



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. XXX.

An Act for repairing the Roads into and from the  
Town of *Tewkesbury* in the County of *Gloucester*.  
[8th May 1818.]

**W**HEREAS an Act was passed in the Twenty-ninth Year of the  
Reign of His late Majesty King *George* the Second, intituled  
*An Act for repairing and widening the several Roads from the* 29 G. 2. c. 51.  
*Town of Tewkesbury to Colcomb Gate, and from Isabel's Elm to the Top*  
*of Gotherington Hill, in the County of Gloucester, and from Tewkesbury*  
*to a Farm House called, the Old Blue Bell, and to the Direction Post in the*  
*Parish of Ripple, and to Simmond's Ford Brook, and from Breedon to*  
*Eckinton Bridge, in the County of Worcester, and from Tewkesbury to*  
*Wainload's Bridge, and to the Road opposite to Elston Church, and from*  
*the Market House in Cheltenham to the Turnpike Road from Burford to*  
*Gloucester, near a Tree called Pewdon Ash, in the said County of Glou-*  
*cester; which Act was to have Continuance from the Second Day of June*  
*in the Year One thousand seven hundred and fifty-six for and during the*  
*Term of Twenty-one Years, and from thence to the End of the then*  
*next Session of Parliament; and the said Roads were thereby divided into*  
*Two Districts: And whereas another Act was passed in the Fourth Year* 4 G. 3. c. 79.  
*of the Reign of His present Majesty King George the Third, intituled An*  
*Act to enlarge the Term and Powers of so much of an Act of the Twenty-*  
*ninth Year of the Reign of His late Majesty, for repairing and widening*  
*several Roads therein described, leading from the Town of Tewkesbury in*  
*the County of Gloucester, as relates to the First District of Roads therein*  
*mentioned; and for amending the Road from Comb Hill to a Bridge near*  
[Local.] 7 G Norton

34G.3.c.135. Norton Mill in the County of Gloucester, and from Eckington Bridge to join the Turnpike Road which leads from Upton-on-Severn to Pershore in the County of Worcester, whereby the said former Act was continued, from the Time of the Expiration of the Term of Years then subsisting, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Thirty-fourth Year of the Reign of His said present Majesty, intituled *An Act for more effectually amending, widening, and keeping in Repair the Roads leading from the Town of Tewkesbury in the County of Gloucester to the several Places therein mentioned, being the First District of Roads described in Two Acts of Parliament passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, and the Fourth Year of the Reign of His present Majesty, and for altering the Course of Part of the said Roads; and also for making and keeping in Repair a Road from Simmond's Ford Brook to the Turnpike Road leading to Evelham in the County of Worcester, at or near Beckford Inn in the said County of Gloucester, and from Gotherington to the Turnpike Road leading from Cheltenham to Stow-on-the-Wold, at or near Sireford Inn, in the said County of Gloucester, and from Stump Cross in the Parish of Didbrook to the Town of Stow-on-the-Wold in the County of Gloucester aforesaid;* whereby the said Two first-recited Acts, from and after the Eighteenth Day of June in the Year One thousand seven hundred and ninety-four, so far as the same relate to the First District of Roads therein mentioned, were and are declared to be repealed, except as to the Term thereby granted and continued, and on the same Day the said Act of the Thirty-fourth Year of His present Majesty's Reign was to commence and take Effect in lieu and instead thereof, and be put in Execution for and during the Remainder of the Term then to come and unexpired of the said Two first-mentioned Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, for the Purpose of repairing, widening, making, altering, diverting, and turning the several Roads comprising the said First District of Roads contained in the said Two first-mentioned Acts, and the several other new and additional Roads particularly mentioned and described in the Act passed in the Thirty-fourth Year of the Reign of His present Majesty: And whereas the several Roads mentioned and comprised in the said Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, were thereby divided into Two separate and distinct Districts, called the First and Second Districts, and separate Trustees were appointed for making, amending, widening, and keeping in Repair such Roads, and for otherwise putting the said last-mentioned Act in Execution within their respective Districts: And whereas the Trustees appointed for the Care and Management of the First District of Roads described in the last-mentioned Act have proceeded to put the same in Execution so far as relates to such District of Roads; and a considerable Sum of Money is now due and owing on the Credit of the said Act, and of the Tolls authorized to be taken on such District of Roads, which Money cannot be repaid, nor can such District of Roads be properly amended, improved, and kept in Repair, unless some of the Powers and Provisions of the said Act, so far as the same relate to such District of Roads, be altered and enlarged; and it is desirable that the Powers heretofore granted by the said last-recited Act, passed for repairing the said First District of Roads, and such further Powers as may be necessary for improving

improving and keeping the same in Repair, should be contained in One Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *December* next after the passing of this Act, the said Act passed in the Thirty-fourth Year of the Reign of His present Majesty shall, so far as the same relates to the First District of Roads described and comprised in the said Act, be and the same is hereby declared to be repealed, and instead thereof this Act shall commence and take Effect on the said Twenty-fourth Day of *December* next after the passing thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the several Roads herein-after described.

Part of recited Act repealed.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts or any of them on the said First District of Roads mentioned in the said Act passed in the Thirty-fourth Year of the Reign of His present Majesty, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said First District of Roads, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees of the said First District of Roads, or any of them, according to the Provisions and Directions of the said last-recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said First District of Roads, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said last-recited Act, so far as relates to the said First District of Roads.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That *Richard Alcock, Jacob Allis, Thomas Allis, Hagger Allis, Thomas Arkell, Thomas Arkell, John Ashley Clerk, John Attwood, John Attwood the Younger, Thomas Baldwyn, Bernard Baldwyn, John Baldwyn, George Banaster, John Barber, William Barnard, William Barnett, Job Walker Baugh Clerk, William Berkeley, Thomas Berkeley, William Bethell, Thomas Blizard, Joseph Boughton, William Boughton Clerk, William Papiwell Brigstock, John Broome Clerk, Edward Brown, Thomas Butt, Thomas Caddick, William Caldwell, Charles Edward Chandler, Nathaniel Chandler, Francis Charteris, John Dobbins Clifton, Sir Christopher Bethell*

Trustees.

