ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 80.

An Act for making and maintaining certain Roads from the Town of *Stroud*, and several other Places therein mentioned, all in the County of *Gloucester*.

[27th *May* 1814.]

WHEREAS the making, maintaining, and keeping in Repair, of a Turnpike-Road from or near the Town of *Stroud* through *Bowbridge* and *Brimscomb*, to the *Bourne* in the Parish of *Stroud*, thence through *Chalford* in the Parish of *Bisley*, to or near to the Seventh Milestone in the Parish of *Sapperton*, all in the County of *Gloucester*, there to unite with the present Turnpike-Road, leading from *Cirencester* to *Stroud*; and also from the *Bourne* aforesaid to *Burcomb Bottom* in the Parish of *Bisley*, there to unite with the present Turnpike-Road from *Chalford* to *Bisley*; and also from *Brimscomb* aforesaid to the Cross-ways on *Hampton Common*, there to unite with the present Turnpike-Road leading from *Rodborough* to *Minchinhampton*, in the said County of *Gloucester*, will be a great Benefit, and attended with Convenience to the Owners of Estates and Inhabitants within or near the said Parishes and Places, and will be of public Utility, and will open a better Communication between the Town of *Stroud* and various other parts of the Country: And whereas it will also be of public Utility, if Powers are granted to improve, widen, and keep in good Repair the present Carriage Road leading from *Bowbridge* aforesaid, through the Village of *Thrupp* to *Brimscomb* aforesaid; 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 Sir *Paul Baghott* Knight, *Samuel Paul Baghott*, *Thomas Baghott*, *John Baker* of *Brimscomb*, *John Baker* of *Twisel's Mill*, *Charles Ballinger*, *John Ballinger*, the Honourable *Henry George Bathurst*, commonly called Lord *Apsley*, the Honourable *John Bathurst*, the Honourable *William Lenox Bathurst*, the Honourable *Charles Seymour Bathurst*, *William Baylis*, *George Bevir*, *John Pierce Brisley*, *Benjamin Hayward Brown*, *Henry Burgh*, *Thomas Packer Butt*, *Thomas Byrch*, *William Capel* of *Prestbury*, *Christopher Capel*, *William Capel* of the *Grove*, *John Capel*, *Edward Palling Carruthers*, *William Clutterbuck Chambers*, *James Clutterbuck Chambers*, *Christopher Chambers*, *Daniel Gardiner Chance*, *Joel Chew*, *John Clerk*, *Samuel Clutterbuck*, *James Clutterbuck*, *Edmund Clutterbuck*, *William Cockin*, *Richard Cook*, *Henry Cook*, *John Cook*, *Joseph Cooper*, *Daniel Cox*, *Joseph Cripps*, *Edward Cripps*, *Thomas Croome*, *Robert Croome*, *James Fielder Croome*, *William Croome*, *Robert Bennet Croome*, the Reverend *John Croome*, *John James Dalloway*, *William Veale Darke*, *Richard Hart Davis*, *George Davis*, *Denyer*, *John Disney*, *John Edmund Dowdeswell*, *William Drew*, *William Gabb Drew*, *Peter Drew*, *John Bidmead Driver*, *Nathan Driver*, *Nathan Driver* the Younger, *Henry Eycott*, *Henry Eycott* the Younger, *Paul Hawkins Fisher*, *Benjamin Fisher*, *John Fletcher*, *Stephen Welch Fletcher*, *Thomas Fowler*, *William Gardiner*, *John George*, *James George*, *William Glover*, *John Gordon*, *Robert Gordon*, *Joseph Grazebrook*, *Benjamin Grazebrook*, *Richard Gregory*, Sir *Berkeley William Guise* Baronet, *Robert Wright Hall*, *William Halliday*, *George Harmar*, *William Harries*, *Richard Harris*, *James Harrison*, *John Hawker*, *Richard Hawker*, *Jasper Selwyn Hawkins*, *Thomas Haycock*, *Thomas Reddall Haycock*, *William John Haycock*, *Henry Haycraft*, *Hayward*, Sir *William Hicks* Baronet, *Thomas Holbrow*, *John Holbrow*, *Solomon Hopson*, *Joseph Hort*, *Thomas Horwell*, *Thomas Howell* the Younger, *Robert Hughes*, *Edward Humpage*, *Joseph Iles*, *Thomas Iles*, *William Innell*, *Charles Innell*, *Edward Jones*, *Nathaniel Jones*, *Joseph Jones*, *Amos Jones*, *Jones*, *Anthony Keck*, *Charles Kendrick*, *Charles Kendrick* the Younger, *John Lewis*, *William Lewis*, *George Lewis*, *John Martin*, the Reverend *Edward Manifield*, *George Mason*, *Charles Mason*, *Thomas Mason*, *Richard Miller*, *Thomas Mills*, *Henry Howard Molyneaux*, *William Moore* Doctor in Divinity, the Honourable *Henry John Francis Moreton*, the Honourable *Augustus Keppel Moreton*, *Thomas Moreton*, *John Morgan*, *John Morse*, Sir *James Musgrave*, Baronet, *Henry Neale*, *John Neale*, *Charles Newman*, *Thomas Newcombe*, *John Packer*, *John Palling*, *Thomas Parke*, *Nathaniel Partridge*, *John Partridge*, *Patterson*, Sir *George Onesiphorous Paul* Baronet, *John Perrin*, *Thomas Phillips*, *Joseph Pitt*, *Cornelius Pitt*, *Joseph Pitt* the Younger, *William Playne*, *Peter Playne*, *George Playne*, Sir *Henry Protheroe*, *David Ricardo*, Sir *Edwyn Bayntun Sandys* Baronet, *Sandys*, *Rowles Soudamore*, *William Seville*, *William Seville* the Younger, *Thomas Sheppard*, *John Sims*, *Peter Smith*, *Richard Smith*, *Gustavus Adolphus Smith*, *Samuel Snowden* Doctor of Medicine, *John Snowden*, the Honourable *Robert Edward Henry Somerset*, commonly called Lord *Robert Edward Henry Somerset*, the Honourable *Arthur John Henry Somerset*, commonly called Lord *Arthur John Henry Somerset*, the Honourable *Charles Henry Somerset*, commonly called Lord *Charles Henry Somerset*, *William Stanton*, *William Stanton* the Younger, *Timothy Stevens*, *Timothy Stevens* the Younger, *William Stevens* the Elder, *Charles Page Sweeting*, *Samuel Tanner*, *Monkhouse Tate*, *Edward Tayloe*, *William Tayloe*, *Nathaniel*

Trustees.

