Anno tricesimo primo

Georgii II. Regis.

An Act for repealing so much of the Act of the Fifteenth Year of His present Majesty, For enlarging the Term and Powers granted by an Act of the Thirteenth Year of His late Majesty King *George* the First, for repairing the Roads from *Cirencester Town's End* to *Saint John's Bridge* in the County of *Gloucester*, as directs that the Inhabitants of the several Parishes and Hamlets therein named, shall pass Toll-free; and for repairing the Street from the *High Cross* in *Cirencester* to the *Town's End* there; and for other Purposes therein mentioned; and for enlarging the Terms and Powers granted by the said Two former Acts.

WHEREAS by an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled, An Act for repairing the Roads leading from *Cirencester* Town's End to *Saint John's Bridge* in the County of *Gloucester*; Trustees are appointed for repairing the aforesaid Roads, and several Tolls granted for that Purpose, with several Powers and Authorities to the said Trustees, in the said Act mentioned; which Act was to continue and be in Force from the First Day of June, One thousand seven hundred and twenty seven, for the Term of Twenty one Years: And whereas by one other Act of Parliament passed in the Fifteenth Year of His present Majesty's Reign, intituled, An Act for Preamble.

for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for repairing the Roads leading from* Cirencester Town's End *to* Saint John's Bridge *in the County of* Gloucester; the said Act of the Thirteenth Year of the Reign of His late Majesty, and all the Authorities, Powers, Penalties, Forfeitures, Articles, Rules, and Clauses, therein contained (except such Clauses and Powers as are by the said Act of the Fifteenth Year of His present Majesty varied or altered) are continued from the Expiration of the said Act of the Thirteenth Year of His late Majesty, for and during the further Term of Twenty one Years, and several additional Powers are given to the said Trustees: And whereas the Trustees appointed to put the said Acts in Execution, have erected Two Gates or Turnpikes on the said Roads, and have borrowed a considerable Sum of Money upon the Credit of the said Tolls; which, together with the Money collected at the said Two Turnpikes, has been duly applied in repairing the said Roads; yet the same are still in a ruinous Condition, nor is the present Income of the Tolls sufficient effectually to repair the said Roads, and to pay the Interest of the Money due upon the Credit of the said Acts, insomuch that the said Roads, which are at present very much frequented, will become impassable, unless the Terms and Powers granted by the said former Acts be enlarged, and the said Tolls encreased: May it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Thirteenth Year of the Reign of His late Majesty, and the Fifteenth Year of His present Majesty's Reign, and all the Authorities, Powers, Penalties, Forfeitures, Articles, Rules, and Clauses, in them or either of them contained, which shall be in Force at the passing of this present Act of Parliament (except such Clauses and Powers as are hereby varied or altered) shall be in full Force from and after the Expiration of the Term granted by the said Act of the Fifteenth Year of His present Majesty, 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 Intents and Purposes in the said former Acts and this present Act directed, in as full and ample Manner as if the same were again repeated and re-enacted in the Body of this present Act; but if at

any Time before the Expiration of the said further Term of Twenty one Years hereby granted, the said Roads shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace for the said County of Gloucester, at their Quarter Sessions to be holden for the said County, then and from and after such Adjudication made, and the Repayment of such Money as shall be due and owing on Account of the said Two former Acts, and of this present Act, the several Tolls, Duties, and Powers, by the said former Acts granted, and hereby continued, shall cease and determine; any thing therein or herein contained to the contrary notwithstanding.

If the Road shall be sufficiently amended before the Expiration of the Term granted by this Act, and Debts paid, Tolls to cease.

