Anno tricesimo primo

Georgii II. Regis.

An Act for enlarging the Terms and Powers of Two Acts of Parliament, one passed in the Ninteenth Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers granted by an Act passed in the Twelfth Year of the Reign of His late Majesty King* George *the First, for repairing the Road from the City of* Gloucester *to* Stone, *and other Roads therein mentioned; and for making the said Act more effectual;* and the other passed in the Twenty second Year of the Reign of His present Majesty, intituled, *An Act for continuing Two Acts of Parliament, the one passed in the Thirteenth Year of the Reign of His late Majesty King* George *the First, for amending the several Roads leading from the City of* Bristol; *and the other passed in the Fourth Year of the Reign of His present Majesty, to explain and amend the same Act; and for making the said Acts more effectual; and also for repairing other Roads therein*

mentioned; and for making all the said Acts more effectual; and for repairing, widening, and keeping in Repair, several other Roads.

Preamble, reciting Acts 19 *Geo.* II.



WHEREAS an Act of Parliament was passed in the Nineteenth Year of the Reign of His present Majesty, intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, for repairing the Road from the City of *Gloucester* to *Stone*, and other Roads therein mentioned; and for making the said Act more effectual: And whereas an Act of Parliament was passed in the Twenty second Year of the Reign of His present Majesty, intituled, An Act for continuing Two Acts of Parliament, the one passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, for amending the several Roads leading from the City of *Bristol*; and the other passed in the Fourth Year of the Reign of His present Majesty, to explain and amend the same Acts; and for making the said Acts more effectual, and also for repairing other Roads therein mentioned; amongst which several Roads, the Two Roads leading from the City of Bristol to Stone, in the County of Gloucester aforesaid; the one through Stapleton and Hambrooke, to the upper End of Titherington, and from thence to Stone; and the other from the said City of Bristol, through Horfield and Filton, to Almondsbury Inn; and from Horfield, through Thornbury to Stone, are included in, and directed to be repaired by the said last-mentioned Acts: And whereas the great Road lying between the Cities of Gloucester and Bristol, though Stone, contains in Length Thirty six Miles, or upwards; and the Tolls collected at the Turnpike Gates erected on the said Road by virtue of the said Acts, are insufficient for the Repair of all the said Road: And whereas many other Roads are mentioned and included in the said Two first-mentioned Acts, as well as the said Road from Gloucester to Stone, and only One Toll is thereby made payable on the same Day at the Gates or Turnpikes erected or to be erected on all; the

and 22 *Geo.* II.

said Roads by virtue of the said Two first-mentioned Acts, so that not only the said Road lying between the Cities of Glouceſter and Briſtol, but also the other Roads in the said Acts included and described, by reason of the Length, Number, and Badness thereof, cannot be sufficienty repaired, and kept in Repair, unless the Terms, Powers, and Tolls, by the said Acts granted, be enlarged, and some further Regulations made with respect to the same, or some Parts thereof: And whereas the Road leading from the City of Briſtol, through Horfield and Filton, by Almondſbury Inn, over Milbury Heath, in the Parish (but not through the Town) of Thornbury, to Stone, is thought to be the best and properest Road to be amended (Part of it being also the common Road from the City of Briſtol, leading through Titherington aforesaid, to Stone) and to be repaired at the least Expence: And whereas there are several Roads leading from the City of Briſtol, not mentioned in the said Act of the Twenty second of his present Majesty, or either of the said other Acts therein recited, which are much out of Repair, and in many Places too narrow and incommodious, and cannot be effectually repaired, widened, and kept in Repair by the ordinary Course of Law (videlicet) the Road from a Place called the Lime Kilns, in the Parish of Weſtbury through the Tything of Stoke Biſhop to a Place called Pill Paſſage, in the said Parish; and also from the River or Brook near the Goat at Weſtbury, through the Village of Henbury, to the further End of a Lane called Glouceſter Lane, in the said Parish; and also from the Croſs Hands or Directing Poſt near the Eighth Mile Stone, on the Auſt Road, to a Place called the New Paſſage, in the said Parish of Henbury, all in the County of Glouceſter: To the End therefore that the Repairs of all the said Roads directed to be repaired by the said Acts respectively, may be compleated; and that the said new or additional Roads may be effectually repaired, widened, and kept in Repair, for the Accommodation of Travellers, and for obviating all Doubts with respect to any of the Powers granted by either of the said Acts; May it 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 passing of this Act, all the Truſtees appointed or to be appointed by virtue of the said Act of the Nineteenth Year

of his present majesty, or of the act therein recited, for repairing the Road from the City of Gloucester to Stone, and other Roads therein particularly mentioned, shall continue and be, together with Sir Francis Fust Baronet, John Fust, Nicholas Tooker, John Hooper Morse, John Jenkins, Thomas Jenkins, John Tyler, Thomas Hickes, John Heathfield, John Coxe, John Morse Pearce, John Pearce, the Reverend George Charles Black Clerk, the Reverend Edward Smith Clerk, George Weston, Maurice Smith, Edward Saniger, the Reverend Thomas Sherwyn D. D. William Davies, George Martin, Miles Oatridge, Miles Oatridge junior, John Browning, the Reverend Peter Senhouse Clerk, Mathew Estcourt, Robert Trotman, John Phillimore, Samuel Phillimore, Samuel Phillimore junior, Nicholas Morse, William Morse, John Delefield Phelps, John Purnell of Kingshill, John Purnell of Durley, John Barnes, William Purnell junior, William Holbrow, Jacob Stiff, John Fowell Small, John Holbrow, Timothy Gide, John Dorney, William Veel junior, John Pinfold, John Mabbett, George Smyth, George Smyth junior, the Reverend William Tyndale Clerk, the Reverend Blake D. D. Joseph Matthews, William Robins, John Codrington, Nathaniel Hickes, the Reverend Henry Skey Clerk, Daniel Lapley, Edmund Estcourt, Nigel Kingscote, Richard Wastfield, John Osborn, William Springett, Mathew Hale, Daniel Lysons, Daniel Adey, William Adey, Richard Nelmes, Nathaniel Capel D. D. Samuel Blackwell, David Killican, Benjamin Hyett junior, Thomas Savage junior, William Guise, John Guise, Charles Hayward, Edmund Probyn, Richard Cambridge, James Lenox Dutton, Daniel Lysons Clerk, Warren Clerk, John Heart, Samuel Commaline, Samuel Farmer junior, Samuel Niblett, Richard Hayle, Thomas Wadley, Thomas Rogers, Edmund Phillips, John Walker D. D. Edward Sampson, Nathaniel Peach, Samuel Peach, Richard Smart, Bluett Jones, Henry Ware, William Mills, the Reverend John Longford, Lewis Bryse, John Hugh Smythe, Thomas Tyndall, Thomas Smith, Christopher Willoughby, Francis Browne, William Seede, William Miller, Richard Parker, Richard Blake, Morgan Smith, Samuel Hardwick, Walter Rainstorp junior, Hardwick, Thomas Daniel junior, Walter Perkins junior, Nathaniel Stephens, John Brickdale, Richard Clutterbuck, John Brickdale, John Freke Brickdale, Thomas Vernon, the Reverend John Bound Clerk, Richard Warren, Slade Baker, Richard Combe, Jeremy Baker, Francis Woodward D. D. John Innys Baker, William Hibbs,

Trustees for Gloucester District of Roads.