*Béthell Codrington* Baronet, *William John Codrington*, the Honourable *John Codrington*, *John Cowles*, the Honourable *Henry Augustus Berkeley Craven*, the Honourable *Richard Keppell Craven*, *Joseph Crump*, *John Cuff*, *George Dangerfield*, *Richard Darke Clerk*, *Daniel Darke*, *Francis Darke*, *Nathaniel Darke*, *William Dillon*, *John Dipper*, *John Edmund Dowdeswell M. P.*, *William Dowdeswell*, *Edmund Christopher Dowdeswell* Doctor in Divinity, the Reverend *John Dolphin*, *Vernon Dolphin*, *Edward Drinkwater*, *Charles Dunn Clerk*, *George Dumble*, *George Dumble the Younger*, *Thomas Easthope*, *John Eddy Clerk*, *William Seale Evans*, *Thomas Firkins*, *Henry Fowke*, *George Foxton Clerk*, *George Foxton the Younger*, Clerk, *Freeman*, *Henry Hooper Fryer*, *Gift*, *Godfrey Goodman Clerk*, *James Gorle*, *Sir Berkeley William Guise* Baronet, M. P., *John Hampton Hampton*, *Charles Edward Hanford*, *Henry William Harris*, *Nathaniel Hartland*, *Nathaniel Hartland the Younger*, *John Allis Hartland*, *Samuel Healing*, *Benjamin Holland*, *Thomas Holland*, *Thomas Andrew Holland*, *William Woollams Holland Clerk*, *Arthur Jones*, *Nicholas Jackson*, *Thomas James*, *Leigh James*, *Richard James*, *John Jenkins*, *Edmund Warden Jones*, *John Keyfall Clerk*, *Charles Woodcock Keyfall Clerk*, *Robert Knight Clerk*, *William Lane*, *Anthony Lechmere*, *Edmund Hungerford Lechmere*, *Thomas Dawson Lewis*, *Omwell John Lloyd*, *Joseph Longmore*, *Alexander Luders Clerk*, *John Martin M. P.* *John Martin*, *James Martin*, *Joseph Martin*, *John Williams Martin*, *Charles Martin Clerk*, *Paul Martin*, *Thomas Martin*, *George Mathews*, *William George Maxwell Clerk*, *Leonard Middleton Clerk*, *Thomas Moore*, *William Moore*, *John Moore*, *John Moore*, *John Cox Morris*, *William Mumford*, *Thomas Nash* Doctor in Divinity, *John Neale Clerk*, *Henry Edward Neale Clerk*, *Francis Neale*, *James Wakeman Newport*, *John New*, *Richard New*, *Richard New*, *Isaac Nind*, *James Nind*, *John Pitt Nind*, *Benjamin Oakden*, *James Sutton Olive*, *David Charles Parry Clerk*, *Joseph Pensam*, *James Petley*, *William Phelps*, *William Law Phelps*, *Frederick Phelps*, *Charles Porter*, *Thomas Chinnall Porter*, *Benjamin Porter*, *George Prior*, *William Prior*, *John Price*, *Edmund Probyn*, *Michael Procter*, *William Procter*, *Richard Procter*, *Richard Procter*, *William Proffer Clerk*, *William Proffer the Younger*, *John Proffer*, *Richard Rayer*, *William Ricketts*, *Henry Salmon Clerk*, *Joseph Terry Saunders*, *Joseph Shapland Clerk*, *Richard Skillicorne Skillicorne Clerk*, *John Smith*, *William Smith of Ford*, *Richard Smith of Didcot*, *Robert Spencer*, *James Spilbury*, *Richard Terrick Stainforth*, *John Taylor*, *John Terrett*, *William Thomas*, *Charles Tidmarsh*, *Joseph Benedict Tidmarsh*, *John Timbrill* Doctor in Divinity, *Thomas Tolley*, *Robert Lawrence Townsend* Doctor in Divinity, *Charles Hanbury Tracy*, *Tyler of Teddington*, *Thomas Vernon*, *William Wakeman*, *John Walker*, *Edward Webb M. P.* *William Welch*, *Edmund Welles*, *Thomas Phillips White*, *Thomas Whitborn*, *William Whitcombe*, *Joseph Wickes*, *Thomas Williams*, *John Wintle*, *William Woodward*, the Reverend *Thomas Bartholomew Woodman*, the Reverend *Henry Woodcock* Doctor in Divinity, *Reginald Wynniatt Clerk*, *Thomas Wynniatt Clerk*, *Charles Yeend*, *Joseph Yorke*, and *Robert Young*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the Roads leading from the said Town of *Tewkesbury* through the Village of *Church Stanway* to *Stump Cross* in the Parish of *Didbrook* in the said County of *Gloucester*, to join the Turnpike Road leading to *Stow-on-the-Wold* in the said County, and from *Isabel's Elm* in the Parish of *Ashchurch* in the said County, across the said Road to *Gotherington Elm* in the Parish of *Bishop's Cleeve*

*Cleeve* in the said County, to join the Turnpike Road leading to *Cheltenham*, and from *Gotherington Elm* aforesaid to the Turnpike Road leading from *Cheltenham* to *Stow-on-the-Wold* aforesaid near *Sireford Inn*; and also the Road leading from *Tewkesbury* aforesaid to the *Old Bell*, otherwise the *Old Blue Bell*, in the Parish of *Earl's Croome*, in the County of *Worcester*, to join the Turnpike Road leading to the City of *Worcester*; and also the Road leading from *Tewkesbury* aforesaid through the Village of *Bredon* to the Turnpike Road leading to *Evesham* at or near *Beckford Inn* in the Parish of *Beckford*, in the said County of *Gloucester*, and from *Bredon* aforesaid to *Eckington Bridge* in the Parish of *Eckington*, in the said County of *Worcester*, and from thence to join the Turnpike Road leading from *Upton-upon-Severn* to *Pershore* in the Parish of *Birlingham*, in the said County of *Worcester*; and also the Road leading from *Tewkesbury* aforesaid to *The Hermitage* in the Parish of *Tewkesbury*, and from thence to *Coombe Hill* in the Parish of *The Leigh*, in the County of *Gloucester*, and from thence to *Norton Bridge* in the Parish of *Norton* in the said County, near *Norton Mill*, to join the Turnpike Road leading to the City of *Gloucester*, and from *The Hermitage* aforesaid to the River *Severn*, at the *Lower Lode Ferry* in the Parish of *Forthampton* in the said County, and from *Coombe Hill* aforesaid to *Piff's Elm* in the Parish of *Elmstone Hardwick* in the said County, to join the Turnpike Road leading to *Cheltenham* aforesaid; and for putting this Act in every other respect in Execution.

