Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening the Road from *Cirencester* in the County of *Gloucester*, to *Cricklade* in the County of *Wilts*.

WHEREAS the High Road leading from the Borough of Cirencester in the County of Gloucester, through the Parishes and Tything of Cirencester, Chesterton, Siddington, Preston, Driffield, and South Cerney in the said County of Gloucester, and Latten and Cricklade in the County of Wilts, to the Borough of Cricklade in the said County of Wilts, is very ruinous, and in many Places, in the Winter Season, almost impassable, and in most Parts thereof very narrow and incommodious, and cannot be widened, repaired, and kept in sufficient Repair by the ordinary Course of Law; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable the Lord Viscount Downe in the Kingdom of Ireland, the Honourable Benjamin Bathurst, the Honourable

Preamble.

Trustees Names.

hse Henry Bathurſt, the Honourable John Bathurſt, the Honourable and Reverend Allen Bathurſt, the Honourable John Dawney, the Honourable Henry Frederick Thynne, Sir Mark Stewart Pleydell, Sir John Gyſe, Sir Robert Long, Baronets; Norborne Berkeley, Charles Barrow, Thomas Buſh, Eſquires; John Byrt of Cricklade, Edward Bathurſt of Ciceſter, the Reverend Doctor James Benſon, the Reverend Thomas Bray, Thomas Cheſter, James Newſam Craggs, Hawkins Chapman, William Rawlinſon Earle, William Freke, John Gore, Thomas Gore, Charles Gore, Gabriel Hanger, Eſquires; William Heberden Doctor of Phyſick, William Jones, John Jones, Eſquires; Daniel Licenſe Doctor of Phyſick, Thomas Maſter Eſquire, Joſeph Matthews, William Maſkelyne, Joſeph Maſkelyne, Edward Popham, Edward Pleydell, John Self, Eſquires; the Reverend Nathaniel Sandford of Cricklade, Jonathan White, the Reverend Francis Walbron, the Bailiff of the Borough of Cricklade for the time being, Richard Kinneir, John Byrt junior, Richard Ainge, Richard Bullock, Joſeph Byam, Joſeph Butler, Samuel Blackwell, John Blackwell, Francis Brown, John Cripps, John Cripps junior, Edward Cripps, Joſeph Cripps, Reverend Joſeph Chapman, Reverend Thomas Chamberlayne Coxe, John Coxe, Charles Coxe, Charles Coxe of Kemble, Thomas Coleman, James Croome, Edmund Chamberlayne, Reverend John Chamberlayne, John Davies, Daniel Davis, Dennis Davis, James Lenox Dutton, Francis Evans, Albert Eyles, Robert Berkeley Freeman, Thomas Gryffin, John Harding, John Howſe, Richard Hitchings, Robert Holly, Benjamin Hyett, Nicholas Hyett, Benjamin Hyett junior, John Hanger, Richard Howſe, William Hewer, John Jenner, Henry Jayne, William Jones the younger, David Killican, Reverend John Loder, Charles Loder, Robert Loder, Reverend Samuel Lyſons, Daniel Lyſons junior, Henry Loveday, John Myles, John Moulder, Thomas Maſter, Thomas Maſter junior, William More, Thomas Nicholls, the Reverend John Newton, John Pullen, Reverend Thomas Powell, Daniel Packer, William Radway, Francis Radway, Reverend Doctor William Sanford, Michael Saunders, John Selfe, Samuel Selfe, Richard Smart, Samuel Sheppard, Edward Sheppard, Robert Sandford, Robert Sandford junior, Reverend John Sandford, Reverend Thomas Shellard, Thomas Strong, Matthew Soper, Robert Stevens of Kelmſcott, John Stephens, Thomas Townſend, William Turner, John Turner, Henry Townſend, Thomas Tyndall, Thomas Valley, Henry Ward, Edward Wilbraham, Reverend John White Doctor in Divinity, Reverend Doctor William Walker, Reverend Ralph Willet, Edward White, Samuel Whitmore, John Yate,

Yate, Jarvis Austin, William Gyse Esquire, William Gegg, Thomas Jones Esquire, William Hillier, Richard Hillier, James Lambe Esquire, William Moss, John Roberts, John Timbrel, the Reverend Thompson of Maisey Hampton, William Grayhurst, Jacob Hewlings, John Maye, shall be, and they and their Successors are hereby appointed Trustees for putting this Act in Execution; and it shall be lawful to and for the said Trustees, and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to build, erect, or cause to be built or erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or cross the said Road, or any Part or Parts thereof; and also a Toll-house or Toll-houses in, or upon, or near the same; and shall demand, receive, and take the Tolls and Duties following, before any Horse or other Cattle, or any Carriage whatsoever, shall be permitted to pass through the said Gates or Turnpikes; that is to say,

Trustees to erect Toll-gates and Toll-houses, &c.