Hibbs, John Taylor, John Freeman junior, John Tyler, James Bernard, Charles Jefferies, Richard Camplin, Jefferies, Giles Greyle, Thomas Daniel, Edmund Wick, Joseph Beck, John Bush, Richard Champion, Sydenham Teast, Abraham Isaac Elton, Jacob Elton, Isaac Elton, Rice Charleton, Rice Charleton D. D. John Probyn, Doctor Josiah Tucker, Trustees for putting the said Acts, and this present Act, in Execution with respect to the said Roads in the said Acts described; which, for the Purposes of this Act, shall be called The Gloucester District of Roads; and all and every the Powers, Authorities, Articles, Penalties, Provisions, and Clauses, by the said Act of the Nineteenth Year of the Reign of his present Majesty, and the Act therein recited, granted, and therein and herein mentioned and contained (except such as are hereby altered or varied) shall be of full Force and Effect, and shall continue, extend, and be executed, from the Twenty fourth Day of June, One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years, and to the End of the then next Session of Parliament, for the Purposes in the said former Acts, and this present Act, mentioned, with respect to the said District of Roads called The Gloucester District, and every Part thereof, as fully and amply, to all Intents and Purposes, as if the same had been repeated and re-enacted in the Body of this present Act; any thing in the said former Acts, or any other Act, contained to the contrary thereof in any wise notwithstanding. Trustees for Gloucester District of Roads.

And be it further enacted, That from and after the passing of this Act, the Trustees appointed, or to be appointed, by virtue of the said Act of the Twenty second Year of his present Majesty's Reign, or of the Acts therein recited, for amending the several Roads leading from the City of Bristol, together with Sir Francis Fust Baronet, John Fust, Nicholas Tooker, John Hooper Morse, John Jenkins, Thomas Jenkins, John Tyler, Thomas Hickes, John Heathfield, John Coxe, John Morse Pearce, John Pearce, the Reverend George Charles Black Clerk, the Reverend Edward Smith Clerk, George Weston, Maurice Smith, Edward Saniger, the Reverend Thomas Sherwyn D. D. the Reverend John Hayward, William Davis, George Martin, Miles Oatridge, Miles Oatridge junior, John Browning, the Reverend Peter Senhouse Clerk, Mathew Estcourt, Robert Trotman, John Phillimore, Samuel Phillimore, Samuel Phillimore junior, Nicholas Morse, William Morse, John Delefield Phelps, John Purnell of Kingshill, John Purnell of Dursley, John Barnes, William Purnell junior, William Holbrow, Jacob Stiff, John Fowell Small, John Holbrow, Trustees for *Bristol District of Roads.*

Holbrow, Timothy Gide, John Dorney, William Veel junior, John Pinfold, John Mabbett, George Smyth, George Smyth junior, the Reverend William Tyndale Clerk, the Reverend Blake D. D. Joseph Matthews, William Robins, John Codrington, Nathaniel Hickes, the Reverend Henry Skey Clerk, Daniel Lapley, Edmund Estcourt, Nigel Kingscote, Richard Wastfield, John Osborn, William Springett, Mathew Hale, Daniel Lysons, Daniel Adey, William Adey, Richard Nelmes, Nathaniel Capel M. D. Samuel Blackwell, David Killican, Benjamin Hyett junior, Thomas Savage junior, William Gyse, John Guise, Charles Hayward, Edmund Probyn, Richard Cambridge, James Lenox Dutton, Daniel Lysons junior, Samuel Lysons Clerk, Warren Clerk, John Heart, Samuel Commaline, Samuel Farmer junior, Samuel Niblett, Richard Hayle, Thomas Wadley, Thomas Rogers, Edmund Phillips, John Walker M. D. John Hugh Smythe, John Taylor, Thomas Smith, John Tyler, Francis Browne, Charles Jefferies, Jefferies, William Miller, Thomas Daniel, Richard Blake, John Bush, Samuel Hardwick, Richard Champion, Hardwick, Sydenham Teast, Walter Perkins junior, Abraham Isaac Elton, John Brickdale, Jacob Elton, John Brickdale, Isaac Elton, John Freke Brickdale, Rice Charleton, the Reverend John Bound Clerk, Rice Charleton M. D. Slade Baker, Thomas Tyndall, Jeremy Baker, Christopher Willoughby, John Innys Baker, William Seede, William Baker, Richard Parker, Turton of Tockington, Sir Robert Jenkinson Baronet, John Jenkins, Morgan Smith, Walter Rainstorp junior, Thomas Daniel junior, Nathaniel Stephens, Richard Clutterbuck, Thomas Vernon, Richard Warren, Richard Combe, Francis Woodward M. D. William Hibbs, John Freeman junior, James Bernard, Richard Camplin, Giles Greville, Joseph Beck, Edmund Wick, John Probyn, Doctor Josiah Tucker, shall continue and be Trustees for putting the said last-mentioned former Acts, and this present Act in Execution, under the Regulations in the said Acts, or either of them contained, with respect to the said Road leading from the said City of Bristol, through Horfield and Filton, to Stone, by the Way of Almondsbury Inn, and Milbury Heath, and all the other Roads leading from the said City of Bristol, in the said former Acts mentioned, and also with respect to all the said additional Roads herein before particularly mentioned, that are not comprised in the said last-mentioned former Acts, all which for the Purposes of this Act, shall be called The Bristol District of Roads;

and

and all and every the Powers, Authorities, Articles, Penalties, Provisions, and Clauses, in the said last mentioned Acts, and this present Act, mentioned and contained (except such as are hereby altered or varied) shall be of full Force and Effect, and shall continue, extend, and be executed, from the Twenty fourth Day of June, One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, for the Purposes in the said Acts and this present Act mentioned, as well with Respect to all the Roads comprized in the said last mentioned Acts, as also for the surveying, ordering, repairing, and widening, the said additional Roads, as fully and amply to all Intents and Purposes, as if the same had been repeated and re-enacted in the Body of this present Act; any thing in the said Acts, or in any other Act contained to the contrary thereof in any wise notwithstanding.