And be it further enacted by the Authority aforesaid, That the Right Honourable the Lord Viscount Downe in the Kingdom of Ireland, the Representatives in Parliament for the County of Gloucester, and for the City of Gloucester, and Boroughs of Cirencester and Tewkesbury, for the time being; Richard Ainge, the Reverend Doctor Atwell, John Bedwell, Richard Bullock, John Bullock, Joseph Byam, Joseph Butler, Samuel Blackwell, Buttler, John Blackwell, Francis Brown, Edward Bathurst, Sir William Burnaby, the Reverend Doctor Benson Chancellor of the Diocese of Gloucester, the Reverend Master Baker of Quennington, Thomas Bedwell, Thomas Bush, James Chaundler, Alexander Colson, John Cripps, John Cripps the younger, Edward Cripps, Joseph Cripps, the Reverend Joseph Chapman, the Reverend Thomas Chamberlayne Coxe, John Coxe, Charles Coxe, Charles Coxe of Kemble, Thomas Coleman, Edmund Chamberlayne, the Reverend John Chamberlayne, James Croome, the Honourable John Dawnay, James Lenox Dutton, John Davies, Daniel Davis, Dennis Davis, Charles D'Oyley of Southrop, Francis Evans, Albert Eyles, Robert Berkeley Freeman, Sir John Guise Baronet, William Guise, Thomas Griffin, the Reverend Master Goodenough of Broughton, Gabriel Hanger, John Hanger, Benjamin Hyett, Nicholas Hyett, Benjamin Hyett the younger, John Harding, John Howse, Richard Hitchins, Robert Hall, Richard Howse, William Hewer, Hall of Easington, John Jenner, Henry Jayne, William Jones the younger, Thomas Ingram, Samuel Ingram, David Killican, the Reverend John Loder, James Lambe, Charles Loder, Robert Loder, the Reverend Samuel Lysons, Daniel Lysons the younger, Henry Loveday, John Myles, John Moulder, Thomas Master, Thomas Master the younger, William Moore, the Reverend John Newton, Thomas Nicholls, John Pullen, the Reverend Thomas Powell, Daniel Pecker, Edmund Phillips, Humphrey Mackworth

Trustees Names.

Mackworth Pread, William Radway, Francis Radway, John Chaundler Ready, the Reverend Robert Ready, the Reverend William Sanford Doctor in Divinity, Richard Smart, Samuel Sheppard, Edward Sheppard, Robert Sandford, Michael Saunders, John Self, Samuel Self, Robert Sandford the younger, the Reverend John Sandford, the Reverend Thomas Shellard, Thomas Strong, Matthew Shoper, Robert Stevens of Kelmskott, John Stevens, Viner Small, the Reverend Walter Sommerville of Bibury, Henry Frederick Thynne, Thomas Tyndall, Thomas Townsend, William Turner, John Turner, Henry Townsend, the Reverend Walter Thomson, Thomas Vaisey, the Reverend William Walker Doctor of Laws, the Reverend John White Doctor in Divinity, the Reverend Ralph Willett, Henry Ward, Edward Wilbraham, Edward White, Samuel Whitmore, and John Yate, shall, from and after the passing of this present Act, be, or be added to and joined with, the Trustees appointed or to be appointed to put the said former Acts, or either of them, or this present Act, in Execution; and the Trustees herein before named, and the Survivors of them, shall be, and are hereby authorized and impowered to put the said former Acts, and this present Act, in Execution.

And, to the end that a sufficient Sum of Money may be raised for repairing the Roads by the said former Acts and this present Act directed to be amended, and for keeping the same in Repair, and for discharging the Debt now due, or which shall hereafter be contracted on account of the said Repairs; be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, it shall and may be lawful to and for the Trustees appointed, or hereafter to be appointed, to put the said former Acts, and who are hereby also appointed to put this present Act in Execution, or such Person or Persons as they, or any Five or more of them, shall, under their Hands appoint, to demand and take the several Tolls herein after-mentioned, instead of the Tolls laid and made payable by the said Act of the Fifteenth Year of the Reign of his present Majesty, before any Coach, Berlin, Chariot, Calash, Chaise, Chaise Marine, Chair, Waggon, Wain, Cart, Dray, Carriage, Horse, Mare, Gelding, Mule, or Ass, Oxen, Sheep, Lambs, Hogs, or other Cattle whatsoever, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of the said former Acts or this present Act; that is to say, The same Tolls, as are directed and appointed to be taken by the said former Acts, save and except only the several Sums which are hereby directed and appointed to

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be paid in respect of the several Carriages drawn by Horses, Mares, or Geldings; and that the Sum of Four Pence be hereafter had and taken for every Horse, Mare, or Gelding, drawing any Waggon, Wain, Cart, Coach, or other Carriage whatsoever: Which said several Tolls are and shall, from and after the passing of this present Act, be vested in the said Trustees appointed or to be appointed to put the said former Acts and this present Act in Execution; and they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall, and they are hereby declared to have the same Powers and Authorities for demanding, collecting, borrowing of Money on, and recovering and levying the Tolls hereby made payable, and all other Powers and Authorities not hereby repealed, as are in and by the said former Acts, or either of them, or this present Act, given and prescribed; and the Tolls hereby granted and made payable, and every Part thereof, shall be paid, applied, and disposed of, and assigned, to and for such Uses, Intents, and Purposes, as are in and by the said former Acts, or either of them, and in and by this present Act, directed and appointed, and to and for no other Use or Purpose whatsoever.