Nathaniel Thornbury, *William Toghill*, *Robert Lawrence Townsend*, *Alexander Townsend*, *James Tyers*, Sir *Samuel Wathen* Knight, *Joseph Sheppard Wathen*, *William Henry Wathen*, *Jonathan Wathan*, *Hulbert Wathen*, *Samuel Wathen*, *Edward Levorsage Wathen*, *Nathaniel Wathen*, *George Wathen*, *Philip Wathen*, *Philip Watkins*, *Joseph Watts*, *Peter Watts*, *Richard Watts*, *William Sandilands Wilson*, *James Withey*, *Edward Wood*, *Wyatt*, *William Wynn*, and *William Wynn* the Younger, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Truſtees for repairing, widening, altering, varying, and maintaining the ſaid Roads, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe (of which Meeting, and of the Purpoſe thereof, Fourteen Days Notice ſhall be given as is hereinafter directed reſpecting the Appointment of Truſtees on Vacancies,) to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby nominated and appointed.

Power to elect other Truſtees.

III. And be it further enacted, That when, and as 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 refuſe to act in the Execution of this Act; it ſhall be lawful for the remaining or ſurviving 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 or refuſing 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 be appointed by the ſaid Truſtees, as hereinafter is mentioned, by affixing the ſame in Writing upon all the Toll Gates then erected, and being upon the ſaid Roads, and by inſerting ſuch Notice in one or more of the Newſpapers publiſhed within the City or County of *Gloucester*, Fourteen 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 remaining Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he or they had been named and appointed Truſtees in and by this Act.

Qualification of Truſtees.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment 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 ſhall be Heir-Apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, 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 Three thouſand Pounds; and if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to 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

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 this Act: Provided nevertheleſs, that all Acts and Proceedings by any ſuch Perſon as a Truſtee in the Execution of 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.

V. Provided alſo, 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 next hereinafter mentioned, at the Firſt or Second Meeting of the ſaid Truſtees,) ſhall take an Oath before Five 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 *bonâ fide* ſeiſed 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: [*And in the caſe of an Heir-Apparent,*] 'I *A. B.* do ſwear, That I am Heir-Apparent of *C. D.* who, to the beſt 'of my Knowledge and Belief, is truly and *bonâ 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: [*And in the 'caſe of Perſonal Eſtate,*] I *A. B.* do ſwear, that I am truly and *bonâ 'fide* poſſeſſed of a clear Perſonal Eſtate, of the Amount or Value of 'Three Thouſand Pounds, and that I will truly and faithfully execute the 'Powers and Truſts repoſed in me by an Act of Parliament paſſed in 'the Fifty-fourth Year of the Reign of His Majeſty King George the 'Third, intituled [*here ſet forth the Title of this Act.*]

'So help me God.'

Truſtees holding Places of Profit not to act.

Juſtices may act in both Characters.

VI. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of the Peace within their reſpective Juriſdictions in the Execution of this Act, notwithſtanding their being Truſtees (except only in Caſes where they ſhall be perſonally intereſted); nor ſhall any Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, be on that account deemed unqualified to act as a Truſtee in the Execution of this Act.

Victuallers not to be Officers, or act as Truſtees.

VII. 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, Cyder, 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 hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling

Victualling Houſe, Alehouſe or other Place of public Entertainment, or ſhall ſell any Wine, Cyder, 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.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *George* Inn at *Stroud*, in the County of *Glouceſter*, or at ſome other convenient Houſe or Place, either in the ſaid Town of *Stroud*, or in ſome one of the Pariſhes through or into which the ſaid Roads paſs, or are intended to be made or carried, on the Second Thurſday 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 the ſaid Truſtees ſhall then, and from Time to Time afterwards, adjourn themſelves, and meet at the ſame Place, or at ſuch other Place, either in the ſaid Town, or in ſome one of the ſaid Pariſhes, through or into which the ſaid Roads paſs, or are intended to be made or carried, and 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 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 of the ſaid Truſtees ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in writing to be affixed on all the Toll Gates then erected, in, upon, acroſs, or on the Sides of the ſaid Roads, and to be inſerted in one or more of the Newſpapers publiſhed within the City or County of *Glouceſter*, at leaſt Fourteen 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 this Act, before the Hour of Eleven in the Forenoon; nor ſhall any Adjournment be made, or 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.

Meetings on Emergencies.

IX. 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 this Act, and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall

How Orders of the Truſtees are to be made and revoked.

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 Determination 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 as 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 to and 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 Five Truſtees, unleſs otherwiſe directed.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

Orders, &c. to be entered.

XI. 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 their Clerk; which Book or Books, and alſo the Book or Books hereinafter directed to be kept for regiſtering Mortgages and Aſſignments, or Transfers thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Appointing Officers, &c.

XII. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered, by Writing under their reſpective Hands, to appoint one or more Collector or Collectors of the ſaid Tolls, and a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Roads, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove; and on Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their ſtead; and may, and are hereby authorized and empowered, out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them or any of them in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, upon Oath (which Oath any One of the ſaid Truſtees, being a Juſtice of the Peace, is hereby empowered to adminiſter), of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together

How Officers ſhall account.

together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall refuſe or neglect to pay the Money due on ſuch Account in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, or Writings in his Cuſtody or Power, relating to the Execution of this Act, then and in every or any of the ſaid Caſes, it ſhall be lawful for any One or more Juſtices of the Peace for the County of *Glouceſter*, upon Complaint made to them by any Five or more of the ſaid Truſtees, and ſuch Juſtices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced; and if, upon Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes (which Oath ſuch Juſtices are hereby empowered and required to adminiſter), or upon Inſpection of the ſaid Accounts, if produced, it ſhall appear to ſuch Juſtices that any of the Money which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may and they are hereby authorized and required, on Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively, and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or if ſuch Officer or Officers, or other Perſon or Perſons ſhall not appear before the ſaid Juſtices, unleſs for ſome ſufficient Excuſe, at the Time and Place by them appointed for that Purpoſe, or, if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtices an Account or Accounts of all Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, or of the Articles thereof, on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his, her, or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Roads; then and in either of the Caſes aforeſaid, ſuch Juſtices may, and they are authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons to the Common Gaol or Houſe of Correction of the ſame County, there to remain without Bail or Mainprize, until he ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make), or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be ſo committed for

Want

Want of ſufficient Diſtreſs, ſhall be detained in Priſon, by virtue of this Act, for a longer Space of Time than Six Calendar Months.