If the Roads shall be fully repaired, and the Monies borrowed be repaid, before the Expiration of the additional Term, the Tolls, &c. are then to cease.

Provided nevertheless, That if at any Time before the Expiration of this Act, all the Roads comprized within either of the said respective Districts, or within any Subdivision thereof, shall be sufficiently amended and repaired, and so adjudged and certified by Five or more of the next Justices of the Peace for the County wherein such Road or Roads do lie, under their Hands, to the Trustees acting for such respective District, or for such Subdivision, and the Debts and also the Loans on the Tolls and Duties arising on such Road or Roads respectively, shall be paid off, with the Interest attending the same; then and from thenceforth the Tolls and Duties by the said former Acts and this present Act, granted, continued, and made payable, on the Road or Roads so amended and certified so to be, shall cease and determine, until such Road or Roads shall again become ruinous, and be so certified by Three or more Justices of the Peace of the same County, by Writing under their Hands, to the said Trustees at some future Meeting; any thing in the said Acts or this present Act to the contrary notwithstanding.

Proviso in Act 19 *Geo.* II. &c. repealed.

And whereas by the said Act of the Nineteenth Year of his present Majesty's Reign, and also by the Act therein recited, it is provided, That no Person or Persons, who shall pay the Toll thereby imposed, at any Gate or Turnpike, erected or to be erected upon the said Roads, upon producing a Ticket, shall be liable to pay the same Toll, or any other in lieu thereof, on that Day, at any other Gate or Turnpike erected by virtue of the said Acts; be it therefore enacted, That from and after the passing of this

Act, the said Proviso, as far as relates to the passing through the several Gates or Turnpikes, on paying the Toll but Once, shall be, and is hereby declared to be null and void.

Trustees may erect Turnpikes and Toll-houses within their respective Districts.

And be it further enacted, That the Trustees for putting in Execution this Act within their respective Districts, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, within their respective Districts, shall authorize and appoint, shall and may, and they are hereby authorized and impowered within their respective Districts, to erect or set up One or more Gate or Gates, Turnpike or Turnpikes in, upon, cross, or on the Side of any Part of the said Roads within their said respective Districts; and a Toll-house or Toll-houses in or upon the same respectively; and to continue or discontinue, or to remove to any other Part of the said Roads respectively, any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, now erected or built in, upon, or cross any Part of the said respective Roads, except the Gate now standing at Stokes Croft; and it shall and may be lawful to and for the said respective Trustees, and their Successors, or any Five or more of them, within their respective Districts, or for such Person or Persons as they, or any Five or more of them, shall, within their respective Districts, in Writing under their Hands and Seals authorize and appoint, to demand, receive, and take, at any Gate or Gates, Turnpike or Turnpikes, erected or set up, or to be erected or set up, on the respective Roads lying within the District called The Gloucester District, the same several Sums of Money or Tolls as are directed and appointed to be taken by the said Act passed in the Nineteenth Year of His present Majesty's Reign, and the Act therein recited; and at any Gate or Gates, Turnpike or Turnpikes erected or set up, or to be erected or set up, on the respective Roads, lying within the said District called The Bristol District, the same several Sums of Money or Tolls as are directed to be taken by the said Act of the Twenty second Year of His present Majesty's Reign, and the Acts therein recited, except what are hereby varied or altered; which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty, within the said respective Districts of Roads; and the Money so to be raised and collected, is hereby vested in the said Trustees respectively, and shall be applied and disposed of to and for such Uses, Intents, and Purposes, as by this present Act are directed, with the like Remedy, by Distress and Sale, in case of Refusal or Neglect of Payment of the

The same Tolls to be taken on the *Gloucester* Division of the Road, as are to be taken by the Act of 19 *Geo.* II.

and on the *Bristol District*, as are to be taken by the Act of 22 *Geo.* II.

Tolls vested in the Trustees respectively.

said Tolls, as in and by the said former Acts is mentioned and directed.

Tolls not to be taken at more than Two Gates on the Road leading from *Gloucester* to *Stone*, and from *Bristol* to *Stone*;

Provided always nevertheless, That it shall not be lawful to or for the said Trustees, or any of them, or their Successors, or any Person or Persons whom they shall appoint, respectively to demand, receive, or take, the said respective Tolls at more than Two Gates or Turnpikes erected or set up, or to be erected or set up, upon, cross, or on the Side of, the said Road leading from Gloucester to Stone, and opposite to the Church or Chapel there; or upon, cross, or on the Side of, the said respective Roads leading from Bristol to Stone, and opposite to the said Church or Chapel there; or to demand, receive, or take, the said respective Tolls, at more than One Gate or Turnpike erected or set up, or to be erected or set up, upon, cross, or on the Side of, any other of the several and respective Roads mentioned, described, and included, within each of the said several and respective Districts, from any Person or Persons who shall produce a Ticket, signifying the Payment thereof upon the same Road upon the same Day; which Ticket the Receiver and Receivers of the said Tolls is and are hereby required to give gratis; any thing in the former Acts, or in this present Act contained to the contrary thereof in any wise notwithstanding.

nor at more than One Gate on any other of the Roads within each District.

Provided also, That no Ticket given at any Gate or Turnpike on any of the Roads in any or either of the said Districts, shall intitle any Person or Persons to pass with any Coach, Berlin, Chariot, Calash, or Chaise, Waggon, Wain, Cart, Horse, Mule, Ox, or other Cattle or Carriage, through any Turnpike or Gate erected, or to be erected, on the great Road between Gloucester and the Stokes Croft Gate at Bristol, or on any Road in the Gloucester District, without paying the Tolls payable at such Turnpike-gate; any thing in the said former Acts, or this present Act to the contrary notwithstanding.

Tickets given at other Gates, not to intitle the Persons to pass Toll-free through those on the Great Road in the *Bristol* or *Gloucester* Districts.

And whereas Doubts have arisen whether the Trustees appointed to put in Execution the said Act of the Nineteenth Year of His present Majesty's Reign, and the Act therein recited, were impowered by the said Acts to amend all the said Road leading from Gloucester to Stroud (although the said Road is by the said Acts, or One of them, directed to be repaired) or to set up or erect any Gate or Turnpike, and collect any Toll thereon, any further than to a certain Place called The Camps, upon the Top of Painswick Hill; and the said Road leading from

from thence to Stroud, being divided afterwards into Two Roads from the Town of Painswick, videlicet, One leading down Tibbywell Lane, and from thence by Pan's Lodge, over Vicarage Hill, to Stroud; and the other leading down New Street, and from thence along Wick Street Lane, to the Town of Stroud aforesaid; be it therefore enacted, That the said Road leading from Gloucester to Stroud, and both Parts thereof, leading from the Town of Painswick to Stroud as aforesaid, shall be widened and repaired by the Trustees appointed to put this present Act in Execution, with respect to the Gloucester District, by such Ways, Means, and Powers, as they are impowered and authorized to amend any other of the Roads directed to be repaired by the said Acts, and this present Act.