IV. 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 herein-after directed respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Power to  
appoint ad-  
ditional  
Trustees:

V. 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 be disqualified to act, 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 other fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, 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 herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected and being upon the Roads by this Act directed to be kept in Repair, Fourteen Days at least before every such Meeting; and all and every Person or Persons 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 a Trustee or Trustees in and by this Act.

Power to  
elect other  
Trustees on  
Death, &c.

VI. Provided always, 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 in his own Right, or in the Right of his Wife, be seised or possessed

Qualification  
of Trustees.

[Local.]

7 H

of,

of, and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seized of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a clear Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Two 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 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 the Acts and Proceedings of 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.

VII. Provided also, and be it 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 or Affirmation next herein-after mentioned at the First or Second Meeting of the said Trustees after the Commencement of this Act), shall take an Oath or (being one of the People called *Quakers*) an Affirmation before one or more of the said Trustees, who is and are hereby empowered to administer the same, in the Form or to the Effect following; that is to say,

Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I am in my own Right [*or, in the Right of my Wife*] 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 Pounds above Reprizes: (And in case of an Heir Apparent) I, *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], 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 Two hundred Pounds above Reprizes: (And in the case of Personal Estate) I, *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I am truly and *bonâ fide* possessed of a clear Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Two thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*]. So help me GOD.’

Trustees  
holding  
Places of  
Profit not to  
act.

VIII. 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, or derive any Profit or pecuniary Ad-

vantage directly or indirectly from any Place of Profit to be held by virtue of this Act, or be interested or concerned in any Contract, or shall be a Lessee of the Tolls under this Act; and 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 disqualified to act as a Trustee in the Execution of this Act.

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

Victuallers  
not to be  
Officers, or  
act as Trust-  
tees.

X. And be it further enacted, That the said Trustees shall meet at the House of *John Miles*, known by the Sign of *The Cross Keys* in *Tewkesbury*, or at some other Public House in *Tewkesbury* aforesaid, on the First Friday after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Nine and Twelve of the Clock in the Forenoon, 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 of *Tewkesbury*, or in some one of the said Parishes through or into which the said Roads are 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 Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said Roads, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Month 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, except the First Meeting to be held under this Act, before the Hour of Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon, of the Day on which such Meeting may be appointed to be holden.

General  
Meetings of  
Trustees.

XI. 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

Meetings on  
Emergencies.

Day

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 Three 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 concur therein; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Ten Days before, by affixing the same in Writing upon all the Toll Gates then erected on the said Roads; nor unless a greater Number of the Trustees shall be present at such Meeting than were present at the making of any such Order, Agreement, or Determination, and the major Part of them concur in the Revocation or Alteration thereof; and the said Trustees at all their Meetings shall defray their own Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act; 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.

All Acts may be done by Five Trustees, unless otherwise directed.

XII. 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.

XIII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Chairman and Clerk, or one of them; which Book or Books, and also the Book and Books hereinafter directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever touching any Thing done in pursuance of this Act.

Appointing Officers' Salaries, &c.

XIV. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint such Collector or Collectors of the said Tolls, and 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,



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 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 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 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, and 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, City, Borough, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by any One 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, or being of the People called *Quakers*, by the Affirmation or Affirmations of any Witness or Witnesses (which Oath or Affirmation such Justices within their respective Jurisdictions 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 Monies 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, upon Non-payment 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

[Local.]

7 I

appointed

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 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 hereby 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 County, City, Borough, or Place where such Offender shall be or reside, 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 of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XV. 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 no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Offices respectively, unless they shall have given such Security.

Trustees may appoint temporary Collectors in certain Cases.

XVI. 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 Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to.

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

XVII. Provided always, and be it further 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 attended at a public Meeting and acted as a Trustee in the Execution of this Act at least once within the Space of Twelve Calendar Months next preceding the Time of such last-mentioned Nomination or Appointment.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Offices of Clerk and Treasurer not to be held by the same Person.

XIX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed, which Book shall be kept by the Treasurer, in order that any of the Trustees, or any Creditor or Creditors on the said Tolls, may at all seasonable Times have Access thereto, and take Copies or Extracts therefrom without paying any Thing for the same; and in case the said Treasurer shall refuse to permit such Person or Persons as aforesaid, or any of them, to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Accounts of the Trustees to be open to the Inspection of Creditors.

XX. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said First District of Roads, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the Roads by this Act directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are herein-before required to pay or account for the same.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

XXI. And be it further enacted, That the said Trustees may sue or be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of any such Clerk, without the Consent of the said Trustees, but that the Clerk 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 or Suit: Provided always, that every such Clerk, in whose Name any Action or Suit shall be commenced, 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 the Costs, Charges, Damages, and Expences which by the Event or in consequence of any such Action or Proceeding he shall bear,

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

bear, pay, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid: Provided always, that such Clerk shall not on that Account be deemed an inadmissible Witness in any such Action, Suit, or Proceeding.

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

XXII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said Act hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts and in such Places of the said Roads by this Act directed to be widened, improved, or kept in Repair; and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Bye-way that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after 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 Half a Rood of Land, at or near each of the said Toll Gates.

Lamps to be  
lighted at  
Toll Bars.

XXIII. And be it further enacted, That it shall and may be lawful for the Trustees from Time to Time to order and direct such and so many Lamps to be placed and erected on each and every of the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, or by the Sides thereof, as they shall think proper; and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collector and Collectors, whether appointed by the Trustees, or by any Person or Persons to whom such Tolls may be let, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping such Lamps lighted; shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Toll Houses,  
&c. vested in  
Trustees.