Treaſurer, &c. to give Security.

XIII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices; and that no ſuch Treaſurer, Receiver, Collector, or other Officer ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Truſtees may appoint temporary Collectors in certain Caſes.

XIV. 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; and every 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, 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 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 Three 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.

No Truſtee ſhall vote for Officers who has not acted in the preceding Year.

XV. Provided always, and be it enacted, That after the firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officers reſpectively, upon Death or any other Vacancy or Vacancies, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act, at leaſt once within the Space of One Year next preceding the Time of ſuch laſt-mentioned Nomination or Appointment.

Truſtees may ſue and be ſued in the

XVI. 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

of 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 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 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.

Name of their Clerk or Treasurer.

How Expences to be paid.

XVII. And, for the Purpose of collecting and receiving the Tolls hereby 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 erect or cause to be erected such and so many Toll Gates or Toll Bars, in, upon, or across such Parts and in such Places of the said Roads, and also such and so many Toll Gates or Toll Bars on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Byeway, 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 Statute Perches of Land, at or near each of the said Toll Gates or Toll Bars.

Power to erect Toll Gates, Toll Houses, &c.

XVIII. 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 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 Roads, 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 Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid.

Toll Houses, &c. vested in Trustees.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby

Power to remove Toll Gates.

hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Toll Bars which ſhall be erected in, upon, or acroſs, or on the Side or Sides of the ſaid Roads by virtue of this Act, to be removed to and erected in, or diſcontinued upon or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Roads, as the ſaid Truſtees or any Five or more of them ſhall from Time to Time order and direct; provided that none of the ſaid Toll Gates or Toll Bars ſhall be removed or diſcontinued as aforeſaid, unleſs Fourteen Days previous Notice of the Intention to remove or diſcontinue the ſame ſhall have been given in one or more of the Newſpapers publiſhed within the City or County of *Glouceſter* aforeſaid, and alſo affixed in Writing upon all the Toll Gates then ſtanding upon the ſaid Roads.

Power to take Tolls.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Toll Gates or Toll Bars, or Toll Gate or Toll Bar, which ſhall be erected in, upon, acroſs, or on the Side or Sides of the ſaid Roads by this Act directed to be made, widened, improved, and kept in Repair, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the ſaid Roads, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night;) that is to ſay,

Tolls.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox or other Beaſt or Cattle, drawing any Carriage, the Sum of Eight-pence:

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

For every Drove of Oxen or other Neat Cattle, the Sum of one Shilling and Eight-pence per Score; and ſo in Proportion for any greater or leſs Number: And

For every Drove of Calves, Hogs, Sheep, Lambs, or Swine, the Sum of Ten-pence per Score; and ſo in Proportion for any greater or leſs Number:

Tolls veſted in the Truſtees.

And the ſaid reſpective Tolls ſhall be demanded and taken, before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage whatſoever, be permitted to paſs through any ſuch Toll Gate or Toll Bar; and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is hereinafter mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe, Cattle, or Beaſt, together with their Bridles, Saddles, Harneſs, or Accoutrements, or any Carriage with its Lading, upon which any Toll is by this Act impoſed, (but no ſuch Bridle, Saddle, Harneſs, or Accoutrements ſhall be ſo ſeized without detaining and ſeizing the Horſe or other Beaſt bearing the ſame,) or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and

and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, and keeping the ſame, ſhall not be paid within the Space of Three Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels ſo diſtrained, or a ſufficient Part of ſuch Goods and Chattels, and out of the Money which ſhall ariſe by ſuch Sale, pay ſuch Tolls and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any), upon Demand, to the Owner or Owners thereof.

Number of Tolls limited.

XXI. Provided always, and it is hereby enacted and declared, That no more than one Toll ſhall be demanded or taken from any Perſon or Perſons paſſing and repaſſing the ſame Day with or driving the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, through all the Toll Gates or Toll Bars which ſhall be erected by virtue of this Act; and that all and every Perſon and Perſons having paid the full Toll impoſed by this Act, at any One of ſuch Toll Gates, producing a Note or Ticket denoting the Payment thereof (which Note or Ticket the Collectors of the Tolls are hereby required to give gratis on the Receipt of ſuch Toll), ſhall paſs and repaſs during the ſame Day any Number of Times, with the ſame Horſes, Cattle, and Carriages, Toll-free, through all other the Toll Gates ſo to be erected as aforeſaid.

For ſettling Diſputes concerning Tolls.

XXII. And be it further enacted, That if any Diſputes ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or other Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the ſaid County of *Glouceſter*, who, on Application made to him for that Purpoſe, ſhall examine the Matter on Oath of the Parties or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Attendance of the Collector or other Perſon for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector, or other Perſon, before he ſhall be compellable to return the ſaid Diſtreſs or Overplus, or any Part thereof.

Collectors declared competent Witneſſes.

XXIII. 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.

To prevent Evaſion of Tolls.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, 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 Owners, Occupier or Occupiers of ſuch Land or Ground,) the ſame not being a Common Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall know-

knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall be evaded, or with Intent to evade the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon other than the Collectors of ſuch Tolls, or forge a Counterfeit of 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, Beaſt, or Carriage, or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Ox, or any other Cattle or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts of the ſaid Tolls, ſhall be evaded, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Roads, 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, or with ſuch Intent ſhall unload any Goods from any Carriage, 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 Tolls.