The Road from *Gloucester* and *Painswick*, to *Stroud*, to be repaired by the Trustees for the *Gloucester* District.

No Toll Gate to be set up between *Stroud* and *Painswick*,

Provided always nevertheless, That no Gate or Turnpike shall be erected or set up, so as to collect any Sum or Sums of Money, or Tolls, thereat, between the said Towns of Stroud and Painswick; any thing in this present Act, or the said former Acts, contained to the contrary notwithstanding.

nor on other Parts of the Roads herein described.

Provided also, That no Gate or Turnpike shall be erected or set up, so as to collect any Sum or Sums of Money, or Tolls, thereat, upon that Part of the great Road leading from the City of Gloucester, towards the City of Bristol, as lies between the Road leading into the same from Framilode and Newnham Passages, at a Place called Perry Way, and the Road leading out of the said great Road towards Frocester Hill, or between the Road leading into the same, from the Town of Berkeley at Lorridge Bridge, and the Road leading out of the said great Road towards the Town of Dursley, at or near Nubbis Ash, or on or between the Road leading from the Aust and New Passages, cross the said great Roads leading from Bristol to Stone, to the Town of Sodbury; any thing in this present Act, or in the said former Acts, or either of them, contained to the contrary in any wise notwithstanding.

Tolls on the Roads herein described how to be applied.

Provided nevertheless, That so much of the respective Tolls to be collected upon the said respective Roads leading from Newnham and Framilode Passages, towards Frocester Hill; and from Berkeley towards Dursley; and also from the Aust and New Passages towards Sodbury, shall be paid and applied respectively for and towards the Repair and Amendment of the said respective Parts of the said Great Roads as the said Trustees, or any Five or more of them, within the

the said Districts shall think fit or reasonable for that Purpose; Respect being had to the Use, Wear, and Travelling, upon such respective Parts of the said Great Roads.

And whereas the Inhabitants of Tuffeigh, and of the Parishes of Whaddon and Brockthrop are liable to the Payment of Toll for passing through the Turnpikes erected by virtue of the said Act of the Nineteenth Year of His present Majesty's Reign, or the Act therein recited, upon the Roads leading to the City of Gloucester, although they travel upon very little or no Part of the Roads intended by this present Act to be repaired; be it therefore enacted, That it shall and may be lawful to and for the Trustees of the said Gloucester District of Roads, or any Five or more of them, if they shall think it fit and necessary, after the Great Road leading from Gloucester towards Bristol, within the Gloucester District, and the Road leading from Gloucester to Stroud, shall be respectively put into sufficient and reasonable Order and Repair, to pay, lay out, and apply, any Sum or Sums of Money not exceeding the Sum of Forty Pounds yearly, out of the Tolls which shall arise or be collected yearly at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected upon the said Two Roads respectively, in proportion to the yearly Value of the said respective Tolls, in widening, amending, and repairing the Road leading out of the said Great Road within the Gloucester District, to the Top of Brockthrop Hill, by such Ways and Means, and subject to the Powers, Authorities, and Directions of the said Trustees, as other Roads are by this Act directed and appointed to be widened, amended, or repaired; any thing in the said former Acts, or in this present Act, contained to the contrary thereof in any wise notwithstanding.

Trustees for the *Gloucester* District impowered, after repairing other Roads, to apply a certain Sum yearly in repairing the Road to *Brockthrop Hill*.

And forasmuch as the Money to be collected by the Receipt of the Tolls and Duties by the said Act of the Nineteenth Year of His present Majesty's Reign, and the Act therein recited, and this present Act, granted and made payable upon the Roads comprized within the said Gloucester District, will not be sufficient for the speedy repairing of the said Roads; be it therefore enacted, That the Trustees for the said District, or any Nine or more of them, shall and may, and they are hereby impowered, from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the Tolls or Duties by virtue of the said Act of the Nineteenth Year of His present Majesty's Reign, and the Act therein recited, and this present Act, to be collected or levied upon the respective Roads within the said District (the Costs and Charges of making

Tolls may be assigned for Money borrowed.

ing such Assignment to be borne and paid out of such respective Tolls and Duties) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, being legal Interest, or less; which said Money so to be borrowed, shall be applied and disposed of as the said Tolls and Duties raised and collected on such of the Roads, the Tolls whereof shall be so mortgaged as aforesaid, by this Act are directed to be applied and disposed, and to no other Use or Purpose whatsoever; any thing in the said Acts, or either of them, to the contrary notwithstanding: But no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls or Duties, but at a publick Meeting within the said Glocester District, and unless Notice in Writing under the Hand of the Clerk to the said Trustees, be, by Order of such Trustees, or any Nine or more of them, affixed upon such of the Turnpikes erected by virtue of the said former Acts, or this Act, within the said Glocester District, the Tolls whereof are intended to be mortgaged; and also published in One or more of the public News Papers of the Cities of Glocester and Bristol at least Fourteen Days before the borrowing of such Money.

14 Days Notice to be given of borrowing Money.

And, for the ordering and directing the Disposal and Application of the Money to be raised by virtue of the said former Acts, or this present Act; be it further enacted, That the Money arising from the Tolls thereby and hereby granted and made payable, and which shall be raised and collected upon the several and respective Roads mentioned, included, and described within the said Two Districts of Roads respectively; and the several Sums of Money which shall or may be borrowed upon the Credit thereof, or of any Parts thereof respectively, shall, by the Trustees respectively appointed for the said several Districts, and their Successors, or any Five or more of them, be applied and disposed of, in the First Place, for the paying and defraying of the Expences and Charges attending the obtaining and passing of this Act, each District to pay an equal Share or Part of the said Expences, except that the Bristol District shall pay the Sum of Ninety two Pounds more than the other District towards the said Expences; and afterwards, and subject thereto, the said Tolls and other Sums of Money shall respectively be paid and applied in and for the Purposes of amending, widening,

Charges of passing this Act to be paid out of the First Monies collected or borrowed on the Tolls.

The Proportion to be paid by each District.

widening, repairing, and keeping in Repair, each of the several and respective Roads whereon the said Tolls or Sums of Money shall be received, collected, or borrowed respectively, within the said respective Districts of Roads, and to and for no other Use or Purpose whatsoever.

Trustees may lessen the Tolls;

Provided always, That it shall and may be in the Power of the said respective Trustees, or any Five or more of them, at a Meeting assembled within their respective Districts, to lower all or any of the Tolls hereby granted or made payable within their respective Districts, for such Time as they shall think proper, and as they shall see Occasion to raise the same again, to the Sums herein before made payable, or any less Sum.

and raise them again, if necessary.