Tolls vested in the Trustees.

And whereas by the said Act of the Thirteenth Year of the Reign of His late Majesty, it is provided, That in case there shall be more than One Gate or Turnpike in, cross, or on the Side of the said Roads, no Person or Persons having paid the Toll or Duty at any Gate or Turnpike through which such Person or Persons shall pass, and producing a Note or Ticket that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are required to give gratis) shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes erected and set up by virtue of the said Act upon the said Roads; such Person or Persons delivering the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the latter Gate or Turnpike the same Day; by which Proviso the said Tolls have been considerably diminished; be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, the said Proviso, so far as relates to the passing through the several Gates or Turnpikes, by paying the Toll but Once, shall be and is hereby declared to be repealed.

Proviso in the Act of 13 *Geo.* 1.

the said Proviso repealed.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all and every Person and Persons travelling and passing

Toll to be paid but Once a Day, for passing through the Side Gates leading into the Road from *Baunton* and *Preston*, and other Gates between that and *Cirencester*.

sing along Part of the said Road into or from the Town of Cirencester, through either of the Side Gates leading into the said Road from the Parishes of Baunton and Preston, to travel and pass the same Day through the said Side Gates, or either of them, and also through any other Gate or Gates, Turnpike or Turnpikes, erected or to be erected between that Place and the said Town of Cirencester, without paying more than One Toll for the same; any thing herein contained to the contrary notwithstanding.

Power given to the Trustees of this and the former Act, to levy the Tolls.

And be it further enacted by the Authority aforesaid, That from and after the passing this present Act, the Trustees appointed or to be appointed to put the said former Acts and this present Act in Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall, during the remaining Term by the said former Acts granted, and the Term hereby further continued, have full Power and Authority to demand and take the several Tolls by this Act granted, at each of the Gates or Turnpikes erected by virtue of the said former Acts, or either of them, or at any other Gates or Turnpikes, not making in the Whole more than Two Gates or Turnpikes, to be hereafter erected upon or across the said Highway or Road by virtue of the said former Acts, or either of them, or this present Act, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chaise Marine, Chair, Waggon, Wain, Cart, Dray, Carriage, Horse, Mare, Gelding, Mule, or Ass, Oxen, Sheep, Lambs, Hogs, or other Cattle whatsoever, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of the said former Acts or this present Act; any thing in the said former Acts, or either of them, contained to the contrary notwithstanding.

Clause in Act 15 *Geo.* II.

And whereas by a Clause in the said Act of the Fifteenth Year of the Reign of His present Majesty, it is declared, That all Coaches, Chariots, Calashes, Chaises, Chairs, Waggons, Carts, and Carriages, Horses, Oxen, Sheep, Lambs, Hogs, and other Cattle, belonging to the Inhabitants, for the time being, of the several Parishes of Sherbourn, Farmington, Turk Dean, Bourton on the Water and its Hamlets, the Parish of Slaughter, Northleach, Hampnet, Easington, Coln Saint Dennis, Coln Rogers, Bibery and its Hamlets, Barnsley and Aldsworth, should, after the Expiration of the Term granted by the said Act of the Thirteenth Year of his late Majesty, pass and repass Toll-free, which Exemption has been found greatly to diminish the said Tolls; be it there-

fore

fore enacted by the Authority aforesaid, That from and after the passing this present Act, the said Clause in the said Act of the Fifteenth Year of the Reign of his present Majesty, whereby the Cattle and Carriages belonging to the Inhabitants of the several Parishes of Sherbourn, Farmington, Turk Dean, Bourton on the Water and its Hamlets, the Parish of Slaughter, Northleach, Hampnet, Easington, Coln Saint Dennis, Coln Rogers, Bibery and its Hamlets, Barnsley and Aldsworth, are admitted to pass Toll-free through the several Gates or Turnpikes erected by virtue of the said former Acts, shall be, and is hereby declared to be, repealed. Recited Clause repealed.