XXV. And be it further enacted, That no Toll ſhall be demanded or taken 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 Roads, going for or carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed on or about the ſaid Roads, 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 Roads, or on returning having been ſo employed; nor carrying or conveying Hay not having been ſtacked, Straw or Corn in the Straw only, not to be ſold or diſpoſed of, but going to be laid up in the Houſes, Outhouſes, Barns, or Yards of the Owners thereof; nor any Plough, Harrow, or other Implement of Huſbandry to be uſed in the Cultivation of Lands; nor any Mould, Dung, Aſhes, Soil, or Compoſt for the manuring of Lands, (Chalk, Marl, and Lime excepted,) or when going for, or returning empty, having been ſo employed; nor from any Clergyman going to or returning from viſiting any of his ſick Pariſhioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Miniſterial Duty; nor from any other Perſon or Perſons reſiding in the ſaid Pariſhes, Diſtricts, or Places, who ſhall paſs through any of the ſaid Toll Gates or Toll Bars to or from Church, Chapel, or other Place of religious Worſhip, ſituate within any of the ſaid Pariſhes, Diſtricts, or Places, on a Sunday, 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 Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter-General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying

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 ſick, 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 Officer, 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 or Knights of the Shire to ſerve in Parliament for the ſaid County 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 any 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: Provided always, that no Toll ſhall be demanded or taken for any Horſe, Cattle, or Carriage which ſhall not go or paſs more than One hundred Yards upon the ſaid Roads.

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

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

Tolls may be reduced.

XXVII. 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 hereby granted or made payable at all or any of the Toll Gates to be erected by virtue of this Act, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportions as they ſhall think fit, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by 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 upon all the Toll Gates then erected across the said Roads, and also inserted in one or more of the Newspapers published or generally circulated in the County of *Gloucester*.

Trustees may compound for Tolls.

XXVIII. 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 Roads 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 Roads, 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.

Power to lease the Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by an Act of Parliament, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into one Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Roads intended to be made, repaired, and amended by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit; they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person and Persons to whom such Tolls shall be leased and demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit.

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 Collectors of the said Tolls appointed under or by virtue of this Act is by this Act authorized and 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 Roads, 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 Perſon whomſoever, for or 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 Roads, 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 that 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 Roads, 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.

In caſe of other Truſts erecting Side Gates, Truſtees may compound.

XXXII. And whereas the Roads hereby directed to be made and repaired may interſect or open a Communication with other Turnpike Roads, and the Truſtees of ſuch Roads may judge it expedient to erect additional Toll Gates on ſome Part of ſuch Roads, or the Sides thereof, in conſequence of the paſſing of this Act; be it therefore enacted, That in caſe the Truſtees of any ſuch Roads ſhall at any Time or Times hereafter propoſe to erect any Toll Gate on any Part of ſuch Road or Roads, or the Sides thereof, where, in the Judgment of any Five or more of the Truſtees for executing this Act, aſſembled at a Meeting, ſuch Toll Gate, if erected, would be detrimental to the Funds ariſing under this Act, it ſhall be lawful for ſuch Truſtees ſo aſſembled to agree with the Truſtees of any other ſuch Roads as aforeſaid, for the Payment to them of ſuch Sum or Sums of Money as ſhall be adjuſted and agreed on between them reſpectively, for and in conſideration of their refraining from erecting any ſuch Toll Gate as aforeſaid; and to pay ſuch Sum or Sums of Money ſo to be agreed on out of any Money to ariſe by virtue of this Act.

Empowering the Truſtees of the Chalford and Biſley Turnpike Road to make an Agreement for a Side Bar with the Truſtees for

XXXIII. And whereas Part of one of the Roads hereby directed to be repaired, (*videlicet*,) that Part which leads from or near a Mill belonging to *Monkhouſe Tate* Eſquire, to near a Mill belonging to *John Bidmead Driver*, is intercepted by a Part of the preſent Turnpike Road leading from *Chalford* to *Biſley*, at or near the *Companies Arms* Public Houſe at *Chalford* aforeſaid, for a Diſtance of One hundred Yards or thereabouts, and which Turnpike Road forms Part of the Second Diſtrict of Roads compriſed in an Act, paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing for Twenty-one Years*,

executing this Act.

Years, and from thence to the End of the then next Seſſion of Parliament, the Term, and altering and enlarging the Powers, of two Acts, paſſed in the Thirty-firſt Year of the Reign of His late Majeſty King George *the Second, and in the Twentieth Year of the Reign of His preſent Majeſty, for repairing and widening ſeveral Roads therein mentioned, ſo far as the ſame Acts relate to the Road from the Market Houſe in* Tetbury *to the Turnpike Road on* Minchinhampton Common, *and from the ſaid Road in* Minchinhampton Field *unto the Turnpike Road from* Cirenceſter *to* Stroud, *near* Burnt Aſh, *and from the ſaid Turnpike Road to* Tayloe's Mill Pond *in* Chalford Bottom, *and through* Hide *to the Bottom of the* Bourn Hill *in the County of* Glouceſter; *and for repairing, altering, and improving the Road from* Tayloe's Mill Pond *aforeſaid to* Foſton's Aſh, *in the Pariſh of* Biſley *in the ſaid County of* Glouceſter: And whereas the Truſtees of the ſaid Diſtrict of Roads have erected a Side Bar or Toll Gate on Part of the ſaid Road intended to be improved and kept in Repair by virtue of this Act, at or near the Bridge leading over the *Thames* and *Severn Canal* towards *Driver's Mill* aforeſaid: And whereas the Truſtees of the ſaid Diſtrict of Roads might be willing, on being paid an annual Sum of Money during the Continuance of this Act, out of the Tolls to ariſe by virtue of this Act, to reſign and relinquiſh the ſaid Side Bar or Toll Gate, and all Tolls to be taken thereat for the Benefit of the Truſts to be created by this Act, and to be reſtricted from erecting any Toll Gate on any Part of the ſaid Turnpike Road which ſo intercepts the Roads by this Act intended to be repaired in the Manner hereinbefore mentioned; be it therefore further enacted, That it ſhall be lawful for the Truſtees of the ſaid Diſtrict of Roads, and the Truſtees for carrying this Act into Execution, to enter into an Agreement as to what Allowance or Compenſation, by annual Payment or otherwiſe, ſhall be made out of the Funds to ariſe by virtue of this Act to the Truſtees of the ſaid Diſtrict of Roads, in conſideration of their relinquiſhing the ſaid Side Bar or Toll Gate, now ſtanding at or near the Bridge leading over the *Thames* and *Severn* Canal, to the Truſtees for executing this Act; and it ſhall be lawful for the Truſtees acting in the Execution of this Act to pay or cauſe to be paid any Sum of Money ſo to be agreed on to the Truſtees of the ſaid Diſtrict of Roads, or to their Treaſurer, out of the Monies to ariſe by virtue of this Act; and in caſe ſuch Agreement ſhall be entered into, then and thenceforth, ſo long as the Truſtees for executing this Act ſhall perform their Parts thereof, it ſhall not be lawful for the Truſtees of the ſaid Diſtrict of Roads, or any other Perſon or Perſons, to erect or cauſe to be erected any Toll Gate or Side Bar on any Part or Sides of the ſaid Turnpike Road, which may intercept the Roads in the Manner before-mentioned to be made or repaired by virtue of this Act, or by which any Perſon or Perſons may be prevented from travelling on the ſaid Turnpike Road, or be required to pay any Toll on that account, any Law or Statute to the contrary notwithſtanding; and the ſaid Truſtees acting for the ſaid Diſtrict of Roads which ſo intercepts the ſaid Road by this Act intended to be made and repaired as aforeſaid, ſhall from Time to Time repair and keep in Repair, and open the ſaid Turnpike Road leading from *Chalford* to *Biſley*, which ſo intercepts the ſaid Road intended by this Act to be made and repaired as aforeſaid, in like Manner as they might have been compelled to do if this Act had not been paſſed.