Property of the Turnpikes &c. vested in Trustees.

And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll-houses, Posts, Rails, Gates, Mile Stones, and other Erections which shall be erected, built, or set up, upon the said Roads by virtue of the said former Acts or this present Act, shall be, and are hereby vested in the respective Trustees for the said several Districts of Road, where such Turnpikes, Toll-houses, Posts, Rails, Gates, Stones, and Erections, or any of them, shall be respectively erected, built, or set up; and the said Trustees, or any Five or more of them, within their respective Districts, are hereby authorized and impowered to dispose thereof as they shall think fit; as also to bring or cause to be brought, any Action or Actions in their Names, or in the Name of any Five or more of them, or in the Name of their respective Treasurer or Clerk for the time being, or to prefer or prosecute any Bill or Bills of Indictment against any Person or Persons who shall dig up, break, or pull down, steal, take, and carry away, spoil, injure, deface, or destroy, any such Turnpike or Turnpikes, Toll-house or Toll-houses, Posts, Rails, Gates, Mile Stones, or Erections, or any of them, or any Part or Parts thereof, or disturb the Trustees respectively in the Enjoyment of their Property thereof; the Expences of all which Actions, Prosecutions, and Proceedings, shall be defrayed out of the respective Tolls; any thing in either of the said former Acts, or this present Act to the contrary notwithstanding.

Treasurer to give Security.

And be it further enacted, That the respective Trustees appointed to put the said former Acts and this present Act in Execution, or any Five or more of them, shall, and they are hereby required to take such Security from their respective Treasurer or Treasurers, Collector or Collectors, for the due Execution of their respective Offices,

as to the said respective Trustees, or any Five or more of them, shall seem meet.

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

And be it further enacted, 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.

Qualification of Trustees for the *Glouce ster* District of the Road.

And be it further enacted, That no Person after the passing of this Act, shall be qualified or capable of acting as a Trustee, in any Case in the Execution of the said former Acts or this present Act, with Respect to the said Gloucester District, unless such Person shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the said County of Gloucester, or within the County of the City of Gloucester, or either or both of them, of the clear yearly Value of Eighty Pounds above Reprizes, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of Three hundred Pounds, or shall live and reside within the City of Gloucester, or within the said Gloucester District, and be possessed of, and intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand five hundred Pounds; and unless such Person not being such Heir Apparent as aforesaid, claiming to have Eighty Pounds a Year, or One thousand five hundred Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath or Affirmation following, before any Five or more of the Trustees appointed for the said Gloucester District (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities of the said former Acts and this present Act, with Respect to the said District; which Oath or Affirmation shall be to the Effect following, as the Circumstances of the Case shall require.

Trustees to take the Oath following before they act.

The Oath.

I *A. B.* do swear, (or being a *Quaker* do solemnly affirm) That I truly and *bona fide* am, 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, in the County of *Glouceſter*, or in the County of the City of *Glouceſter*, of the clear yearly Value of Eighty Pounds above Reprizes; or possessed of, or intitled unto, Personal Estate alone, or Real and

Personal

Personal Estate together, of the clear Amount or Value of One thousand Five hundred Pounds.

So help me GOD.

And if any Person who shall be deemed unqualified, or made incapable to act, shall nevertheless presume to act contrary to the true Intent and Meaning hereof, 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; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied to the Repair of the Roads within the District wherein the Offence shall be committed. Penalty on Persons acting, if not qualified.

And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Trustees respectively appointed, or to be appointed, by virtue of the above-mentioned Acts, and this present Act, or any or either of them, or any Nine or more of them, respectively, at any Meeting, to lease and demise the Tolls and Duties by the said Acts, or either of them, granted, which shall be collected at any Gate or Gates, Turnpike or Turnpikes, erected, or to be erected, by virtue of the said Acts, or this present Act, within the District or Division of the said Roads in which such Trustees shall act, for any Time or Term of Years, not exceeding Three Years, at and under such Rent, payable at such Times, and under such Covenants, as the said Trustees shall think fit; taking such sufficient Security from such Person or Persons to whom such Tolls or Duties shall be so leased or demised, for Payment of such Rent, and Performance of the said Covenants, as the said Trustees, or any Nine or more of them, respectively, shall think fit: But the Clerk to the said respective Trustees for the time being, shall, and he is hereby required, to fix, or cause to be fixed, publick Notice, in Writing, under his Hand, at or on all the Turnpike-gates within such District or Division, or cause the same to be printed in One or more of the publick News Papers of the said Cities of Bristol or Gloucester respectively, of the Time and Place of the Meeting of the respective Trustees for such Leasing, as aforesaid, at least Fourteen Days before such Meeting; and the Money so to be raised by such Leasing, as aforesaid, Trustees may farm, &c. the Tolls. Notice thereof to be given.

Application of the Money.

said, shall be applied and disposed of as the Tolls or Duties granted and made payable by the said former Acts, and this present Act, are directed to be applied and disposed of, and to no other Use or Purpose whatsoever;

In case of Nonpayment,

And if the Money which shall be agreed to be paid for the said respective Tolls, by the Person or Persons to whom the same, or any Part thereof, shall be let, shall not be paid to the said Trustees, or to whom the same ought to be paid, within the Space of Twenty Days next after the same shall become due, then, upon Proof of such Letting, and of the Nonpayment of the said Money, or any Part thereof, before any Five or more of the said Trustees, or before any One or more Justice or Justices of the Peace for the County, Division, or Place, where the Person or Persons, from whom such Money shall be due and payable, shall live, on the Oath of any One Person; which Oath such Trustees, or Justice or Justices, are and is hereby impowered to administer; the same Money, and every Part thereof, shall and may be levied by Distress and Sale of the Goods and Chattles of the Person and Persons from whom the same shall be due and payable, or who shall be Security for the same, or of his or their legal Representative or Representatives, by Warrant under the Hands and Seals, or Hand and Seal, of such Trustees, or Justice or Justices; and the Overplus of the Money which shall be raised by such Distress and Sale, shall be returned to the respective Owner or Owners of such Goods and Chattles, if demanded, after the said Money, and reasonable Charges of such Distress and Sale, shall be first paid or deducted thereout: And if no Goods or Chattles of such Person or Persons can be found sufficient to answer and satisfy the said Monies, and the reasonable Charges of such Distress and Sale; then any such Justice or Justices may, and is and are hereby required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Person or Persons to be committed to the Common Gaol of the County or Place where he or they shall reside, or be found, there to remain, without Bail or Mainprize, until the said Money, and Charges, be fully paid and satisfied, or until such Person or Persons shall have compounded with the said Trustees respectively, or any Nine or more of them, for the said Monies, and shall have paid the Monies in and by such Composition or Compositions agreed upon; which said Composition or Compositions, and Money, the said Trustees within their respective Districts, or any Nine or more of them, are hereby impowered to make and receive, in full Satisfaction

the Money to be levied by Distress and Sale;

for want of Distress, Party to be committed till Payment,

or Composition be made with the Trustees.

faction of the Monies which shall be then due from such Person or Persons.