XXIV. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, and the Posts, Irons, and other Furniture thereof, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, and Fences already erected on the said First District of Roads by virtue of the said Act hereby repealed, and which shall be erected and provided in pursuance of this Act, with the several Conveniences, Grounds, Fences, and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools, and Implements which have been or which shall be provided for repairing the said Roads by this Act directed to be widened, improved, or kept in Repair, 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

or, damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, or any of the Posts, Irons, or other Furniture thereof, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, and Fences, or any of the Conveniences, Grounds, Fences, and Appurtenances thereunto belonging, or any of the Materials, Tools, or Implements aforesaid, and in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, Fences, Tools, or Implements to be the Property of the Clerk for the Time being to the said Trustees.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, and they are 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 already erected, or which shall be continued or erected in, upon, or across, or on the Side or Sides of any Part of the said Roads directed to be widened, improved, or kept in Repair by virtue of this Act, to be removed to and erected in, 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 Nine 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 as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed Twenty-one Days at the least upon all the Toll Gates then standing upon the said Roads.

Power to remove Toll Gates:

XXVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said First District of Roads by virtue of the said Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple, and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any such Toll Houses may have been erected was purchased, as is herein-after directed to be given where any Piece or Pieces of Ground or old Roads not wanted for the Purposes of this Act is authorized to be sold and disposed of.

Power to sell the present Toll Houses.

XXVII. Provided also, and it is hereby declared, That all Sales of Toll Houses or Pieces of Ground heretofore made by the said Trustees of the said District of Roads, shall be as valid and effectual as if the same

Former Sales of Toll Houses confirmed.

[Local.]

7 K

had

had been accomplished and made by virtue and under the Authority of this Act.

Power to  
take Tolls.

XXVIII. 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, subject to the Restrictions herein-after contained at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates already erected upon the said First District of Roads by virtue of the said last-recited Act, and which by virtue of this Act shall be continued, or erected in, upon, or across or on the Side or Sides of the Roads leading from the said Town of *Tewkesbury* through the Village of *Church Stanway* to *Stump Cross* in the Parish of *Didbrook*, in the said County of *Gloucester*, to join the Turnpike Road leading to *Stow-on-the-Wold* in the said County, and from *Isabel's Elm* in the Parish of *Ashchurch* in the said County, across the said Road to *Gotherington Elm* in the Parish of *Bishop's Cleeve* in the said County, to join the Turnpike Road leading to *Cheltenham*, and from *Gotherington Elm* aforesaid to the Turnpike Road leading from *Cheltenham* to *Stow-on-the-Wold* aforesaid, near *Sireford Inn*; and also the Road leading from *Tewkesbury* aforesaid to the *Old Bell*, otherwise the *Old Blue Bell* in the Parish of *Earl's Croome*, in the County of *Worcester*, to join the Turnpike Road leading to the City of *Worcester*; and also the Road leading from *Tewkesbury* aforesaid through the Village of *Bredon* to the Turnpike Road leading to *Evesham* at or near *Beckford Inn* in the Parish of *Beckford*, in the said County of *Gloucester*, and from *Bredon* aforesaid to *Eckington Bridge* in the Parish of *Eckington*, in the said County of *Worcester*, and from thence to join the Turnpike Road leading from *Upton-upon-Severn* to *Perthore* in the Parish of *Birlingham*, in the said County of *Worcester*; and also the Road leading from *Tewkesbury* aforesaid to *The Hermitage* in the Parish of *Tewkesbury*, and from thence to *Coombe Hill* in the Parish of *The Leigh*, in the County of *Gloucester*, and from thence to *Norton Bridge* in the Parish of *Norton* in the said County, near *Norton Mill*, to join the Turnpike Road leading to the City of *Gloucester*, and from *The Hermitage* aforesaid to the River *Severn*, at the *Lower Lode Ferry* in the Parish of *Forthampton* in the said County, and from *Coombe Hill* aforesaid to *Piff's Elm* in the Parish of *Elmstone Hardwick* in the said County, to join the Turnpike Road leading to *Cheltenham* aforesaid, or on the Side of any Street, Road, 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, Mule, Ass, Ox, Bullock, or other Beast of Draught, drawing any Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass not drawing, the Sum of Twopence:

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Fivepence per Score; and so in proportion for any greater or less Number:

One Toll and  
a Half on  
Sunday.

And on every Sunday during the Continuance of this Act there shall, under the Provisions and Restrictions in this Act contained, be demanded and taken at the said Toll Gates respectively, by such Person or Persons to

be nominated and appointed as aforesaid, in addition to the said respective Tolls or Sums herein-before mentioned and authorized to be collected on any other Day by virtue of this Act, One Half more of the said Tolls or Sums of Money.

And the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same; and upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, on which Note or Ticket shall be named and specified the several Toll Gates freed by such Payment.

Tolls to be paid before Cattle pass the Gates.

XXIX. Provided always, and be it further enacted, That no more than One Half of the Tolls hereby granted shall be taken for the Passage of any Cattle or Carriage through any Gate or Gates to be erected for the Collection of Tolls in the Parishes of *Sevenhampton* and *Whittington*, or either of them, such Cattle or Carriage being the Property of any Occupier or Occupiers of Land within the said Parish of *Sevenhampton*, and employed by such Occupier or Occupiers in his, her, or their own Service upon the respective Farms and Estates within the said Parish of *Sevenhampton*, and not elsewhere.

Exemption in favour of Sevenhampton.

XXX. And be it further enacted, That for and in respect of all Waggon, Carts, or other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weights in certain Cases*; and for and in respect of all Horses, and other Beasts drawing the same respectively, there shall be allowed an Abatement of One Fourth Part of the Tolls hereby granted.

Waggon, &c. having Wheels and Axletrees according to 55G.3.c.119. to have an Abatement of One Fourth of Toll.