And whereas the middle Part or Passage of the Street or Road leading from a Place called the High Cross, to the Town's End at Cirencester, being the great and general Thoroughfare and Passage for all Horses, Carts, and Carriages whatsoever, into the Road directed to be repaired by the said former Acts, is thereby become in a ruinous Condition, and cannot be sufficiently repaired by the Laws now in Force, nor by the Inhabitants of the Parishes through which the said Street or Road leads: be it therefore further enacted by the Authority aforesaid, That from and after the passing this present Act, it shall and may be lawful to and for the Trustees appointed or to be appointed to put the said former Acts, or either of them, or this present Act, in Execution, to appropriate and apply such Part and so much of the Tolls arising from time to time by virtue of the said former Acts, or either of them, or of this present Act, or the Money borrowed or to be borrowed on the Credit thereof, as they, or any Five or more of them, shall, from time to time, think proper and necessary for the amending, repairing, and keeping in Repair, the said Street or Road leading from the High Cross to the Town's End at Cirencester aforesaid, into the Roads directed to be repaired by the said former Acts and this present Act; and the said Trustees shall have the same Powers and Authorities for the amending, repairing, and keeping in Repair, the said Street or Road from the High Cross at Cirencester, to the Town's End at Cirencester aforesaid, as they are now invested with by the said former Acts, or either of them, or shall be invested with by this present Act, for the Repair of the Roads leading from Cirencester Town's End, to Saint John's Bridge in the County of Glocester, as fully and effectually, to all Intents and Purposes, as if the said Street or Road had been particularly described in, and directed to be repaired by, the said former Acts: Provided the same shall not amount to more Expence in repairing Portion of the Tolls to be appropriated towards repairing the Street leading from the *High Cross* to *Cirencester*. Proviso.

the same, in Proportion to the Extent, than for the other Parts of the said Road.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be deemed qualified or capable of acting as a Trustee, in the Execution of the said former Acts, or of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or is possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Two thousand Pounds; and unless he shall also take and subscribe the Oath following, before any Five or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of the said former Acts, or of this Act; which Oath shall be in the Words following; that is to say,

Trustees to take the Oath following, before they act.

The Oath.

I *A. B.* do swear, That I am truly and *bona fide*, in my own Right, or in Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, after all my Debts are paid.

So help me GOD.

Penalty on Persons acting, if not qualified.

And if any Person hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or 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, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Roads.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers to be appointed for the Purposes of the said former Acts and of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Five or more of them, shall think fit.

Provided

Victuallers, &c. disqualified to hold a Place of Profit.

Provided always, That no Innholder, Victualler, or Person who shall sell any Spirituous or fermented Liquors by Retail, shall be capable of holding or enjoying any Office or Place of Trust or Profit under the said former Acts or this Act.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the reasonable Charges expended in procuring this present Act of Parliament, shall be paid out of any Money which has arisen or shall arise by virtue of the said former Acts, or this present Act of Parliament.

Materials to be applied in repairing such Part of the Road only as lies in the Parish from whence they were taken.

Provided always, and be it enacted, That the Stones, Gravel, and other Materials to be used for amending or altering the said Road, shall be applied for amending or altering such Part of the said Road only, as lies in the Parish from whence such Materials shall be dug, gathered, or taken away, without paying for the same; and that no Materials for amending Roads shall be dug, gathered, or taken away, from or out of any of the Wastes or Commonable Places between Saint John's Bridge and Cirencester Town's End, except for the Purpose of amending the Road by this Act directed to be amended.

Materials for amending other Roads not to be taken from between the Bridge and *Cirencester*.

40 *l.* to be annually applied by the Trustees in repairing the Upper Way to *Ready Token*.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the Trustees for putting the said former and this present Act in Execution, or any Five or more of them, shall, out of the Money arising by the Tolls hereby continued, order and direct the Sum of Forty Pounds yearly to be laid out upon and towards repairing the Upper Way, as far as a Place called Ready Token; which Sum of Money, so laid out in the said Repairs, shall be accounted for to the said Trustees, or any Five or more of them, in such Manner as any Money laid out and disbursed in pursuance of the said former Acts and this present Act.

Penalty on Persons acting if not qualified.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried, within the County of Gloucester, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act, and if it shall appear to be so done, or if such Action or Suit shall be commenced after the Time before limited for bringing the same,

General Issue.

same, or shall brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs; the Defendants shall have Treble Costs; and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.