Application of the Tolls collected at *Stokes Croft Gate*.

And whereas Disputes have arisen concerning the Application of the Tolls collected at a Gate called Stokes Croft Gate, near the City of Bristol: Therefore, in order to put an End to the same, be it enacted, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty eight, all the Tolls and Duties to be collected at the said Gate (except so much thereof as shall be necessary to keep in Repair the Road from the said Gate, through Redland to Durdham Down) which is hereby directed to be repaired by and out of the aforesaid Tolls, shall be applied to the Use of the Road called The Horfield Road; subject to the said Road's Proportion of the Expences of procuring and passing this Act, and to the Interest of the Money borrowed or to be borrowed on the Credit of the Tolls collected, or to be collected, on the said Road, and other incidental Charges attending the Execution of this Act, and the said former Acts, with respect to the said Road, in amending, widening, and keeping in Repair, so much of the said Road, called The Horfield Road, as lies between the City of Bristol, and the further End of Milbury Heath, leading to Buckover, until the same shall be compleatly repaired, and afterwards to the keeping it in Repair; But in case any Surplus shall remain after so repairing and keeping the same in Repair, such Surplus shall be applied to the Use of The Aust Road, for which Purpose an Account shall be annually made up to the Twenty ninth Day of September, and such Surplus paid over to the Treasurer of The Aust Road.

Creditors on the Tolls of the *Aust* and *Horfield* Roads not to be prejudiced thereby.

Provided always, That nothing herein contained shall extend, or be deemed to extend, to the Prejudice of the Persons who have lent any Money on the Credit of the Tolls on the Aust or Horfield Roads, who shall have the same Remedies for Recovery thereof, with its Interest, as if this Act had never been passed.

Application of the Tolls collected between *Milbury Heath*, and the Church at *Stone*.

And be it further enacted, That all the Tolls and Duties to be collected at any Turnpike or Turnpikes to be erected between Milbury Heath, and the Church or Chapel at Stone, and all and every Sum or Sums of Money to be borrowed on the Credit of the said Tolls or Duties, shall be applied and disposed of, in the first Place, for the paying and defraying One Third Part of the Bristol District's Proportion of the Expences of passing this Act, after deducting the above Sum of Ninety two Pounds; and afterwards, and subject thereto, and to the Interest of the said Money to be borrowed, and other incidental Charges,

Charges attending the Execution of this Act, and the said former Acts, with Respect to the said last-mentioned Road; the said Tolls and other Sums of Money be laid out in amending, widening, and keeping in Repair, the Road which lies between the Road above directed to be amended by the Collection at Stokes Croft Gate, and the Church or Chapel at Stone; and afterwards in case there shall be any Surplus, such Suplus shall be applied to the Use of that Part of the Stapleton Road, which leads from Stone by Buckover; over Milbury Heath, through Titherington to Stapleton, and to no other Purpose whatsoever.

In case of a Subdivision of Trustees for the *Bristol* District,

And be it further enacted, That in case of a Subdivision of Trustees, for repairing the Roads leading from the City of Bristol, pursuant to the said Act of the Fourth Year of his present Majesty's Reign, such of the said Trustees as are or shall be nominated for the separate Care and Service of the Road therein mentioned, called The Aust Road, shall likewise be Trustees for the separate Care and Service of all the said additional Roads above-mentioned, not included in the said former Acts, which shall be deemed a Part of the said Road, called The Aust Road, with the like Powers to repair, amend, and keep in Repair, the said additional Roads, and to erect Toll-houses, Toll-gates, or Turnpikes thereon, and collect Tolls thereat, and appoint Surveyors and Collectors for the same, and to execute all other Matters and Things relating thereto, in like Manner as they are by the said former Acts, or either of them, or this present Act, impowered in relation to the said Road, called The Aust Road.

those who shall have the Care of the *Aust Road*, to be Trustees likewise for the additional Roads not included in the former Acts.

And whereas the present direct Road from Bristol to Aust, is up a very steep Hill going out of the said City, which might be avoided by opening a new Road or Way, from a Place called Frog Lane in the said City, through certain Grounds, to a Gate on the Side of the Aust Road called The White Ladies Gate, being about half a Mile in Length, which would be very useful to the Inhabitants of the said City and other Persons travelling on the said Road; but some of the said Grounds, videlicet, From Frog Lane aforesaid, to a Lane that leads from a House in the said City called The Red Lodge, to Clifton in the County of Gloucester, being intended for building on, and to have a Street or Streets to be laid out through the same, it may be thought improper to have such Street or Streets deemed a Turnpike Road; therefore be it enacted; That it shall and may be lawful for the Trustees for putting in Execution the said Acts for repairing

repairing the Roads leading from the said City of Bristol, subdivided, or to be subdivided, for the separate Care and Service of the Road called The Aust Road, pursuant to the said Acts, or any Five or more of them, and they are hereby authorized and impowered, to open, lay out, amend, repair, and keep in Repair, a Road from the Side of the last-mentioned Lane, through certain Grounds, to a Gate on the Side of the said Aust Road, called The White Ladies Gate, as they shall think proper; and for that Purpose, from time to time, to purchase of the Owner or Owners of any Lands, Grounds, or Hereditaments, through which such new Road shall lead, so much or such Parts of such Lands, Grounds, and Hereditaments, as the said Trustees shall think proper or necessary for making such new Road, or any Part thereof, if such Owner or Owners shall be willing to sell and dispose of the same, and to pay for such Part of the said Lands, Grounds, or Hereditaments, out of the Tolls and Duties to be collected on the said Aust Road, or out of such Money as hath been or shall be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon for such Purpose, with the Costs and Charges attending the same.

A new Road to be opened and made leading to the *White Ladies Gate*.

Lands to be purchased for that Purpose,

and to be paid for out of the Tolls of the *Aust* Road.

Provided always, and be it enacted, That after the said Street or Streets shall be laid out, and the said intended new Road opened, it shall not be lawful for the Proprietor or Proprietors of any of the Ground which lies between Frogg Lane, and the said last-mentioned Lane, or any other Person or Persons, to erect any Gate or Bar across such intended Street or Streets, or otherwise hinder or disturb any Person or Persons free Passage through the same.