XXXIV. And

For borrowing Money on Security of Tolls.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting, to borrow and take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money, as they or any Five or more of them shall think fit; and for securing the Repayment of all such Sum and Sums with Interest, they the said Trustees or any Five or more of them are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls, or any Part or Parcel thereof, and the Toll Gates and Toll Houses for collecting the same, during the Continuance of this Act, (the Charges of such Mortgages to be paid out of such Tolls,) as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say)

Form of Mortgage.

'BY virtue of an Act, passed in the Fifty-fourth Year of the Reign of 'His Majesty King *George* the Third, intituled, [*Here set forth the* '*Title of this Act*,] We of the Trustees for putting the said 'Act in Execution, in Consideration of the Sum of 'in Hand, advanced and paid by *A. B.* of 'to the Treasurer of the said Roads, do hereby grant, bargain, sell, and demise unto the said *A. B.*, his Executors, Administrators, and Assigns, for and during the Continuance of this Act, 'such Proportion of the Tolls to arise upon the said Roads, and the 'Toll Gates and Toll Houses already or hereafter to be made and 'erected for collecting the same, as the said Sum of 'doth or shall bear to the whole Sum now or hereafter 'to become due and owing on the Security thereof; to be had and 'holden from the Day of the Date hereof for and during the Continuance of the said Act, unless the said Sum of 'with Interest after the Rate of *per Centum per Annum*, 'shall be sooner repaid and satisfied: Given under our Hands this 'Day of

Copies to be entered.

And Copies of all such Mortgages, or Mortgage Securities, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; but no Money shall be borrowed on Security of the Tolls, beyond the Sum which shall be fixed upon by the said Trustees at the first Meeting, to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Toll Gates then erected by virtue of this Act, and be also inserted in one or more of the Newspapers published within the said City or County of *Gloucester*, at least Fourteen Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then Creditors shall consent thereto; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer

his, her, or their Right, Title, and Intereſt in and to ſuch Mortgage, and the Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever: which Aſſignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be underwritten or thereunto annexed, and ſigned in the Preſence of and atteſted by one or more credible Witneſs or Witneſſes; (that is to ſay)

Form of Transfer.

'I the within-named *A. B.*, or I, *C. D.* Aſſignee, Executor, or Administrator of the within-named *A. B.* [*as the Caſe may happen*], Do hereby aſſign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby ſecured, and all Intereſt now due and hereafter to grow due upon the ſame, unto *E.F.* of his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

'Witneſs to the ſigning hereof .'

Transfers to be entered.

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer within Two Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books; for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage Security; and every ſuch Aſſignee may in like Manner aſſign or transfer the ſame, and ſo *toties quoties*, and it ſhall not be in the Power of any Perſon or Perſons, (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, his, her, or their reſpective Executors or Adminiſtrators,) to releaſe, diſcharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Perſons to whom any ſuch Mortgage or Transfer ſhall be made as aforeſaid, ſhall, in proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Toll Gates and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of Priority of advancing their Monies, or of the Dates of their reſpective Securities, or otherwiſe, except as hereinafter mentioned.

For paying Creditors by Lot.

XXXV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall at any Time or Times be deſirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the ſaid Roads, it ſhall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforeſaid, Notice of ſuch intended Meeting and of the Purpoſe thereof being firſt given, at leaſt Fourteen Days preceding the ſame, by Advertiſement in ſome Newſpaper printed in or uſually circulated within the ſaid County of *Glouceſter*, if they ſhall think fit, inſtead of paying the ſame rateably amongſt all the Creditors, to determine by Lot to which of ſuch Creditors the whole or any Portion thereof ſhall be ſo paid, and to pay the ſame to ſuch Creditor or Creditors only, any Thing herein contained to the contrary thereof notwithſtanding.

Application of the Money.

XXXVI. And be it further enacted, That all the Monies that ſhall ariſe and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue

virtue of 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 or 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 Roads; in the third place, in paying the Intereſt accruing from Time to Time upon the ſeveral Principal Sums of Money 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 making, maintaining, diverting, altering, raiſing, widening, repairing, and preſerving the ſaid Roads 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 laſtly in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money which ſhall be ſecured in purſuance of this Act, either rateably or by Lot, as the ſaid Truſtees ſhall think proper.

Truſtees may widen, turn, or alter the Roads.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, alter, or repair any Part or Parts of the ſaid Roads (within the Limits hereinafter mentioned, or beyond ſuch Limits, with the Conſent in Writing of the Owners or Proprietors of the Lands through which the ſame ſhall be carried;) in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, firſt making ſatisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may ſuſtain thereby, and for that Purpoſe 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 Roads hereby authorized to be made, are intended to paſs; and alſo upon any adjoining Lands or Grounds, and to ſtake out the ſaid Roads, and alſo to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Roads, and alſo 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 any narrow or ruinous Parts of the Roads are widening or repairing, and until the ſaid Roads 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 diſputed Value of Lands to be purchaſed or uſed by virtue of this Act is hereinafter directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove,

or

or deſtroy any of the Stakes or other Marks uſed in laying out any Part of ſuch Roads, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Roads to be made according to Plan.