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, or Mule, drawing in any Carriage, the Sum of Three Pence.

For every Ox, Bullock, or Ass, drawing in any Carriage, the Sum of Two Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, Ten Pence per Score, and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score, and so in Proportion for any greater or less Number.

Which said Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected shall be, and is hereby vested in the said Trustees for the time being; and the same, and every Part thereof, shall be applied, disposed of, and assigned, to and for the several Uses and Purposes, and in such Manner as is herein after mentioned and declared; and it shall be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, nominate and appoint, to demand and take the Tolls or Duties hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after

Tolls vested in the Trustees.

Demand

Tolls may be levied by Distress and Sale.

Demand thereof made, neglect or refuse to pay the same, as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Carriage or Goods upon which any Toll or Duty is by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep such Goods and Chattles until such Tolls or Duties, with the reasonable Charges of such Distress, detaining, and keeping, shall be fully paid and satisfied; and such Person or Persons so distraining, after the Space of Five Days next after such Distress is made and taken, in case such Tolls or Duties, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied, shall and may sell the Cattle, Carriage, or Goods so distrained and taken for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner or Owners thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 5 Days.

Trustees may erect Side Gates,

And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and upon, in, or across any Lane or Bye-way that doth or shall lead into or out of any Part of the said Road; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls or Duties as are by this Act granted and made payable at any Turnpike to be erected by virtue thereof, so as the same do not extend to a Double Charge upon any Person or Persons, Cattle, Carriage, or Goods, passing through any other of the Gates or Turnpikes erected by virtue of this Act, and so as the same do not extend to any Charge upon any Person or Persons for any Cattle or Carriages which have not passed, or shall not pass the same Day upon any Part of the said Turnpike Road, otherwise than by only crossing the same.

and take Tolls thereat;

so as the same do not extend to a Double Charge,

Tolls to be paid but Once a Day.

Provided always, That in case there shall be more than One Gate or Turnpike erected cross or on the Sides of the said Road hereby intended to be widened and repaired as aforesaid, no Person or Persons having paid the Toll or Duty at the First Gate or Turnpike through which such Person or Persons shall have passed, and producing a Note or Ticket taken at such Gate, signifying that such Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis on Receipt of the Toll or

Duty)

Duty) shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes upon the said Road, such Person or Persons producing and 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; and that no Person or Persons having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day before Twelve of the Clock at Night, with the same Horse, or other Cattle, or with the same Carriage, shall be liable or compelled to pay the said Toll or Duty more than Once in the same Day.

To be paid by Day and Date.

They may be paid but Once a Day.

Penalty on Persons giving or receiving Tickets, &c.

And be it further enacted, That if any Person or Persons having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, as aforesaid, shall offer, give, or dispose of the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls or Duties hereby made payable) or if any Person or Persons shall with any Horse or other Cattle, or Carriage whatsoever, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any or either of the said Gates or Turnpikes to be erected by virtue of this Act, the same not being a Common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin, or lie near, to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse or other Cattle, or Carriage whatsoever, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or do any other Act, whereby the Payment of any of the said Tolls shall be evaded, that then, and in either of the Cases aforesaid, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Benefit, and the other Moiety shall go and be applied towards widening and repairing the said Road.

Tolls not to be taken for the same Cattle or taking off Horses, &c.

to avoid Payment of the Tolls.

And

Trustees, with Consent of the Creditors, may lessen the Toll,

And be it enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter, and as often, and for such Times, as they shall think proper, to lessen all, or any, or either of, the Tolls or Duties by this Act made payable at any Gate or Turnpike, and so again as often, and for such Time, as the said Trustees, or any Nine or more of them, shall find it necessary, to raise or increase all, or any, or either, of the said Tolls or Duties, so that the same do not exceed the Tolls or Duties made payable by this Act.

and raise them again, if necessary.

Proviso,

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last mentioned.