The Passage through the Streets to be free, after the same are laid out, and the new Road opened.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are or shall be seised or possessed of Lands, Grounds, or Hereditaments, which may be, by the said Trustees, thought necessary or proper for opening the said new Road, or for turning, widening, altering, or amending, any Roads to be repaired by this or the said former Acts; and such Persons, or Bodies Politick, Corporate, Collegiate, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but are or may be incapable of granting or conveying the same, by reason of some Disability; be it therefore enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, and all Feoffees in Trust, Executors, Administrators,

Bodies Politick, &c. enabled to sell and convey Lands to the Trustees, proper to be taken into the Roads.

ministrators, or Guardians, or other Trustees whatsoever, for or in Behalf of any Infants, Femes Covert, or Cestuique Trust, and for all and every other Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the said Trustees respectively, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, without any Fine or Recovery; any Law, Statute, Usage, or any other Matter or Thing, to the contrary in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they do by virtue or in pursuance of this Act.

Where Persons refuse or neglect to treat, &c. for the Sale of such Lands;

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads as aforesaid, or into which such Way or Roads shall be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, 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 every or any such Case, it shall be lawful for the said respective Trustees, or any Five or more of them, to apply to any Three or more Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall lie; which said Justices, at a Special Sessions to be held for that Purpose, shall and may cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said Counties of Gloucester or Somerset respectively (which Oath such Justices are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers,

Trustees may apply to the Justices,

who shall order the Damage and Recompence to be assessed by a Jury.

piers, or Proprietors, or other Person or Persons interested for or upon Account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of diverting or turning such Way or Roads into the same; and in order thereto, the said Justices are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine, upon Oath or Affirmation, all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath or Affirmation such Justices are hereby impowered and directed to administer;) and they the said Justices shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as the said Justices shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled, such Damages and Recompence, they the said Justices shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final and binding and conclusive to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present; Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, Aggregate or Sole, as well as all other Person or Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any wise interested in such Lands, Grounds, or Hereditaments, shall thereby be from 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 and returning such Jury or Juries, the said Justices are hereby impowered to issue out their Warrant or Warrants to the Sheriff of either of the said Counties of Gloucester or Somerset respectively, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Justices, at such Time and Place,

Witnesses may be summoned and examined on Oath.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

Place, as in such Warrant shall be appointed; and the said 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 accordingly to or upon such Summons, the said Justices 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.

For want of a sufficient Number, Standers-by may be returned.

Jury may be challenged.

Provided always, and be it further enacted, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the Jurymen when they come to be sworn; and the said Justices, acting in the Premisses, shall have full Power, from time to time, to impose any reasonable Fine upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons summoned and returned on such Jury, and who shall not appear, or shall refuse to be sworn on the said Jury, and who being so sworn, shall refuse to give their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons required to give Evidence before the said Jury touching the Premisses, who shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence, and, from time to time, to levy such Fine or Fines in the same Manner as the other Penalties herein before-mentioned are hereby directed to be levied, so as that no such Fine exceeds the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be employed for such Uses, and in such Manner, as the Tolls or Monies by the said former Acts, or this present Act respectively granted, are to be applied.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10 *l.*

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is and are hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed respectively, as aforesaid, by virtue of the said former Acts and this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender

der thereof to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being of the respective Trustees, for the Use of such Persons; and after Thirty Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said respective Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said Roads, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given thereof, as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into and made Part of the Roads, in such Manner as the said respective Trustees, or any Five or more of them, shall order or direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents and Purposes whatsoever, become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of such Roads for ever after.

Lands, &c. purchased to be made Part of the Road, and esteemed as publick Highways.

Provided always, and be it further enacted, That in altering, widening, or making, any such Roads, or any Part thereof, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, or Orchard, adjoining or belonging to any House, or any Park, Plantation, or planted Walk, or Nursery of Trees.

Buildings, &c. not to be damaged.

And whereas some Doubts have arisen, whether the Trustees appointed to put the said Acts, for repairing the Roads leading from the City of Bristol, in Execution, subdivided for the separate Care and Service of the said Road called The Aust Road, were thereby sufficiently impowered to erect a Turnpike or Turnpikes on the Road leading from the City of Bristol, through the Parish of Clifton, to Westbury, in the County of Gloucester, although it is the Road from the West End of the said City, through Westbury, to Aust in the said County, called The Aust Road, in the said former Acts mentioned: And where-

as, notwithstanding a Turnpike hath been erected on the said Road, through the Parish of Clifton, and hath remained there standing for many Years; and the said Trustees, by and out of the Tolls and Duties arising from the same, have also built a Turnpike there, and expended considerable Sums of Money out of the said Tolls and Duties, and the Money borrowed on the Credit thereof, in amending and repairing Part of the said Road; yet other Parts thereof still remain out of Repair: And whereas, unless a Turnpike or Turnpikes continue on the said Road, through the Parish of Clifton, any Person going or travelling from Bristol to Aust, may escape paying the Tolls at any of the Turnpikes erected on the said Road called The Aust Road, and cannot be hindered therefrom, unless a great Number of Turnpike-gates are erected thereon; and by that Means great Part of the Tolls will be expended in paying Collectors: therefore be it further enacted, That it was and is the Intention of the said Acts, and this present Act, that the said Trustees might and may erect a Turnpike or Turnpikes on the said Road leading from the City of Bristol, through the Parish of Clifton, to Westbury, in the County of Gloucester, and collect Tolls thereat, and the same is hereby confirmed; any thing in the said Acts, or either of them, to the contrary thereof notwithstanding.

Trustees have Power to erect a Turnpike on the Road leading from *Bristol* to *Westbury*, and take Tolls thereat.

And whereas by the Resort of great Numbers of People to the Hot Wells near Bristol, who go frequently to air on Durdam Down, the Tolls of the last above-mentioned Turnpike are greatly augmented; be it enacted, That the Trustees of the said Bristol District, subdivided for the separate Care and Service of the said Aust Road, shall have Power to apply what Part of the Money arising from the said Gate they shall see proper, towards making a commodious Road from the Road which leads from Rownham Passage, towards the City of Bristol, up Clifton Hill.

Part of the Money collected at *Durdam Down* Gate, may be applied in making a commodious Road up *Clifton Hill*.