XXXVIII. And whereas a Map or Plan deſcribing the line of the ſaid intended Roads, and the Lands through which the ſame are to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited with the Clerk of the Peace for the County of *Glouceſter*; be it therefore enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the end that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Six-pence 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 the ſaid Roads, ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, unleſs otherwiſe directed by this Act.

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

XXXIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid Roads into, through, acroſs, or over the Lands, Hereditaments, or Premiſes of any Perſon or Perſons who is, or are, or may be Owner or Owners of Land 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 reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XL. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or 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 this Act contained to the contrary in anywiſe notwithſtanding.

Truſtees to fence the new Roads.

XLI. And be it further enacted, That in all Caſes where the ſaid Truſtees ſhall, by virtue of this Act, make any new Road over and through any private Grounds, or ſhall take away any Fence for widening,

ing, 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 all ſuch Roads; and alſo proper Gates, Bridges, and Arches, where neceſſary, out of the ſaid Roads 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.

For ſtopping up a Road, and for ſubſtituting another in lieu thereof.

XLII. And whereas it would ſhorten the Diſtance, and be of public Utility, if in the Road from *Cirenceſter* aforeſaid to *Stroud* aforeſaid, from a Place called *Hermitage Bottom* to *Cirenceſter* aforeſaid, a new Road were made over Lands, and on the South Side of the Park belonging to the Right Honourable the Earl *Bathurſt*, to the Turnpike Road leading from *Cirenceſter* aforeſaid to *Tetbury* in the ſaid County of *Glouceſter*, at or near a Place called *Tetbury* Toll Gate, in the Pariſh of *Cirenceſter* aforeſaid; which new Road the ſaid Earl *Bathurſt* has agreed to make and complete, in conſideration that the preſent Road from *Hermitage Bottom* aforeſaid to the Toll Gate near the *Round Tower*, on the preſent Road from *Cirenceſter* to *Stroud* aforeſaid, ſhall be ſtopped up and diſcontinued, and the Ground and Soil thereof veſted in and to the Uſe of the ſaid Earl *Bathurſt* and his Heirs: Be it therefore further enacted, That if the ſaid Earl *Bathurſt* or his Heirs do, at his and their own Coſt and Expence, make, or cauſe to be made, a good and ſufficient Road for Carriages and Horſes, of ſuch Width and Dimenſions as public Highways or Turnpike Roads are by Law required to be made, from *Hermitage Bottom* aforeſaid to the ſaid Road leading from *Cirenceſter* to *Tetbury*, and at or near the Toll-Gate or Place hereinbefore mentioned; and if any Two of His Majeſty's Juſtices of the Peace, acting for the County of *Glouceſter*, ſhall certify to the Juſtices of the Peace to be aſſembled at any General Quarter Seſſions for the ſaid County of *Glouceſter*, that ſuch Road is well and ſufficiently made, and is fit and commodious for the Paſſage of Horſes, Cattle, and Carriages, then the Road ſo ſet out and made ſhall thenceforth be and become a public Highway and Road, and ſhall veſt in the Truſtees of the ſaid Road from *Cirenceſter* to *Stroud* aforeſaid, to, for, and upon the ſame Truſts in every reſpect as the other Parts of the ſaid Road from *Cirenceſter* to *Stroud* aforeſaid from Time to Time ſhall be veſted in ſuch Truſtees; and thenceforth the ſaid Road from *Hermitage Bottom* aforeſaid, to the ſaid Toll Gate near the ſaid *Round Tower*, ſhall be ſtopped up and diſcontinued, and be no longer uſed as a public Road, and the Ground and Soil of the ſame ſhall become the Property of, and be veſted in, the ſaid Earl *Bathurſt* and his Heirs.

Allowing an Agreement to be made between the Cirenceſter and Stroud Road Truſtees.

XLIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Truſtees of the ſaid Road leading from *Cirenceſter* to *Tetbury* aforeſaid, and the Truſtees of the ſaid Road leading from *Cirenceſter* to *Stroud* aforeſaid, to come to an Agreement as to what Allowance or Compenſation, by annual Payments or otherwiſe, ſhall be made out of the Funds of the Truſtees of the ſaid Road from *Cirenceſter* to *Stroud* to the Truſtees of the ſaid Road from *Cirenceſter* to *Tetbury* aforeſaid,

aforesaid, in respect to the Use which the Public, going from the said *Stroud* Road to *Cirencester* aforesaid, or from *Cirencester* aforesaid to the said *Stroud* Road, shall make of the said Road from *Cirencester* to *Tetbury* aforesaid; and if such Agreement be made, then and thenceforth, so long as the said Trustees of the said Road from *Cirencester* to *Stroud* aforesaid shall perform their Parts thereof, the said Trustees of the said Road from *Cirencester* to *Tetbury* aforesaid shall not impose or take any Toll for Carriages, Horses, or otherwise, going or travelling from *Cirencester* aforesaid to the said Road to *Stroud*, or from the said Road from *Stroud* to *Cirencester*, any Law to the contrary notwithstanding.

Trustees may purchase Lands.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners and Persons interested in any such private Lands or Grounds, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested, or any of them, shall or may sustain by such making, forming, widening, turning or diverting any Part or Parts of the said Roads, by this Act directed or authorized to be made, improved, and kept in Repair; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Femes Covert, *Cestuique* Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any of such Lands and Grounds as Occasion shall require; and all Contracts, Sales, and Conveyances, which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so intended to be taken or used for the Purposes of this Act, or into or through which any of the said Roads may be diverted or turned by virtue of this Act, shall, by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Gloucester*,

Corporations and incapacitated Persons empowered to sell, &c.

ceſter, (which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter,) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted, for, upon, or on account of the taking or uſing of ſuch Lands or Grounds for the Purpoſes of this Act; and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time, as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained, and ſettled ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order or Determination, ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming, in Poſſeſſion, in Fee or in Tail, general or ſpecial, Reverſion or Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Perſons whomſoever; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Glouceſter*, thereby commanding and requiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear on ſuch Summons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear without ſufficient Excuſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein contrary to the true Intent and Meaning

Sheriff, &c. to be fined on Neglect of Duty.