No Toll on Election Days.

Provided also, and it is hereby enacted, That no Toll or Duty shall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Car, or Caravan, or for any Passenger on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Gloucester or Wilts, on the Day or Days of such Election, or on the Day before or Day after such Election.

Time and Place of Trustees a Meeting.

And be it further enacted, That the Trustees hereby appointed, or any Seven or more of them, shall meet at the Ram Inn in the Town of Cirencester, upon the First Day of June next ensuing, and shall proceed to the Execution of this Act; and shall adjourn themselves, and afterwards meet at the White Swan Inn, in the Town of Cricklade, and afterwards shall meet alternately at Cirencester and Cricklade, as often as it shall be necessary for putting this Act in Execution; and if there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to the said Trustees, shall and may, by publick Notice in Writing, to be fixed at or on all the Turnpikes which shall be erected by virtue of this Act, and in the Gloucester Journal, or some other publick News Paper, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held; and the said Trustees, at the First, and every subsequent Meeting, shall defray their own Expences.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Qualification of Trustees

Provided always, and be it enacted, That no Person shall be deemed qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments,

ments, of the clear yearly Value of One hundred Pounds above Reprizes; or shall be Heir Apparent of some Person having such Estate of the yearly Value of Two hundred Pounds; or shall be possessed of a Personal Estate alone, or of Real and Personal Estate together, to the Amount or Value of Two thousand Pounds; and unless, not being such Heir Apparent, 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 this Act; which Oath shall be in the Words, or to the Effect, following; that is to say,

Trustees to take the Oath following, before they act.

I *A. B.* do swear, That I am truly and *bona fide*, in my own Right, or in the 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 that I am possessed of a Personal Estate alone, or of Real and Personal Estate together, to the Amount or Value of Two thousand Pounds.

The Oath.

So help me GOD.

And if any Person hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and 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.

Penalty on Persons acting, if not qualified.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted will not be sufficient for the speedy widening and repairing of the said Road hereby directed and intended to be widened and repaired; be it further enacted, That the said Trustees, or any Nine or more of them, shall and they are hereby impowered from time to time, by any Writing or Instrument under their Hands and Seals, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls and Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance

Tolls may be assigned for Money borrowed.

and

and lend such Money to secure the Repayment thereof, by or out of the Monies arising or to be collected by the said Tolls or Duties, with Interest for the same, as the said Trustees, or any Nine or more of them, shall think fit and agree to give; which said Money so borrowed, shall be applied and disposed of as the said Tolls or Duties are by this Act appointed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that all and every the Assignment and Assignments so to be made by the said Trustees for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book shall and may be perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls or Duties after their First Meeting, unless Twenty Days Notice be previously given thereof, by Writing under the Hand of the Clerk to the said Trustees, and be by Order of the said Trustees, or any Seven or more of them, affixed upon all the Turnpikes erected by virtue of this Act.

Trustees not to repay Money.

Copies of Assignments and the Trustees to be entered in Book.

20 Days Notice to be given of borrowing Money.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, or any One or more of them, or who shall be intitled to the Money thereby secured, may, and are hereby impowered, from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again.

Assignments may be transferred, and the Manner of transferring to prevent Officers.

And be it further enacted, That out of the Tolls or Duties hereby granted, and the Monies borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall in the First Place pay and discharge the reasonable Charges and Expences attending the passing of this Act; and the Remainder of the Money so raised, shall be applied in defraying the necessary Charges and Expences of widening and repairing the said Road, and otherwise putting this Act in Execution, in such Manner as the said Trustees, or

Charges of passing this Act to be first paid.

or any Five or more of them, shall, from time to time, direct and appoint.

Trustees not to repair Pavements.

Provided always, That nothing in this Act contained shall extend or be construed to extend, to impower the said Trustees, or any of them, to lay out or apply any of the Money to be raised by virtue of this Act, in paving or repairing the Pavements of any of the Streets of the Towns of Cirencester or Cricklade.