XXXI. And be it further enacted, That all and every Person and Persons having paid the said Tolls, on producing a Ticket from the Collector denoting such Payment, shall be permitted to pass and repass Once in the same Day, to be computed as aforesaid, through the Toll Gates or Toll Bars mentioned in such Note or Ticket, with the same Horses, Mules, or other Beasts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen, or Neat Cattle, Calves, Sheep, Lambs, or Swine, without being subject or liable to any additional Toll for so doing; and no Person shall be permitted to pass a subsequent Time in any one Day (to be computed as aforesaid) with the same Cattle through any of the Toll Gates or Toll Bars aforesaid, until he shall pay for every such subsequent Time of passing through any such Toll Gates or Toll Bars the same Day (to be computed as aforesaid) with the same Cattle such Tolls, not exceeding the Tolls herein-before mentioned, as the said Trustees shall direct or appoint; and such Person for every such Payment for such subsequent passing shall be permitted to repass through such Toll Gates or Toll Bars with the same

Persons paying Toll may pass and repass once on the same Day without paying an additional Toll, &c.

Cattle

Cattle the same Day (to be computed as aforesaid) without paying any other Toll.

Limiting the  
Number of  
Tolls.

XXXII. Provided also, and be it further enacted, That no more than Two full Tolls shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing and repassing once through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the Road leading from the Town of *Tewkesbury* through the Village of *Church Stanway* to *Stump Cross* in the Parish of *Didbrook*, in the said County of *Gloucester*, to join the Turnpike Road leading to *Stow-on-the-Wold* in the said County; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on the Road leading from *Isabel's Elm* in the Parish of *Ashchurch* in the said County, across the said Road to *Gotherington Elm* in the Parish of *Bishop's Cleeve* in the said County, to join the Turnpike Road leading to *Cheltenham*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing or repassing once with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the Road leading from *Gotherington Elm* aforesaid, to the Turnpike Road leading from *Cheltenham* to *Stow-on-the-Wold* aforesaid, near *Sireford Inn*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the Road leading from *Tewkesbury* aforesaid, to the Turnpike Road leading from *Cheltenham* to *Stow-on-the-Wold* aforesaid, near *Sireford Inn*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the Road leading from *Tewkesbury* aforesaid, through the Village of *Bredon*, to the Turnpike Road leading to *Evesham*, at or near *Beckford Inn* in the Parish of *Beckford*, in the said County of *Gloucester*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on the Road leading from *Bredon* aforesaid to *Eckington Bridge* in the Parish of *Eckington*, in the said County of *Worcester*, and from thence to join the Turnpike Road leading from *Upton-upon-Severn* to *Persbore* in the Parish of *Birlingham*, in the said County of *Worcester*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle or Carriages,



Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the Road leading from *Tewkesbury* aforesaid to *The Hermitage* in the Parish of *Tewkesbury*, and from thence to *Coombe Hill* in the Parish of *The Leigh*, in the County of *Gloucester*, and from thence to *Norton Bridge* in the Parish of *Norton*, in the said County, near *Norton Mill*, to join the Turnpike Road leading to the City of *Gloucester*; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on the Road leading from *The Hermitage* aforesaid to the River *Severn*, at the *Lower Lode Ferry* in the Parish of *Fortbampton*, in the said County; and no more than One full Toll in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing once with the same Horses or other Beasts, Cattle, or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued, or to be erected on the Road leading from *Coombe Hill* aforesaid to *Piff's Elm* in the Parish of *Elmstone Hardwick* in the said County, to join the Turnpike Road leading to *Cheltenham* aforesaid.

XXXIII. And be it further enacted, That all the said respective Tolls, 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 herein-after 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 or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage, together 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 other of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress and keeping the same shall not be paid within the Space of Five 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; 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.

XXXIV. And be it further enacted, That no Toll shall be demanded or taken at any of the Toll Gates erected or to be erected or continued upon the said Roads, for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General; either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom, or for the Horses belonging to any

[Local.]

7 L

Officers

Tolls vested  
in Trustees.General Ex-  
emptions  
from Toll.

Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses 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 Horse, Mule, or Ass used or employed by any Rector, Vicar, or Curate, in going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or in the Discharge of his ministerial Duties, or from any Person or Persons going to or returning from his, her, or their Parish Church or Chapel, or other usual Place of religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place through which any Part of the said Roads lie, or for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of or to vote for a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester* and *Worcester*, or either of them, or of a Member to serve in Parliament for the Borough of *Tewkesbury* in the 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; or of ~~carrying or conveying~~ Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Use of the Owner, and not for Sale or purchased, or going empty for the Purpose of or returning empty after having been so employed, or of carrying or conveying any Dung, Lime, Mould, Manure, or Compost, to be used only for manuring of Lands lying in any Township, Hamlet, Lordship, or Parish through which the said Roads pass, or going empty for the Purpose of, or returning empty after having been so employed, or for any Horses, Beasts, Cattle, or Carriages of any Description 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 any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll, or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, or for any Horses or Carriages used for the Purpose only of carrying or conveying Water from the River *Severn*, for the Use of the Inhabitants of the Hamlet of *Mythe* in the Parish of *Tewkesbury*, or for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried, or for any Horse, Beast, Cattle, or Carriage used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or public Road within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the said Roads under this Trust, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at

the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

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

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, 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, 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 Two-third 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 Counties of Gloucester and Worcester.

Tolls may be reduced.

XXXVII. 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 One Year at any one Time with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which any Part of the said Roads do or shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or continued or to be erected by virtue of this Act, 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.

Trustees may compound for Tolls.

XXXVIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so dis-

For settling Disputes concerning Tolls.

training

training to retain such Distress or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Borough, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath (or being one of the People called *Quakers* on the Affirmation) of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors  
declared com-  
petent Wit-  
nesses,

XXXIX. 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, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on account of his or their being appointed to collect such Tolls to give Evidence in any such Dispute, Suit, or Litigation.

Punishing  
Toll Collec-  
tors misbe-  
having.

XL. And be it further enacted, That every Toll Collector being Lessee of the said Tolls or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted in Black Letters on a White Ground or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such

such Cafe every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XLI. 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 erected or continued or to be erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (save and except as aforesaid) with any Horse, Cattle, Beast, or Carriage, to pass through the same, with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit, any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, 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, Articles, or Things from any Carriage, or shall do any other Act in order or with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

To prevent  
Evasion of  
Tolls.

