolls granted by the said recited Acts and this Act, for and in respect of the *Pucklechurch* or Lower District, and also all other Money which shall come to the Hands of the said Trustees or their Treasurer by virtue of the said recited Acts or this Act, in respect thereof, shall be considered as a separate and distinct Fund, and distinctly applied in repairing the said Road mentioned in the *Pucklechurch* or Lower District of Road, and paying and keeping down the Interest of the said Sum of Three thousand and eighty Pounds, and in paying the Arrear of Interest now due thereon, and the Interest of any other Sums which shall be borrowed on the Tolls arising on that District of Road; and from and after Payment and Satisfaction thereof the same shall be paid, applied, and disposed of, in Liquidation only of the said Sum of Three thousand and eighty Pounds, and of any other further Principal Sum that may be borrowed as aforesaid; and from and after Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and such other Monies as aforesaid, the said Trustees shall raise on the Credit of the Tolls arising from the other Part of the said Road called the *Draycot* or Upper District, a sufficient Sum of Money to pay off the said Principal Sum of Four hundred Pounds, and all Interest due thereon, and pay and apply the same to the several Persons respectively entitled thereto, and also such further Sum or Sums of Money that shall or may be necessary to pay the Expence, Costs, and Charges of any other Improvements that may be necessary to be made and constructed in and upon the said Roads in the said *Draycot* or Upper District; and all Monies to arise and be produced of and from the Tolls granted by the said recited Acts and this Act, for or in respect of the *Draycot* or Upper District of Road, and all other Monies which shall come to the Hands of the said Trustees, or their Treasurer, by virtue of the said recited Acts or this Act, in respect of the said Roads in the said *Draycot* or Upper District of Road, shall be and be considered as a separate and distinct Fund, and shall be separately and distinctly applied in amending, widening, and keeping in Repair the said several Roads in the said *Draycot* or Upper District of Road, and in paying and keeping down the Interest of the Money that may be borrowed as aforesaid, and after Payment thereof in Liquidation only of the said Principal Sum to be borrowed in Manner aforesaid.

As to first District.

As to second District.

For Appointment of temporary Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the said respective Tolls shall neglect, or be incapable, or shall abscond or absent himself, any Two or more of the said Trustees, although not assembled at a Meeting held pursuant to the Directions of the said recited Acts or this Act, shall and may and are hereby authorized to discharge such Collector or Receiver so neglecting, or being incapable of performing his Duty, or absenting himself; and in such Case, and also in case any such Receiver or Collector shall die, any Two or more of the said Trustees as aforesaid shall and may and are hereby authorized to nominate and appoint a proper Person to be Collector of the said Tolls, and to continue until the then next Meeting of the said Trustees in the Stead of such Collector or Receiver as shall die or be discharged; and such Person, so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and if any Collector or Receiver of the said respective Tolls who shall be discharged from his Office by virtue of this or the said recited Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die, or be discharged, or any other Person or Persons shall refuse to deliver up the Possession of any Toll House or Building continued or erected by virtue of the said recited Acts or this Act, for the Space of Ten Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two or more of the said Trustees, though not assembled at a Meeting, or by their Clerk or Treasurer respectively for the Time being, then and in any of such Cases, it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order and direct a Constable or other Peace Officer, 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 Two or more of them, or such new appointed Collector, into Possession thereof.

For Recovery of Possession of Toll Houses.

Enabling Trustees to take Possession of Toll House when let to farm.

XV. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected on the said respective Districts of Roads, shall at any Time or Times during the Continuance of this Act be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Ten Days next after any of the Days on which the same ought to be paid pursuant to the Agreement of letting the same, then and in either of those Cases the said Trustees, or any Two or more of them, or their Clerk or Clerks, Treasurer or Treasurers, or other Persons respectively, authorized by Writing under the Hands of any Two or more of the said Trustees, shall be at Liberty and they are hereby authorized to enter into and upon and to take Possession of the Toll House or Toll Houses, with the Buildings, Weighing Machines, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection

of

of the respective Tolls there made payable; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit), to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, as may be in Arrear and unpaid), as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such Case to demise or let to farm the said respective Tolls again to any other Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Persons chargeable to Statute Work to continue so.

XVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part or Parts of the same, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace acting for the said Counties of *Gloucester* or *Wilts*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Clerks, or Surveyor or Surveyors, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work 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 and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in a List or Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which List or Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways, and shall be verified upon the Oath of such Surveyor or Surveyors of the Highways, if so required by the said Trustees, or by their Clerk or Clerks, or Surveyor or Surveyors, which Oath the said Justices are hereby empowered to administer without Fee or Reward; and out of such List or 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 Roads as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Seed-time, Hay-time, or Harvest), and in such Parts of the respective Parishes or Places from whence such Statute Duty shall be required, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices

Justices to determine Differences relating to Statute Work.

ſhall and may alſo order and direct the Perſons who by ſuch Liſt or 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 or Treaſurers, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts or this Act authorized 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, by any Surveyor or Surveyors to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the publick 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 Roads, or any of them, 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 ſhall be ſubject and liable to the reſpective Forfeitures and Payments as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part or Parts of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer or Treaſurers for the Time being to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall neglect or refuſe to appear before ſuch Juſtices, after his, her, or their having been ſerved with ſuch Summons as aforeſaid, or ſhall refuſe or wilfully neglect to give in ſuch Liſt or Liſts as aforeſaid, or ſhall knowingly or wilfully give in a falſe or imperfect Liſt or falſe or imperfect Liſts, or ſhall neglect or refuſe to verify ſuch Liſt or Liſts upon Oath, when thereunto required as aforeſaid, or ſhall not to the utmoſt of his, her, or their Power aſſiſt in convicting any Inhabitant of or Occupiers of Lands, Tenements, or Hereditaments in his, her, or their reſpective Pariſhes, Townſhips, or Places, who ſhall make Default in Performance of his, her, or their Statute Duty on the ſaid Roads, every ſuch Surveyor or Surveyors ſo offending ſhall, for every ſuch Offence, Neglect, or Refuſal, forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politick or Corporate, for the Statute Work to be by them done on the ſaid Roads, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads are 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 of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done

on

on the ſaid Roads; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers to the ſaid Truſtees in advance, on or before the Twenty-fifth Day of *March* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Application of Compenſation Money when amounting to 200 l.

XVIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid Acts and this Act, or either of them, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, or Perſon or Perſons under any other Diſability or Incapacity, as in the ſaid recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall 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 there *ex parte* the Truſtees for executing the ſaid Act of the Twenty-ſeventh Year of His preſent Majeſty and 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 and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Parts thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands 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 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 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 mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

XIX. Provided

Application when the Compenſation Money is leſs than 200 l. and not leſs than 20 l.

XIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands 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, in the Name and with the Privity of the 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 (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 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.

XX. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and 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.

XXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid Acts or 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 ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making Claim to any ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and are hereby empowered, in a ſummary Way

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 Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Queſtions touching the Title to Money how to be ſettled.

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

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

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

Limitation of Actions.

XXIV. And be it further enacted, That no Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in

in purſuance of the ſaid recited Acts or of this Act, until One Month's Notice thereof ſhall be given to the Clerk or Clerks of the ſaid Truſtees, nor after ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Two Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid and brought in the Counties of *Glouceſter* or *Wilts*, as the ſame may ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall or may plead the General Iſſue, Not Guilty, and give the ſaid Act and 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 the ſaid Acts and this Act; and if the ſame ſhall appear to be ſo done, or if the ſaid Action or Suit ſhall be brought before One Month's Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict or Verdicts, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in any other Caſe by Law; nor ſhall any Perſon or Perſons who ſhall offend againſt the ſaid recited Acts or this Act be ſued or proſecuted, or be liable to pay any Penalty or Forfeiture laid or inflicted by the ſaid recited Acts or this Act, after the Expiration of Two Calendar Months from the Time of the Offence committed; any Thing herein or the ſaid recited Acts contained to the contrary thereof in anywiſe notwithſtanding.

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

Limiting Term of this Act. XXVI. And be it further enacted, That the Term granted by the ſaid recited Acts ſhall on the paſſing of this Act ceaſe and determine; and the ſaid recited Acts (ſubject to the Alterations, Variations, and Additions herein-before contained), and this Act ſhall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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