Property of Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be, and are hereby vested in the Trustees, appointed or to be appointed by or in pursuance of this Act, and they, or any Five or more of them, are hereby impowered to dispose thereof, as they shall think proper; and to bring or cause any Actions to be brought in the Name or Names of any One or more of them, or in the Name of their Clerk or Treasurer for the time being; or to prefer or cause Bills of Indictment to be preferred, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house, or Toll-houses, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Trustees to appoint Officers;

And be it further enacted, That the said Trustees, or any Nine or more of them, may and they are hereby authorized and impowered, from time to time, to chuse and appoint One or more proper Person or Persons to be Collector or Collectors, Receiver or Receivers, of the Tolls and Duties by this Act made payable, and One or more proper Person or Persons, to be Clerk or Clerks, Treasurer or Treasurers; and also to appoint a Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same be properly repaired; and such other Officers as they the said Trustees, or any Nine or more of them, shall think necessary for the Execution of this Act; and, from time to time, to remove such Collectors, Clerks, Treasurers, Surveyors, and other Officers, as they shall see Occasion, and to appoint new Ones on their Death or Removal; and every Person and Persons who shall be appointed as aforesaid, to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby impowered to administer, and for the Administration whereof no Fee or Reward shall be taken) give in a true, exact, and perfect Account in Writing to the said Trustees,

and remove them, and appoint others.

Officers to account upon Oath.

sees, or any Five or more of them, of all Monies which such Persons shall respectively have received by virtue of this Act, and how, and to whom, and for what Uses such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall direct and impower to receive the same, and shall be laid out and disposed of, according to the true Intent and Meaning of this Act; and the said Trustees, or any Five or more of them, to whom such Account shall be given, may and shall out of the said Tolls or Duties make such Allowance to the said Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or to such other Person or Persons as shall be assisting to them, or either of them, in or about repairing and widening the said Road, or any Part thereof, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case such Collectors, Receivers, Clerks, Treasurers, or other Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof on Oath when required so to do, then and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace, for any Division or Place in which any Part of the said Road doth lie, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward) and if such Persons shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the County or Place where the Offence shall be committed, 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, or any Five or more of them, and have paid such Composition-money to the said Treasurer or Treasurers, or other Officer or Officers, to be by them appointed to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

Trustees to allow Officers Salaries.

Officer refusing or neglecting to account,

Justices upon Complaint to enquire into the Default;

and commit the Offender to Gaol;

until he shall conform, or compound with the Trustees.

And

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he or any Five or more of the said Trustees shall appoint, to dig, gather, take, and carry away, any Gravel, Sand, Stones, or other Materials (Furze and Heath excepted) for repairing the said Road, out of any River, Brook, Waste, or Common Grounds, in any Parish, Town, Village, or Hamlet, wherein or near which the said Road doth lie, without paying any Thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, the Holes or Pits where such Materials shall be digged, gathered, or taken, and from whence the same shall be carried away; and where there is not sufficient of such Materials in any such Rivers, Brooks, Wastes, or Common Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, and their Successors, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground, set apart or used as a Plantation or Nursery for Trees) where any such Materials are or may be found; and, from time to time, to carry away the same, or so much thereof, as the said Surveyor or Surveyors shall judge necessary for repairing and mending the Road aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where or from whence the same shall be digged, gathered, or taken away, or over which the same shall be carried, as the said Trustees, and their Successors, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between such Owners or Occupiers, and the said Trustees, touching such Damages aforesaid, the Justices of the Peace at their next General Quarter Sessions to be holden in and for the County or Place where such Matter of Difference shall arise or happen, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

Surveyors may dig Gravel, &c. in Waste Grounds, &c.

without paying any thing for the same;

levelling the Pits;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from or under the Hands of the said Trustees,

Surveyors to make Causeways, cut Drains, &c.

Rees, or any Five or more of them, for those Purposes respectively, to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Road; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across the said Road, or any Part thereof; and may and shall make, raise, or erect any Mounds or Banks, or dig, or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; making unto reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they may thereby sustain as to the said Trustees, or any Five or more of them, shall seem meet,

Surveyors may remove Annoyances, &c.

And be it further enacted, That it may and 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 carry away all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, cross, or out of the said Road, to the Prejudice thereof; and to open, scour, or cleanse any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper or necessary; and to make any new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or any Plantation or Nursery for Trees; and to grub up, and cut down, lop, or shroud, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, shroud, and carry away such Trees or Bushes as aforesaid; or to open, scour, or cleanse such Watercourses or Ditches, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to grub up, cut down, lop, shroud, and carry away such Trees or Bushes, or to remove such other Annoyances as aforesaid; such Charges

and lop or top Trees, &c.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges;

or

to be recovered, levied, and disposed of in such Manner as the Penalties and Forfeitures by this Act imposed are herein after directed to be recovered, levied, and disposed of: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted on Oath, shall, for every such Offence, forfeit to the said Trustees the Sum of Twenty Shillings, to be disposed of and applied in repairing the said Road.

and levy the Charges by Distress and Sale;

Penalty for the Second Offence.

