ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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of Worcester, *and from the Town of* Winchcomb *in the said County of* Gloucester, *by a Place called* Stamp Cross, *to or near the Tenth Milestone on the said Turnpike Road leading from* Tewkesbury *to* Stow *aforesaid:* And whereas great Progress hath been made in repairing and improving the said Roads, and the Trustees acting in the Execution of the said recited Act have borrowed several considerable Sums of Money upon the Credit of the Tolls by the said Act authorized to be collected; which Money so borrowed, together with a large Arrear of Interest for the same, still remain due and owing, and cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Term and Powers of the said recited Act be continued and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Tolls, Powers, Provisions, Directions, Penalties, Forfeitures, Matters, and Things therein mentioned, expressed, and contained (except such of them as are hereby varied, altered, or repealed), shall be in full Force and Effect, and shall have Continuance for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this Act; and that this Act, and the additional Term hereby granted, shall be subject and liable, as well to the Payment of all Monies now due and owing upon the Credit of the said recited Act, or the Tolls thereby granted, as also to the Payment of all Sums of Money which shall hereafter be borrowed for the Purposes of the said recited Act or of this Act, or which shall otherwise become due in respect thereof, together with the Interest due and to grow due for the same respectively.

Former Act continued.

New Trustees.

II. And be it further enacted, That the Right Honourable *Francis Charteris* commonly called *Lord Elcho*, Sir *Paul Baghott* Knight, *George Talbot*, *John Browne*, *Henry Fowke*, *Anthony Lechmere*, *Francis Paul Stratford*, *Samuel Gist*, *James Hawkins*, *John Martin*, *James Martin*, *Joseph Pitt*, *Cornelius Pitt*, *John Edmund Dowdeswell*, *William Dowdeswell*, *Thomas Phillips*, *Lee Compere*, *Michael Hicks Beach* the younger, *James Henry Leigh*, and *Thomas Edwards*, Esquires, and the Reverend *George Maxwell*, *Robert Knight*, and *Joseph Martin*, Clerks, and *George Dowdeswell* Doctor in Divinity, being qualified according to the Directions of the said recited Act, shall be and they are hereby added to and joined with the surviving or remaining Trustees appointed by or in pursuance of the said recited Act; and that the Trustees hereby nominated, together with the surviving and remaining Trustees appointed by or in pursuance of the said recited Act, and their Successors, qualified as therein mentioned, shall be and are hereby to all Intents and Purposes appointed Trustees, and empowered to carry the said recited Act and this Act into execution; and that all Acts and Proceedings of any Person or Persons who already hath or have acted or hereafter shall act as a Trustee or Trustees in the Execution of this or the said recited Act, though not duly qualified, shall, before and until such Time as such Person or Persons shall have been convicted of acting without such Qualification, be as valid and effectual

as if such Person or Persons had been at the Time of acting actually qualified.

Power to appoint additional Trustees.

III. 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 authorized and empowered, at any of their Meetings to be holden in pursuance of the said recited Act or this Act, to elect any Number of Persons not exceeding Forty in the whole to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act as if they had been therein named and appointed.

Trustees may contract for Repair of the Roads, &c.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered to contract with any Person or Persons for repairing, widening, altering, or keeping in repair the said Roads or any Part thereof, or for doing any other Work authorized to be done by the said recited Act or this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall from Time to Time think proper.

Power in former Act to Trustees to vary Roads.