XLII. And whereas by the said Act passed in the Thirty-fourth Year of the Reign of His present Majesty, a Penalty is imposed on all Persons taking on board or landing any Horse, Cattle, or Carriage from a Common Meadow called *Severn Ham* at *Lower Lode Ferry*, and it is expedient that such Provision should be continued; be it therefore further enacted, That if the Owner or Owners, Occupier or Occupiers of the Ferry called *Lower Lode Ferry* in the Parish of *Forthampton* in the said County of *Gloucester*, or his or their Servant or Servants, or any other Person or Persons whomsoever, shall take on board any Boat, Barge, or other Vessel, from a Common Meadow in the Parish of *Tewkesbury* called *Severn Ham*, or shall land or put on Shore from any such Boat, Barge, or other Vessel, in the said Common Meadow called *Severn Ham*, any Horse, Mule, Ass, Ox, Bull, Cow, Calf, Hog, Sheep, Lamb, or other Cattle, or any Sort of Carriage, in order or with Intent to evade Payment of the Tolls by this Act made payable, or whereby the said Tolls may be evaded, such Owner or Owners, Occupier or Occupiers, Servant or Servants, or other Person or Persons, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for  
landing Cat-  
tle, &c. from  
Lower Lode  
Ferry in *Se-*  
*vern Ham.*

[*Local.*]

7 M

XLIII. And

Power to  
let to farm  
the Tolls.

13G.3. c. 84.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees, on giving Notices in Manner and Form as is mentioned and directed in and by a certain 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 let to farm the Tolls granted by this Act, and arising upon the said Roads to be widened, improved, or kept in Repair 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 such sufficient Security from the Person and Persons to whom such Tolls shall be let to farm, for Payment of the Rents and Performance of the Covenants or Agreements to be reserved and comprized in such Lease or Leases, Agreement or Agreements, as the said Trustees shall think fit.

Trustees to  
have a Bid-  
ding.

XLIV. Provided always, and it is hereby declared, That when the said Tolls, or any Part thereof, shall be put up to be let, the said Trustees may, if they think fit, appoint some Person to bid once for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Enabling the  
Trustees to  
take Posses-  
sion of the  
Toll Houses,  
&c. when let  
to farm or  
held by the  
Collectors  
for the  
Trustees.

XLV. And be it further enacted, That in case all or any of the said 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 and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear by the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for letting to farm thereof; and in case the Toll House or Toll Houses shall be in the Possession of any Collector or Collectors, who shall be removed or discharged from his or their Office of Collector, or shall depart this Life, then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the County, Borough, Town, or Place in which any such Toll House may be situated, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any 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 such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Toll Houses, from the Possession thereof, and from the Collection of Tolls; and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement (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 Lessee's Part which shall have been broken), as if such Demise or Agreements 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

faid Tolls again to any other Person or Persons, or caufe them to be collected as if no former Demife, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithstanding.

XLVI. And be it further enacted, That if the Lessee or Farmer for the Time being of any of the Tolls hereby granted, or any Person acting under him or her, shall, without the Concurrence of the Trustees acting in the Execution of this Act, compound for or agree to permit, or shall suffer any overweighted Waggon or other Carriage, subject to a Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon such overweighted Waggon or other Carriage, such Lessee or Farmer shall for every such Offence forfeit a Sum not exceeding Five Pounds, whereof one Moiety shall go to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are herein-after directed to be applied.

Penalty on Lessees compounding for overweighted Waggon.

XLVII. 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 further 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 or 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 Parts thereof, and the Toll Gates, Toll Bars, 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 Person or Persons who have advanced or shall at any Time advance any Money for widening, improving, or keeping in Repair the said Roads, or any Part thereof, or for paying off, satisfying, or discharging any Demise or Mortgage which shall have been or shall be granted to any Person or Persons who have advanced or shall advance any Money for that Purpose, 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),

For borrowing Money on Security of Tolls.

‘ BY virtue of an Act passed in the Fifty-eighth Year of the Reign of  
 ‘ His Majesty King *George* the Third, intituled *An Act [here set forth*  
 ‘ *the Title of this Act]*, we, Five 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 the said Act, such  
 ‘ Proportion of the Tolls to arise upon the said Roads, and the Toll  
 ‘ Gates, Toll Bars, and Toll Houses already made and erected or here-  
 ‘ after 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

Form of Mortgage.

‘ 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 Five Pounds *per Centum per Annum*;  
 ‘ shall be sooner repaid and satisfied. Given under our Hands and Seals  
 ‘ this            Day of            in the Year of our Lord            .’

Copies to be  
 entered.

And all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, for which Entry the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more; and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or any Creditor or Creditors of the said Trust, without Fee or Reward, but no Money shall be borrowed on the Security of the Tolls beyond the Sum which shall be fixed upon by the said Trustees at the First or Second 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 or continued by virtue of this Act, at least Twenty-one 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 Witnesses or Witnessess; (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            in the Year of our Lord            .  
 ‘ Witness to the signing hereof            .’

Which Transfer shall be produced and notified to the said Clerk or Clerks within Three 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 Clerks 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, Toll Bars, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing



vancing their Monies, or of the Dates of their respective Securities or otherwise, except as herein-after mentioned; provided that nothing herein contained shall extend or be construed to extend to charge or subject the said Trustees, or any other Persons appointed to receive the said Money or any Part thereof, to any Payment of the same by reason of their or any of their signing or sealing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act, or any or either of them.

XLVIII. And be it further enacted, That the said Trustees shall and may, if thereunto required by the Person or Persons entitled thereto, destroy and cancel all or any of the Mortgages, Assignments, Declarations of Trust, or Securities now subsisting, that have been made by virtue of the said Act hereby repealed, of the Tolls thereby authorized to be collected on the said First District of Roads, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in Manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage, Assignment, or Security to be cancelled by virtue of this Act.

Old Mortgages may be cancelled and new ones granted.