And be it further enacted, That in case the said Trustees, or any Nine or more of them, at a Meeting to be held for that Purpose, whereof Ten Days Notice shall be fixed upon the said Turnpikes, shall think proper to widen, turn, or alter the Path of any Part of the said Road, it shall and may be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered to purchase any Lands or Hereditaments for that Purpose, and out of the said Tolls and Duties or the Monies borrowed on the Credit thereof, to pay for the same, and all the Charges attending such Purchase; And it shall be lawful to and for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Nine or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid; and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof, in any wise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

Bodies Politick, &c. enabled to contract and convey to the Trustees.

And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or Trustees or Trustees, or any Person or Persons whatsoever as aforesaid, interested in any Lands or Hereditaments, shall neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in such Case, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, Fourteen Days before any General or Quarter Sessions of the Peace to be holden for the County in which such Lands or Hereditaments shall happen

Persons neglecting to treat for the Sale of such Lands;

to

to be, to give, or cause to be given, to such Owner, or to the principal Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or leave, or cause to be left, at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in, or added, to the said Road, or through which any Part of the said Road shall be intended to be turned as aforesaid, Notice in Writing, denoting or describing the Lands or Hereditaments so intended to be purchased and laid into the said Road, or through which any Part of the said Road is intended to be turned; and purporting, that the Value of such Land will be adjusted and settled by a Jury at the said Session; and the Justices at their said Session, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury which shall attend at such Session, or some other Jury of Twelve indifferent Men, to be then and there impanelled and returned by the Sheriff of the said respective County, without Fee or Reward, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Lands or Hereditaments comprized in the said Notice, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Oath the said Justices are hereby required to administer to such Jury; and to which said Jury the said Trustees, and all Parties interested in the said Lands and Hereditaments, shall have their lawful Challenges; and the said Jury being so charged and sworn, as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value of the said Lands or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind, and be conclusive, to the said Trustees, and to all Parties interested in the said Lands or Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Recompence thereby ascertained, or directed to be given for the said Lands or Hereditaments, to the said respective Owner or Owners thereof, or their Guardians, Trustees, or Agents; or if, in case of Absence, such Person or Persons, or any of them, cannot be found, whereby such Payment or Tender cannot be made; or, in case of Refusal to accept such Recompence, then, upon leaving the same in the Hand or Hands of the Treasurer or Treasurers

The Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

Jurors may be challenged.

Verdict of the Jury to be final.

surers of the said Trustees for the Use of such Person or Persons, and Notice thereof in Writing by the said Treasurer or Treasurers being given to, or left at the Dwelling-house, or last Place of Abode, of the Tenant or Tenants in Possession of such Lands or Hereditaments, or after the Execution of a Conveyance of the Lands or Hereditaments to the said Trustees, or any Three or more of them, and Payment or Tender of the Money thereby stipulated to be paid for the same, and which Money and Recompence the said Trustees, or any Seven or more of them, are hereby impowered to pay out of the Monies which shall be borrowed or collected by virtue of this Act, the said Trustees, or any Seven or more of them, their Surveyors, Workmen, Servants, and Agents, are hereby impowered to take and lay the said Lands or Hereditaments, and every Part thereof, into the said Road, and to ditch and fence out the same, as the said Trustees, or any Seven or more of them, shall think fit; and then, and from thenceforth, and for ever afterwards, such Lands or Hereditaments shall become and be a Part or Parts of the said Road to all Intents and Purposes: And after any such new Road shall be completed, the Lands comprized in, or constituting, the old or former Road, in lieu whereof the Lands for such new Road shall be purchased, as aforesaid, shall be vested in, and shall and may be sold by, the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied in the repairing of the said Road; and the Sale or Conveyance thereof, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the County in which such old Road shall happen to lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands, &c. purchased to be made Part of the Roads.

Old Road may be sold.

Provided always, That in altering, widening, or turning such Road, nothing shall be done which shall in any wise injure or damage any House, or Avenue thereto, or any Building, Yard, Garden, Orchard, Park, planted Walk, or Nursery of Trees.