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ing of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or, appearing, shall refuse to be sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied; so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

How Expences of Jury, &c. shall be paid.

XLV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money then raised or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County of *Gloucester*, not interested in the Matter in question, (who is hereby required to examine and settle the same,) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures; provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

Upon payment of the Purchase Money, the Lands to be taken for the Roads.

XLVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for or 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 this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent

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or Agents; and upon Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with,) upon depositing the same in 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 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 Roads, and shall to all Intents and Purposes become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Roads by this Act directed to be maintained, improved, and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

First Offer, to whom to be made.

XLVII. 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 this Act, or any old Road to be stopped up or discontinued by virtue of this Act, and which is not by this Act directed to be otherwise disposed of, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively 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 Master Extraordinary of the High Court of Chancery, or before One 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 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 directed with respect to 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 the 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 200l.

XLVIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons under any other 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 was made.

Where leſs than 200l. and above 20l.

XLIX. 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 all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be

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 hereinbefore 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 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 hereinbefore 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 20*l.*

L. 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 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; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

LI. 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 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 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 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

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.

In caſe of a diſputed Title.

LII. 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 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.

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

For getting Materials for repairing the Roads, &c.

LIV. And be it further enacted, That it ſhall be lawful for the Surveyor and Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for repairing the ſaid Roads, out of any Common or Waſte, River or Brook, not being within the Diſtance of One Hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Pariſh, Town, Village, or Hamlet, within which the ſaid Roads, or any Part or Parts thereof, do lie, or is or are intended to be made; and for Want of ſufficient Quantities of ſuch Furze, Heath,

Stone,

Stone, Sand, Gravel, or other Materials in the Places laſt deſcribed, then to dig, take, and carry away the like Materials out of any Common or Waſte, River or Brook, not being within the like Diſtance from any Bridge, Dam, Weir, and Jetty, in any adjoining Pariſh, Town, Village, or Hamlet, without making any Recompenſe for the ſame, the ſaid Surveyor or Surveyors filling up, fencing, and levelling all ſuch Pits and Holes as ſhall be made or occaſioned by digging for or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons through whoſe Lands or private Ways ſuch Materials ſhall be led and carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Commons or Waſtes, Rivers and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor and Surveyors, by order of the ſaid Truſtees, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons (not being a Garden, Yard, Paddock, Park, planted Walk or Avenue to any Houſe, or incloſed Ground planted, ſet apart, or uſed as a Plantation or Nurſery for Trees), where ſuch Materials are or may be found, in any ſuch Pariſh or Place, and from Time to Time to carry away ſuch and ſo much of the ſaid Materials reſpectively, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for making, repairing, and amending the ſaid Roads, paying ſuch Recompence for the ſame, and for the Damage done to the Owners and Occupiers of the reſpective Grounds where, through, and whence the ſame ſhall be dug and carried away, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers, or any of them, and the ſaid Truſtees, touching the Damages aforeſaid, then the Amount thereof ſhall be ſettled by any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, but ſubject to ſuch Appeal to the General Quarter Seſſions of the Peace, to be holden in and for the ſaid County, as is hereinafter directed.

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

LV. 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 any ſuch Materials for repairing ſuch Roads, 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 Two or more Juſtices of the Peace for the County of *Glouceſter*, to ſhew Cauſe why ſuch Materials ſhould not 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 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 ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, ſuch 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.

Penalty on taking away Materials got by Surveyor.

LVI. 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 Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, 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 the 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 the Sum of Five Pounds.

Surveyors may remove Annoyances.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof, and to open, ſcour, cleanſe, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Roads, or any Part or Parts thereof; and alſo to cut down, top or lop, at proper Seaſons of the Year, any Trees, Branches, or Buſhes growing in the Hedges, Fences, or Grounds adjoining thereto, ſo as to reduce ſuch Hedges to any Height not leſs than Four Feet, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Seven Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch reſpective Owners or Occupiers neglecting to cut down ſuch Trees, Branches, or Buſhes, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as any Forfeiture or Penalty is hereinafter directed to be levied and recovered; and if, after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in like Manner, every ſuch Perſon ſhall, for every ſuch Second or other repeated Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Cauſeways, cut Drains, &c.

LVIII. 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 Foot-paths in or along the Sides of the ſaid Roads, or any Part thereof, and to cut or make Drains or Watercourſes upon and through any Lands lying contiguous to the ſaid Roads, 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, Barriers, and other Erections on any Part or Parts of the ſaid Roads, in order to prevent any Rivulet or Current of Water from flooding the ſame, as ſuch Surveyor

Surveyor or Surveyors ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Lands adjoining to any narrow or ruinous Parts of the ſaid Roads, (not having a Houſe or other Building thereon, and not being a Garden, Orchard, planted Walk or Avenue to any Houſe, or a Plantation or Nurſery of Trees,) to be made uſe of as a temporary Road, whilſt any Part of the ſaid Roads ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers; 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 any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the ſaid County of *Glouceſter*, at their General Quarter Seſſions of the Peace to be holden next after ſuch Difference ſhall ariſe.

Roads to be meaſured, and Mile-Stones erected.

LIX. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required from Time to Time to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Roads, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places from any Town or Place; and alſo cauſe to be erected Guide-Poſts upon ſuch Parts of the ſaid Roads 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 or Mile Poſt or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the ſaid Roads, 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 upon or on the Side of or adjoining to the ſaid Roads, 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 if any Perſon ſhall cauſe to be hauled or drawn upon any Part of the ſaid Roads, 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 Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſaid Roads, or the Fences on either Side thereof; or if any Perſon driving any Carriage upon the ſaid Roads, 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 Roads, and alſo keep on the ſame Side himſelf; or if any 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 Roads; 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, on any Part of the ſaid Roads; or if any Perſon ſhall leave any Carriage (except in caſes of Accident, and when ſuch Carriage ſhall be placed as near to the Side of the ſaid Roads as may be) upon or on the Side of the ſaid Roads, 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 ſhall lay any Timber, Stone, Chalk, Marl,

Penalties for defacing, and committing any Nuiſances.

Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Roads, or on the Side or Sides thereof, between the ſaid Roads 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 Roads 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 Roads, 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 Ground, and be carried away without being brought over any Part of the ſaid Roads, or that the ſame 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 hereinafter directed.

Truſtees may contract for Repairs, or any other Works.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract and agree with any Perſon or Perſons for the forming, making, or repairing of the ſaid Roads, or any Part or Parts thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money annually, or for a Term of Years or otherwiſe, as the ſaid Truſtees or any Five or more of them ſhall think proper.

Perſons liable to repair the Roads to continue ſo.

LXI. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part or Parts of the ſaid Roads by this Act directed to be widened or repaired, or any Bridge or Bridges, or other neceſſary Things thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner and to the ſame Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the paſſing of this Act.

Perſons chargeable to Statute Work to continue ſo.

LXII. Provided always, 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 thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Glouceſter*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, Yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads are or ſhall be made; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon

mon the Surveyor or Surveyors of the Highways for every ſuch Pariſh 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 or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may 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 Hay-time or Harveſt), and in ſuch Part of the ſaid Roads, 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 ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and 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 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 Public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs 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 aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer 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 reſpectively, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every

such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

LXIII. 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 Politic 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 or shall be situated, 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 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 to the said Trustees, in Advance, on or before the First Day of *January* 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.

Penalty for assaulting Collectors, or obstructing the Execution of this Act.

LXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or Gate-keeper, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees or any of them employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

For securing transient Offenders.

LXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers, appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed.

Punishing Collectors misbehaving.

LXVI. And, in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, Gate-keepers, and other Officers as aforesaid, be it further enacted, That every Person employed as a Collector, Gate-keeper or otherwise, to collect any of the Tolls hereby granted and made payable, shall from Time to Time affix his Christian and Surname on a Board in some conspicuous Part of the Toll House at which he shall be so appointed, on each and every Day that he shall continue such Collection, under the Penalty of any Sum not exceeding Twenty Shillings; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls or otherwise, by taking excessive Toll, demanding or taking Toll from Persons entitled to Exemption, or otherwise not liable, or where none is due or payable, using abusive

abuſive or improper Language to, or otherwiſe miſconducting himſelf to any Perſon or Perſons paſſing or claiming to paſs through, or coming to any of the Toll Gates to be erected by virtue of this Act, and ſhall be thereof convicted, on his own Confeſſion, or on the Oath of one or more credible Witneſs or Witneſſes, before one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Glouceſter*, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, and in Default of Payment thereof ſhall be committed to the Common Gaol or Houſe of Correction for any Time not exceeding One Calendar Month.

Penalties and Forfeitures, how to be recovered and applied.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be impoſed, (if the Manner of levying and recovering thereof be not herein otherwiſe directed,) ſhall, upon Proof of the Offences reſpectively, before any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or wherein the Offender ſhall be and reſide, either by Confeſſion of the Party or Parties offending, or by the Oath of one or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes;) and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of the Diſtreſs and Sale, are recovered and deducted, ſhall be returned, upon Demand, to the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwiſe directed to be applied by this Act), ſhall be from Time to Time paid, one Moiety thereof to the Informer, and the other Moiety thereof to the Treaſurer or Clerk to the ſaid Truſtees, and applied to the Purpoſes of this Act; and in caſe ſuch ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for ſuch County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Offences.

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

Form of Conviction.

to Wit. ‘ BE it remembered, That on the Day of in the Year of our Lord *A. B.* is con-
‘ victed before me, One of His Majeſty's Juſtices of the Peace for the
‘ ſaid County, by virtue of an Act of the Fifty-fourth Year of the Reign
‘ of King *George* the Third, intituled, [*here ſet forth the Title of this*
‘ *Act*,

'*Act, and ſpecify the Offence, and when and where committed.*] Given 'under my Hand and Seal the Day and Year above written.'

Subſcribers compellable to pay their Subſcription.

LXIX. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers towards the Expence of obtaining and paſſing this Act, and carrying the ſame into Execution, or any One or more of them, or any Perſon or Perſons who ſhall hereafter become, or agree to become, a Subſcriber or Subſcribers for the Purpoſes aforeſaid, ſhall, after Ten Days previous Notice in Writing, under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe, to him, her, or them given, or left at his, her, or their Dwelling Houſe, or uſual Place or Places of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſo ſubſcribed, or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring, or cauſe to be brought, any Action of Debt, or on the Caſe, Bill, Plaint, or Suit againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed, or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiffs in all ſuch Action and Actions, and Executions ſhall iſſue thereupon, as the Caſe may require.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done or omitted to be done in purſuance of this Act, either by the ſaid Truſtees, or by any one or more of His Majeſty's Juſtices of the Peace, ſuch Perſon may appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the County of *Glouceſter*, ſuch Appellant (if ſufficient Time after the Cauſe of ſuch Complaint ſhall have ariſen) firſt giving or cauſing to be given Eight Days Notice at leaſt, in Writing, of his or her Intention of bringing ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days next after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and for Want of ſufficient Time for giving ſuch Notice previous to the firſt Quarter Seſſions after the Cauſe of ſuch Complaint ſhall have happened, then ſuch Appeal, after ſuch Notice, and under ſuch Recognizance, may be made at the Second General Quarter Seſſions of the Peace to be holden for the ſaid County; and the Juſtices at ſuch Firſt or Second Seſſions, upon due Proof of ſuch Notice having been given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels

of

of the Perſon or Perſons who ſhall refuſe or neglect to pay the ſame, and for Want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol, or any Houſe of Correction for the ſaid County, there to remain for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceeding not to be quaſhed for want of Form.

LXXI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action on the Caſe; but no Plaintiff or Plaintiffs ſhall recover in an Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-eight Days Notice thereof ſhall be given to the Clerk or Clerks of the ſaid Truſtees, nor after a ſufficient Satisfaction, or 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 or brought in the ſaid County of *Glouceſter*, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead Specially, or the General Iſſue, Not Guilty, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty-eight Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suits, after the Defendant ſhall have appeared, or if, upon Demurrer, Judgment 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 or Defendants hath or have in any Caſes by Law.

Public Act.

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

Commencement and Continuance of this Act.

LXXIV. And be it further enacted, That this Act shall commence upon, and have Continuance from the Day of the passing thereof, 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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