XLIX. 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 Purposes thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper, printed in or usually circulated within the said Counties of *Gloucester* and *Worcester*), 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, or to any of the Creditors, with the Consent of all the other Creditors; any Thing herein contained to the contrary thereof notwithstanding.

For paying Creditors by Lot.

L. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been raised and produced by virtue of the said Act, for or in respect of the said First District of Roads, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which 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 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 shall have been incurred in the applying for or obtaining and passing this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Roads by this Act directed to be kept in Repair as aforesaid, and of erecting and making necessary and

Application of the Money.

convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Act hereby repealed, in respect of the said First District of Roads, and the several principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act; such Reduction, Payment, and Discharge to be made and done either rateably or by Lot, as the said Trustees shall think proper.

Trustees may  
widen or alter  
Roads and  
purchase  
Lands.

LI. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may in anywise sustain by such widening, turning, varying, or altering such Roads, and to pay out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase, which Roads, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least; and such Lands and Grounds, when so purchased as aforesaid, shall by the Order and Direction of the said Trustees be laid into and made Part of such Roads in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall thenceforth be deemed and taken to be a public or common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act, in turning, varying, or altering any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation respectively.

Trustees re-  
strained from  
pulling down  
Dwelling  
Houses with-  
out Consent  
of the Own-  
ers.

LII. 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.

Trustees to  
fence the  
Road.

LIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Road, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Road, or on the Side upon which any such  
Fence

Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post or Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said 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 Five Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from an earlier Period.

LIV. And for removing all Difficulties which may obstruct such Contracts, be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, Cestuique Trusts, and for all and every other Person and Persons whomsoever who are or shall be seized, possessed of, or interested in any such Lands or Hereditaments, 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 Damage as aforesaid, or to sell and convey to them all or any of such Lands and Hereditaments, or any Part or Parts thereof, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall 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 Hereditaments, 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 to be used or taken for the Purpose of widening or improving the said Roads, or any Part or Parts of such Roads, 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 enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments shall be situated (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 using and taking such Lands or Hereditaments 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

Trustees may contract for purchasing Lands of Guardians, &c.

Jury

Jury and examine upon Oath (or, being of the People called *Quakers*, upon Affirmation), 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 or Affirmation 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 enquired 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 Hereditaments, 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 or to claim 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, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands or Grounds, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or upon depositing the same in the Bank of *England* in the Manner directed by this Act, as the Case may require, thereby be thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; 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 such County, thereby commanding and requiring the said Sheriff to impanel, 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 such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, 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 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 shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who  
being

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 reſuſe to be ſworn (or, being of the People called *Quakers*, to affirm), 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 herein-after 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.

LV. 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 returning the Jury and Witneſſes ſhall be borne and paid by the Treafurer or Treafurers to the ſaid Truſtees, out of any Money ariſen 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 returning 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 within whoſe Jurisdiction ſuch Difference ſhall ariſe, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon 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 to the ſaid Truſtees by ſuch Ways and Means as are herein-after 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.

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

LVI. 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 to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforeſaid, or upon depoſiting the ſame

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

[*Local.*]

70

in

in the Bank of *England*, under the Direction of the Court of Chancery in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to 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 be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, 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 amended and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Trustees empowered to sell Ground not wanted for the Purposes of the Act.

LVII. And whereas the Trustees for executing this Act may be seized of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act, be it therefore further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same.

First Offer to whom to be made.

LVIII. 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, 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 within Forty Days next after such Offer, 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 County, Borough, Town, or Place where such Ground or Road shall lie (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to 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 like Manner as by this Act is directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which

which may be made by the said Trustees of such Piece or Pieces of 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.

LIX. And be it further enacted, That the principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act of any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Guardians, Committee, or other Trustees, or from any Femes Covert, or other incapacitated Person or Persons, 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 Privy 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 any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under 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 the 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 High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

Application of Compensation Money if amounting to 200l.

LX. 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

When less than 200l. and exceeding 20l.

the

the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, with the Privity and in the Name of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the 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 any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application  
where not  
more than  
20l.

LXI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last 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 Two 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 Titles.

LXII. 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 this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Two 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the

Cashier



Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXIII. 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 said 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, 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 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

LXIV. 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 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.

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

LXV. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the said Roads, out of any Waste or Common Ground, Common River or Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Parish, Town, or Place adjoining the said Roads, or in any adjoining Parish, Town, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or

For getting Materials to repair the Roads.

[Local.]

7 P

sloping

sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River or Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may by Order of any Two or more Justices of the Peace for the County in which the Land may be situated, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees; making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds where and whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Roads shall be carried, as the said Justices shall adjudge reasonable.

Notice to be given before Materials taken.

LXVI. And be it further enacted, That it shall not be lawful for any Surveyor or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing signed by the Surveyor of the said Roads shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear at a Time and Place therein named, before some Justice or Justices of the Peace to be named in such Notice, acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials in such Manner and at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath, or being of the People called *Quakers*, upon Affirmation, of the Service of such Notice, and which Oath or Affirmation they or any or either of them are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

LXVII. 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 Purposes of this Act, or if any Person or Persons 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

Occupier to get Materials therein for his own private Use only, and not for Sale), all and every such Persons and Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

LXVIII. 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 Watercourses adjoining or near to the said Roads, or any Part or Parts thereof;

Surveyor may remove Annoyances.

LXIX. 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 Footpaths or Causeways in or along the Sides of the said Roads; not being a Yard, Garden, Orchard, planted Walk or Avenue to any House, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches 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 or Surveyors shall judge necessary.

Surveyors may make Causeways, &c. and cut Drains.

LXX. And be it further enacted, That the said Trustees may, if they shall think fit, from Time to Time cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, and also cause to be erected Direction Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, and Guide Posts as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction, Guide, 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 or Persons shall ride upon any Footpath or Causeway formed upon or on the Side, of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath or Causeway, 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 same or the Fences on either Side thereof, or if any Person driving any Carriage upon the said Roads shall ride on 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

Roads to be measured and Mile Stones erected.