Buildings, &c. not to be damaged.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, upon Ten Days Notice to be given thereof upon all the said Turnpikes, from time to time, by Writing under their Hands and Seals, to lease, demise, let to farm, or set out, the Tolls or Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing

Trustees may farm, &c. the Tolls.

Any to rent or farm the same, from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for such Tolls or Duties, or any Part thereof; payable at such Times, in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as they the said Trustees, or any Nine or more of them, shall think fit; and to be paid to the Treasurer or Treasurers appointed by the said Trustees to receive the same; which Money so to be paid shall be applied and disposed of for widening and repairing the said Roads.

Persons and Things exempted from Toll.

Provided always, and be it enacted, That no Tolls or Duties shall be demanded or taken at any Turnpike erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, laden with, or for any Horse, Ox, Mule, Ass, or other Beast, drawing or carrying any Materials for repairing any Road or Highway; or any Dung, Mould, Soil, Marl, Chalk, Lime, or Compost, for manuring any Land or Grounds; or any Grass, Hay, Saintfoin, Fodder, Straw, Corn in the Straw, or Wood, Heath, Furze, or Peat for Fuel, to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owners thereof; or any Ploughs, Harrows, or other Implements of Husbandry, to be used for the tilling or stocking of Land; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, Plough, or other Tillage or Work in Husbandry; or going to any Smith or Farrier to be shod or farried, or returning therefrom; or any Post Horse or Vehicle carrying the Mail or Packet, or the Horses of any Officers or Soldiers passing on their March; or for Horses or Carriages belonging to, and passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes.

Penalty on Persons making illegal Claims.

Provided also, That if any Person shall claim, and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings, to be recovered and applied in Manner herein after directed.

Bodies Politick, &c. liable to the Repair of the Roads, to continue so.

Provided also, and it is hereby enacted, That all and every Person and Persons, Towns, Parishes, Hills, Hamlets, Tythings, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who, before the making this Act, hath or have been used, or of Right ought by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of

the Road hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair, the same Parts of the said Road, Bridges, or Drains, in the same Manner as they, every, or any of them, have or hath heretofore usually done, or ought to do; and all Persons who by Law are obliged or liable to perform the Work on the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Road, by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, or Places, respectively, who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do.

Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute-work.

And be it further enacted, That the Surveyor or Surveyors of the Highways, for the respective Townships, Parishes, or Hamlets, wherein any Part of the said Road doth lie, and in case no Surveyor or Surveyors is or are appointed for such Townships, Parishes, or Hamlets, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, or Hamlets, shall, and are hereby required at the First Meeting of the said Trustees after the Twenty fifth Day of March in every Year, during the Continuance of this Act, Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act, to deliver in to the said Trustees, true and perfect Lists in Writing before such Trustees, or any Five or more of them, upon Oath (which Oath they are hereby impowered to administer) of the Names of the several Persons who within each Township, Parish or Hamlet respectively, are obliged by this

Act,

Act, or by any other Law, to do their Statute-work for that Year with Teams and Draughts, or otherwise; and also the Number of Days Work which each Person ought to perform on the Highways, within the several Townships, Parishes, or Hamlets respectively, Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, and in such Manner, and in such Part of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and if any such Person as aforesaid, shall neglect or refuse to do such Statute-work, every such Person shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant or Person who shall keep, or shall by virtue of this Act, be deemed to keep a Team, the Sum of Ten Shillings; and every other Inhabitant not keeping, or not deemed by this Act to keep a Team, the Sum of One Shilling for each Day's Default; and in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to deliver in true and perfect Lists, as aforesaid, then every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Penalty on Surveyors neglecting to deliver in such Lists.

Provided always, and be it enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Hamlets respectively, by and with the Consent of the Inhabitants of such Townships, Parishes, or Hamlets, first had, at a Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year, or otherwise, with the Trustees, or any Seven or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Townships, Parishes, or Hamlets, upon any Part of the said Road; and if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid or levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways; and in case such Composition-money shall not be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace within the respective Counties, upon Oath made before

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

Composition-money how to be recovered.

before him or them of such Default; and he and they is and are hereby required to issue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering such Person or Persons so by the said Trustees, or any Seven or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways for the time being of the said Townships, Parishes, or Hamlets, or either of them respectively; and such Goods and Chattles so distrained, after the Space of Four Days, such Composition-money and the reasonable Charges of distraining and keeping the same not being paid, to sell, returning the Overplus, if any be, to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be by the said Trustees, or any Seven or more of them, applied towards widening or amending the said Road, and to no other Use or Purpose whatsoever.