V. And whereas it is in and by the said recited Act enacted, that the said Trustees should be and they were thereby fully empowered from Time to Time, as they should think proper, to turn, shorten, widen, vary, or alter the Course or Path of any Part or Parts of the said Roads through or over any private Grounds or Hereditaments, making or tendering Satisfaction to the Owners or Proprietors of such private Grounds or Hereditaments for the Damage they may sustain thereby: And whereas a certain Part of the said Road, leading from the said North-east End of the *Swan Lane* in the Parish of *Cheltenham* to the said Turnpike Road leading to *Evesham* in the Parish of *Sedgborough*, did lead or pass from at or near to a Place called *Stanbrook*, in the Village of *Greet* in the Parish of *Winchcomb*, through, upon, and across a certain Part of the said Village of *Greet*, a certain narrow Lane called *Evesham Lane*, and a certain Common Field called *Park Field*, till it reached an ancient Lane called *Toddington Lane*, and from thence down the said Lane and across certain private Grounds called *Ewe Leazow*, *Great Ground*, *New Field*, and *Feeding Ground*, being the Property of *Charles Hanbury Tracy* Esquire, till it reached Part of a certain other private Ground called *Isabel's Field*, also the Property of the said *Charles Hanbury Tracy*, near to a certain Road leading to *Naunton Farm*, and situate and being in the several Townships, Hamlets, or Places of *Greet Sudeley Tenements*, *Toddington*, and *Naunton*, in the County of *Gloucester*; but a considerable Portion of the said last described Part of the said Road hath at all Times been in a ruinous and miry State and Decay, and no Money hath ever been expended by the said Trustees in any Amendment or Repair thereof: And whereas in or about the Month of *April* in the Year One thousand eight hundred and eight a Meeting was held by the said Trustees at the *White Hart* Inn in *Winchcomb* aforesaid, and the Trustees then and there present did vary the Line of Road lastly herein-before described, and did order that, in consideration of the said *Charles Hanbury Tracy* taking upon himself to pay all and every the Costs,

Costs, Charges, and Expences incident to the varying and altering the said Line of Road, and the making and completing a new Road in lieu thereof, such new Road should be made and commence at or near to the said Place called *Stanbrook*, and leading from thence up a certain Lane adjoining Premises occupied by *Richard Newman* and *William Bickley* to certain Houses called *Littleworth*, and from thence down and along a certain Common Road called *Roadway*, and by the Side of or within the Park of the said *Charles Hanbury Tracy* near to a Farm House in the Occupation of *William Staite*, and afterwards through and over a certain Wood called *Shutcomb Wood*, and certain Fields called *Wood Leys*, *West Slate*, *Furlong Blunty Marshes*, and *Smith's Great Grounds*, the whole thereof belonging to the said *Charles Hanbury Tracy*, until it reached the said Field called *Isabel's Field* at the said Road leading therefrom to the said Farm called *Naunton Farm*: And whereas the said *Charles Hanbury Tracy* hath since duly made and completed the said new or varied Road, and found and provided all and every the Stone and Gravel and other Materials necessary thereto, at his own Costs and Charges; and hath also given *gratis* certain Parts of the Land and Ground whereon the said varied Road is made, the Costs and Expences whereof, together with the Value of the said Ground so by him given as aforesaid, amount together to the Sum of Four thousand Pounds and upwards; and the said new or varied Road now is in good and complete Order and Repair, and the same hath been certified accordingly by Two of His Majesty's Justices of the Peace of the said County to the General Quarter Sessions of the Peace held in and for the said County at the Feast of *Saint Michael* now last past: Now therefore be it further enacted,

The new Line of Road to be in future that used, and the old Road shut up, and to become the Right of Mr. Tracy.

That the said new or varied Road, so made and completed by the said *Charles Hanbury Tracy* as aforesaid, shall for ever hereafter be and be deemed and taken to be the Road leading from *Stanbrook* aforesaid to the said Road leading from *Isabel's Field* to *Naunton Farm*, and shall be used and enjoyed accordingly; and that the said old or former Line of Road from the said *Stanbrook* to the said Road in *Isabel's Field* leading to *Naunton Farm* (except that Part thereof leading through the said Village of *Greet*, and from thence to certain Lands and Inclosures belonging to *Mary Freeman*, *Dorothy Freeman*, and *Elizabeth Freeman*, and *Thomas Wells* and *James Dobbins*,) shall be for ever hereafter shut up, stopped, and discontinued; and the Land and Ground whereon the same hath heretofore passed shall go and belong to and be the Right and Property of the said *Charles Hanbury Tracy*, his Heirs and Assigns for ever, in Fee Simple, and be by him and them solely and exclusively held and enjoyed accordingly, as some Equivalent for and in lieu of the Costs and Expences he has sustained, and the Ground and Soil by him found and provided in and for the making and completing the said new or varied Part of the said Road, as herein-before is mentioned.

Exemptions from Toll.