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, Serp-ent, or Firework whatsoever, or play at Foot-ball or any other Game or Games on any Part of the said Roads, or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side and within Thirty Feet of the Centre of the said Roads longer than may be necessary to load or unload the same, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Chalk, 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 now standing or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and such Fences as aforesaid, for the Purpose of making Com- post 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 Regula- tions 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 Five Pounds, to be recovered and applied as herein-after directed.

Gates to be made to open into the adjoining Lands, and not into the Road.

LXXI. And be it further enacted, That all Doors and Gates to be here- after made and placed in any Building, Field, or Ground adjoining any of the said Roads, shall be made and hung to open respectively into such Building, and inwards towards such Field or Ground, and not outwards towards the said Roads; and it shall be lawful for the said Trustees to order all such Doors and Gates as may hereafter be erected and open out- wards towards the said Roads, to be altered and made to open inwards as they the said Trustees shall think proper; and if any Occupier or Occu- piers of the Building or Lands in or upon which any Door or Doors, Gate or Gates, are or shall be constructed so as to open outwards towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him or them to alter such Door or Doors, Gate or Gates, and make the same to open inwards) refuse or neglect to make such Alteration, it shall and may be lawful for the said Trustees to exercise and apply the same Powers for this Purpose with which they are by Law in- vested for the Removal of any Nuisances, Obstructions, or Annoyances made or committed upon the said Roads.

Trustees may contract for Repairs or any other Works.

LXXII. 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 widening, altering, improving, or repairing 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.

LXXIII. And

LXXIII. 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, or any Bridge or Bridges, or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repairs 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 liable to repair the Roads to continue so.

LXXIV. 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 be lawful for any Two or more Justices of the Peace for the said Counties of *Gloucester* and *Worcester*, and for the Borough of *Tewkesbury* in the said County of *Gloucester*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a 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 Repair of public Highways; and out of such Lists such Justices shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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 on such Parts 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 may also order and direct the Persons who by such Lists shall appear to be subject or 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 Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer at such Time or Times as the said Justices

Statute Labour.

[Local.]

7 Q

shall

shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall or may be recovered by Distress and Sale of his or their Goods and Chattels, 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, signed by the Surveyor or Surveyors of the said Roads) 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, Hamlets, 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 Five Pounds.

Certain Persons in Tewkesbury not to be subject to Statute Duty.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to charge or make chargeable any Person or Persons who shall inhabit, hold, or occupy any House, Shop, Malthouse, Warehouse, Mill, Stable, Building, Cellar, Vault, Yard, Garden, Orchard, Tenement, or Hereditament within the said Town of *Tewkesbury* and Precincts thereof, for or in respect of the Occupation thereof, with the Performance of any Statute Work, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, such Person and Persons being by virtue and under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His said present Majesty, intituled *An Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Town of Tewkesbury, and the Precincts thereof, in the County of Gloucester; for the Removal of present and Prevention of future Encroachments, Nuisances, and Annoyances; for regulating Carts and other Carriages, and ascertaining the Rates of Carriages; and for widening some Part of the Street called Church Street, within the said Town, wholly and exclusively subjected to the Repair of the Roads within the said Town and Precincts, and subjected to be rated in respect of such Property for that Purpose, distinct from the other Inhabitants of the said Parish.*

Statute Work may be compounded for.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said

said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *October* 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.

LXXVII. 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 seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County, Borough, or Place where such Offence shall be committed, to be dealt with according to Law.

For securing  
transient  
Offenders.

LXXVIII. 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 Offence respectively before any One Justice of the Peace for the County, Borough, 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 Oath (or, being of the People called *Quakers*, by the Affirmation) of One or more credible Witnesses or Witnessess, 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 Half thereof to the Informer, and the other Half Part thereof to the Treasurer or Clerk to the 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, Borough, 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.

Penalties  
and Forfeitures  
how to  
be recovered  
and applied.

LXXIX. And

Offenders  
against the  
Act.

LXXIX. And for the more easy and speedy 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.

‘ } BE it remembered, That on the \_\_\_\_\_ Day of  
‘ to wit. } in the Year of our Lord  
‘ A. B. is convicted before me, One of His Majesty’s Justices of the  
‘ Peace for the said County [or Borough, as the Case may be], by virtue  
‘ of an Act of the Fifty-eighth Year of the Reign of King George the Third,  
‘ intituled *An Act* [here set forth the Title of this Act, and specify the  
‘ Offence, and when and where committed]. Given under my Hand and  
‘ Seal the Day and Year above written.’

Persons ag-  
grieved may  
appeal to the  
Quarter  
Sessions.

LXXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty’s Justices of the Peace, or by any other Person or Persons whomsoever, such Persons may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County, Borough, or Place in which the Cause of Complaint shall arise, such Appellant (if there be sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, or to such other Person or Persons as aforesaid, and within Four Days next after such Notice entering into a Recognizance before such Justice of the Peace for such respective County, Borough, or Place, 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 such County, Borough, or Place; 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 Justices at 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 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 House of Correction for the said County, Borough, or Place, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings  
not to be

LXXXI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings



ings 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 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 any 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 commenced.

quashed for  
want of  
Form.

LXXXII. 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, under the Direction or Authority of the said Trustees, until Twenty Days Notice thereof shall be given to the Clerk of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, 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 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 than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit 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 Case by Law.

Limitation  
of Actions.

LXXXIII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers nominated and appointed by and acting under this Act for the Time being, to pay and defray, out of the Money in his or their Hands arising from the Tolls and Duties collected by virtue thereof, all such Costs, Charges, and reasonable Sums as they the said Trustees, or any of them, or any Justice or Justices of the Peace, shall have been at or put unto or shall have expended, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, for or on account thereof, or for or concerning

Costs and  
Expences of  
the Trustees  
or Justices to  
be paid.

[Local.]

7 R

any

any Matter or Thing whatsoever which they shall have done or ordered to be done in the Execution of this Act.

Public Act. LXXXIV. 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.

Commence-  
ment and  
Continuance  
of this Act. LXXXV. And be it further enacted, That this Act shall commence on the Twenty-fourth Day of *December* next after the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1818.