Surveyors may appeal to Quarter Sessions to portion Statute-work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Road, it shall be lawful for such Surveyor or Surveyors of the Highways, to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment to be held for the County wherein such Highway lies; and the Justices in their respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, as aforesaid, having first given Twenty Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees as aforesaid.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, from time to time, during the Continuance of this Act, to compound and agree with the several Person or Persons, Towns, Parishes, Tills, Hamlets, Tythings, and Places, and the Inhabitants thereof, who, by reason of the Tenure of any Lands or Hereditaments,

ditaments, or on any other Account or Accounts, are liable to repair any Part or Parts of the said Road hereby intended to be repaired, or any Bridge or Drain lying in or upon the same, for a Sum or Sums of Money by the Year, or otherwise, in lieu and instead of the Work which such Person or Persons, Towns, Parishes, Tithings, or Places, and the Inhabitants thereof, are respectively liable to do; and in case any such Composition-money shall not be paid within Fourteen Days after the same shall become payable, according to such Composition or Agreement, that then the said Person and Persons, Towns, Parishes, Tithings, Hamlets, Tythings, or Places, and the Inhabitants thereof respectively, shall be deemed and shall be again liable to such Repairs, in the same Manner as they respectively were before the making of such Composition.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall direct, and they are hereby required to cause the said Road to be measured, and Mile-stones or Posts to be set up in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles or Distance of Places, as the said Trustees, or any Five or more of them, shall think fit; and if any Person shall wilfully or maliciously break, pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Road directed to be repaired by this Act; and in case such Offender shall have no Goods or Chattles, then it shall be lawful for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the House of Correction of the County or Place where the Offence shall be committed, for the Space of One Calendar Month, or until he or they shall have paid the Sum of Forty Shillings.

Penalty on defacing Mile-stones, &c.

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and

Sale of the Offenders Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the County where the Offence shall be committed; which Warrants the said Justices are hereby impowered and required to grant upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered to administer) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards amending and widening the said Roads.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it enacted, That in case any Person shall think himself or herself aggrieved by any Act, Order, or Judgement done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held for the County where the Cause of Complaint shall arise, he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices so assembled, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

14 Days Notice of Appeal to be given, and Recognizance to be entered into.

Order, &c. not to be quashed for want of Form, nor removeable by *Certiorari*.

Provided also, and be it further enacted, That no Conviction, Judgement, or Order of the said Justices to be had touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ, shall enter into a Bond with Two sufficient Sureties in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ

Writ with Effect, and Payment of the Cost and Charges to be awarded by the Court into which such Conviction, Judgement, or Order shall be, or be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Commencement and Continuance of this Act.

And be it further enacted, That this Act and the several Authorities and Powers hereby given, shall take Place and have Continuance from the Twenty fourth Day of May, One thousand seven hundred and fifty eight, for and during the Term of Twenty Years; and from thence to the End of the then next Session of Parliament.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted, That when and as often as any of the said Trustees shall die or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so deceased, or refusing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee, shall be fixed at all the Turnpikes to be erected by virtue of this Act, and also be advertized in the printed News Paper called The Gloucester Journal, or any other Public News Paper or Papers, as the said Trustees shall appoint, at least Fourteen Days before the Meeting for such Election; and all such Persons as shall from time to time be so chosen and appointed, shall be joined with such surviving Trustees; and they are hereby authorized and impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

10 Days Notice to be given of the Meeting for such Election.

Treasurer to give Security.

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

No Trustee to accept of any Place of Profit arising from the Tolls.

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

Provided always, and be it further enacted, That if any Person appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and 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 this Act.

Provided

Trustees who are in the Commission of the Peace, may act as Justices.

Provided also, and be it further enacted, That such of the said Trustees as are or shall be in the Commission of the Peace for the said Counties of Gloucester or Wilts, may, and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding he or they being such Trustee or Trustees.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, or Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless Nine Trustees shall be then present.

Limitation of Actions.

And be it further enacted, 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 Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried within the County where the Cause of Suit shall have arisen, 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

General Issue.

so to be done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon 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 Defendant or 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, 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.