VI. And be it further enacted, That from and after the First Day of *August* next all and every the Exemptions from Payment of Toll granted and allowed by the said recited Act shall be and the same are hereby repealed; and that during the Continuance of this Act no Toll shall be demanded or taken for any Cattle or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day,

Day, any Stone, Brick, Gravel, or other Materials for repairing the said Roads, or for repairing the Highways in any Parish or Place through which any Part of the said Roads lead; or for any Lime used in the Township or Place only where the same is got and burnt, or laden only with Dung, Marl, Soil, or other Manure raised and made and to be used in and upon and for the Purpose of manuring of any Lands or Grounds; or with any Grass, Hay, Sainfoin, Fodder, Straw, or Corn or Seeds in the Straw, to be laid up in any of the Houses, Out-houses, Barns, Yards, or Premises of the respective Owners thereof, and not for Sale; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying after being laden only with any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horse or Horses or other Cattle going to or from Water, Pasture, Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes, Hamlets, or Places, or going to be or returning from being shoed or farried; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or of or from any Person or Persons in any of the said Parishes, Hamlets, or Places, for passing through any of the Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worship is ordered by due Authority to be celebrated, to or from his, her, or their respective Parish Church, or other usual Place of Religious Worship licensed according to Law, for the Purpose of attending or after having attended Divine Service thereat; or of any Cattle or Carriage used in conveying the Corpse or attending the Funeral of any Person to be interred in any of the said Parishes, Hamlets, or Places; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Calashes, Chaises, Phaetons, Whiskeys, Chairs, or other Carriages, or the Horse or Horses or other Cattle drawing the same, or any Passengers on Horseback going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Gloucester*, or for any Citizen or Citizens to serve in Parliament for the City and County of the City of *Gloucester*, or for the Boroughs of *Tewkesbury* and *Cirencester* in the said County of *Gloucester*, during such Election, or on the Day before or the Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning

ing from the Place appointed for and on the Days of Exercise, provided that such Person shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, one Moiety whereof shall go to the Person who shall give Information of the Offence, and the other Moiety shall be applied to the Purposes of this Act.

Owners, &c. of Waggons, &c. employed in His Majesty's Service not subject to Penalties for Overweight, &c.

VII. 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, Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act, contained to the contrary notwithstanding.

Collectors of Tolls, &c. not to be deemed incompetent Witnesses.

VIII. And be it further enacted, That in case any Dispute, Suit, Litigation, Information, or Prosecution shall arise touching or in anywise relating to the said Tolls, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed to be incompetent to give Evidence in any such Dispute, Suit, Litigation, Information, or Prosecution by reason of his, her, or their being appointed to collect the said Tolls.

Enabling Trustees, &c. to take possession of Toll Houses in default of Payment of Rent, &c.

IX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms or Conditions on which the same shall be so demised or let, either by taking greater or less Tolls, or in any other Way or Manner; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Five Days next after any One of the Days on which the same ought to be paid pursuant to the Lease or Agreement for demising or letting thereof; and in case the Toll House or Toll Houses shall be in possession of any such Lessee or Lessees, Farmer or Farmers, or Collector or Collectors who shall be discharged or removed from his, her, or their Office of Collector or Collectors, or shall happen to die; then in either of those Cases it shall and may be lawful to and for any Justice of the Peace for the respective Counties of *Gloucester* and *Worcester*, within his Jurisdiction, by Warrant under his Hand

and Seal, to order and direct the Constable or other Peace Officer, with such Assistance as may be necessary, to enter upon and take possession of any such Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or any Collector or Collectors or other Officer or Officers having possession of the said Toll House or Toll Houses, Gates, and Premises, from the Possession thereof, and from the Collection of the Tolls, and to put the said Trustees or their Clerk, or other Person appointed by them for that Purpose, in possession thereof; and that thereupon it shall be lawful for the said Trustees (if they think fit) to vacate and determine the Contract (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void, to all Intents and Purposes, (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Part of the Lessee or Lessees, or of his, her, or their Surety or Sureties, which shall have been broken,) as if the said Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any Person or Persons, or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Materials not to be taken from inclosed Grounds without an Order from Two Justices.

X. And be it further enacted, That it shall not be lawful for any Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, take, or carry away any Materials in or from any inclosed or private Lands, Grounds, or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence respectively, requiring them to appear, by themselves or their Agents, before Two or more Justices of the Peace acting for the Counties of *Gloucester* or *Worcester*, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials at such Time or Times and in such Manner as to such Trustees or Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in like Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Application of Compensation Money when amounting to 200*l.*

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, or either of them, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee

Trustee or on behalf of any Infant, Lunatic, Feme Covert, or Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same 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 of the said Act and this Act; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption 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 settled therewith to the same or the like Uses, Intents, or Purposes; and where such Money shall not be so applied, the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed or 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 and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and not exceeding 20*l.*

XII. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases such Money shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High

High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When under 20*l*

XIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not be more than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Respecting disputed Titles.

XIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act and this Act, or either of them, 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 any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to 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 give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose

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.

When any Questionshall arisetouching the Title, the Person in possession to be deemed the Owner.

XV. 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 Court of Chancery, in pursuance of the said recited Act or of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act and this Act, or either of them, or to any Bank Annuities to be purchased with such Monies, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of such 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.

The Court of Chancery to order Expences to be paid by Trustees.

XVI. Provided always, and be it further enacted, That when, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased by the said Trustees under the Authority of the said recited Act and this Act, or either of them, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, 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.

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

XVII. 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 the said Roads, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Gloucester*, and he or they is and are hereby required and empowered, upon Application made to him or them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the In-

habitants of the respective Parishes, Hamlets, or Places in which the said Roads lie, and also what Proportion in Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, 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 Trustees or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justice or Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place to bring in Lists before such Justice or Justices, at some Place to be expressed in such Summons (within Three Days after the serving such Summons), of the Names of the several Persons who, within such Parish, Hamlet, 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, 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 as are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justice or Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid to do such Number of Days Statute Work in any Year upon the said Roads as the said Justice or Justices shall think reasonable, not exceeding Two Thirds of the whole Statute Work which each such Person may be liable to do upon the whole of the public Roads within his or their Township in the Course of such Year, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justice or 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 Justice or Justices shall think proper to the said Trustees or their Treasurer or Treasurers at such Time or Times as the said Justice or Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof in like Manner as any Penalty is by the said recited Act or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their 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 and liable to by any Law or Statute in force or effect for the Repairs of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the said Person who shall

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 or Treasurers to the said Trustees, and applied towards the amending of the said Roads; and if any Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places aforesaid shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures imposed by the said recited Act or this Act may be recovered, and are directed to be apportioned and applied.

Trustees may compound for Statute Duty.

XVIII. 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, 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, Townships, or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or any Five or more of them shall think reasonable, in lieu of the Whole or of any Part of the Statute Work to be by all or any of the said Inhabitants or 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 such Parish, Township, or Place, or by the Person or Persons so compounding, to the said Trustees or their Treasurer or Treasurers, in advance, on or before the Tenth Day of *May* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Recovery of Penalties.

XIX. And be it further enacted, That all Penalties and Forfeitures by this or the said recited Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offences shall be committed or the Offenders shall be or reside, either upon the Confession of the Party or Parties respectively, or by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), 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; and the Overplus, after such Penalties and Forfeitures are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned, on Demand, to the Owners of such Goods and Chattels; and all such Penalties and Forfeitures (where not otherwise directed to be applied by this or the said recited Act) shall from Time to Time be paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of this and the said recited Act; and in case sufficient Distress cannot be found, or any such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice, and

and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of our Lord One thousand eight hundred and
'*A. B.* is convicted before me, one of His Majesty's
'Justices of the Peace for the County of *Gloucester* [*specifying the Offence,*
'*and the Time and Place when and where the same was committed, as the*
'*Case shall be*]. Given under my Hand and Seal the Day and Year
'above written.'

Power to detain Persons guilty of Offences.

XXI. And whereas Persons guilty of Offences against the said recited Act or this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for the Surveyors, Gatekeepers, or other Officers, or other Persons thereunto authorized by the said Trustees, or any Three of them, to seize and detain any unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them before any Justice or Justices of the Peace for the County where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

For paying Expences of this Act.

XXII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act shall be paid by the said Trustees, or some Three or more of them, out of the Money already collected or received, or to be collected or received by virtue of the said recited Act and this Act, or either of them, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for the Expences of obtaining and passing this Act, such Person and Persons shall be repaid the same, together with lawful Interest thereon, from the Time of the Advancement thereof.

Public Act.

XXIII. 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.

Term and Commencement.

XXIV. And be it further enacted, That the Term granted by the said recited Act shall on the Day next after the passing of this Act cease and determine;

determine; and that the said recited Act (subject to the Alterations, Variations, and Additions herein contained,) and this Act shall from thenceforth commence and continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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