And whereas by the said former Acts for amending the Roads leading from the City of Bristol, or One of them, the Surveyor or Surveyors of the said Roads, for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing and amending the said Roads, in any Common or Waste Ground, is and are empowered to dig and gather the same in the several Grounds of any Person or Persons, not being an House, Garden, Orchard, Park, Meadow, planted Walk or Walks, or Avenue to a House, where any such Materials are or may be found, allowing a reasonable Satisfaction for the same: And whereas several Inconveniencies have arisen

arisen from the said Exception of Meadow Ground in the said Acts, and may arise in putting the said other Acts herein recited, and this Act, in Execution; be it therefore further enacted, That from and after the passing of this Act, in case it shall appear to the respective Trustees appointed by virtue of any of the Acts herein recited, or by virtue of this present Act, or any Five or more of them, that there are not Materials near adjoining to the respective Highways or Roads, thereby and hereby directed and intended to be repaired and widened, sufficient for repairing and widening the same, without entering on Meadow Ground, where any such Materials are or may be found; it shall and may be lawful for the said respective Trustees, by an Order in Writing under the Hands of any Five or more of them, to authorize such Surveyor or Surveyors, and such Person or Persons as he or they, or any Five or more of the said respective Trustees, shall appoint, to dig and gather the same in any such Meadow Ground, and carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary, paying to the Owner and Occupier of such Meadow Ground such a Rate for such Materials, and also such Damages for digging and hauling the same, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable; any thing in the said Acts, or either of them, or in this Act, contained to the contrary in any wise notwithstanding.

Surveyors may take Materials for repairing the Roads from Meadow Grounds;

making Satisfaction, &c.

And whereas the Powers given by all the said above-mentioned Acts concerning Statute Labour, have been found defective; Therefore be it enacted, That the Inhabitants of the several Parishes, Tythings, Hamlets, and Places, through which the several Roads directed to be repaired by the said Acts, and this present Act, or either of them, do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to work on the Highways, for the Repairing thereof, commonly called Statute-work, shall still be subject and liable to do the same Work, and shall, and are hereby required, on Six Days Notice, to do and perform such and so many Days Work, not exceeding Three Days Work for any One Person, or Team, in any One Year, in such Parts of the said Roads by the said Acts, and this Act, intended to be repaired, and lying within the Parishes, Tythings, Hamlets, or Places, in which such Inhabitants respectively shall live, at such Times, and in such Manner, as the said respective Trustees, or any Five or more of them, under their Hands, shall direct or appoint; and that every Inhabitant of the said Parishes, Tythings, Hamlets, and Places, respectively,

Inhabitants to do 3 Days Statute-work.

Persons renting 50 *l. per Ann.* deemed Teamholders.

tively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing of the Highways of the several Parishes, Tythings, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do.

Parish Surveyor, &c. to deliver in Lists of Person liable to perform Statute-work.

And be it further enacted, That the Surveyor or Surveyors of the Highways in the Parishes, Tythings, Hamlets, and Places, in which any Part of the Roads by any or either of the said former Acts, or this present Act, intended to be repaired, do respectively lie, shall, and they are hereby required, on Fourteen Days Notice in Writing from, and signed by, the respective Turnpike Surveyor or Surveyors appointed by virtue of the said Acts, or this present Act, Once in every Year, during the Continuance of this Act, to return and deliver unto the respective Trustees, or any Five or more of them, at their Meetings to be held, on Oath if thereunto required, which Oath any Two of the respective Trustees are hereby impowered to administer, Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Parishes, Tythings, Hamlets, and Places respectively, that are liable to do their Statute-duty upon the said Highways, and shall in each of such Lists distinguish which of such Inhabitants do, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only; and if any such Surveyors of the Highways of any such Parish, Tything, Hamlet, or Place, shall not deliver in such Lists as aforesaid, by such Time and in such Manner as by this Act is required, every such Surveyor being convicted thereof on Oath, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings; and if any or either of the Inhabitants of the said several Parishes, Tythings, Hamlets, or Places, after being summoned by the said respective Turnpike Surveyor or Surveyors, shall not do such Statute-work in or upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the said respective Trustees, or any Five or more of them, be directed or appointed to do by virtue of the said former Acts, or this present Act, every such Inhabitant shall, for every such Default, forfeit the several Sums herein after mentioned; that is to say, Every such Inhabitant

Penalty on Surveyors neglecting to deliver in such Lists.

Penalty on Persons not performing their Statute-work.

bitant who shall keep, or by virtue of this Act be deemed to keep a Team, for every Day's Default the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Six Pence: And if any Person or Persons who shall, according to such Summons aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, is or are found idle or negligent by the Turnpike Surveyor or Surveyors respectively, where the said Work is to be done, or shall not work full Eight Hours in each Day, in either of the said Cases such Person or Persons shall be subject or liable to the respective Forfeitures and Payments before mentioned. Penalty on Labourers Neglect.

Provided always, That no such Penalty shall be levied till the Offence shall be proved upon Oath before any Five or more of the said Trustees, or any One of His Majesty's Justice or Justices of the Peace for the County or Place where the Offence shall be committed; which Oath such Trustees, or Justice or Justices, are, and is hereby respectively impowered to administer. The said Penalties not to be levied, till Proof be made on Oath of the Offence.

Provided always, and be it further enacted, That the said respective Trustees, or any five or more of them, or their Surveyor or Surveyors, being authorized so to do by the said Trustees, or any five or more of them, may, and are hereby impowered, from time to time, to compound or agree with all or any of the Inhabitants, or with the Surveyor or Surveyors of the Highways of any Parish, Tything, Hamlet, or Place, through, or into which any Part of the said Roads lead, or with any of the Owners or Occupiers of Lands or Tenements which are or shall be liable or chargeable towards repairing any Part of the said Roads, for a certain Sum of Money, or otherwise, by the Year, as the said respective Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by the Inhabitants of any such Parish, Tything, Hamlet, or Place, or by such Occupier or Occupiers of such Lands or Tenements chargeable as aforesaid. Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish, Tything, Hamlet, or Place, wherein any Part of the said Roads doth respectively lie, or in Respect of any Lands, Tenements, or Hereditaments, liable or chargeable as aforesaid, shall not be paid within Ten Days after the Composition-money how to be recovered.

same shall become payable, according to such Composition or Agreement, then it shall and may be lawful to and for the said respective Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace of the County wherein the said Roads respectively lie, by Warrant under their Hands and Seals, or his Hand and Seal, to impower the Person or Persons authorized by such respective Trustees, or any Five or more of them, to receive such Composition-money (Oath being first made, that the same has been demanded, and remains unpaid; which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, are and is hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods and Chattles of the Person or Persons so having compounded for, or in lieu of, any Statute or Days Work, or for any Lands, Tenements, or Hereditaments, liable or chargeable as aforesaid, or of the Surveyor or Surveyors of the Highways for the time being of such Parish, Tything, Hamlet, or Place, in Respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be) upon Demand, after the Charges of such Distress and Sale thereout first deducted.

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

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the Highways of any Parish, Tything, Hamlet, or Place, wherein any Part of the Roads by any or either of the said former Acts, or this present Act, intended to be repaired, both respectively lie, by and with the Consent in Writing of such of the Inholders of such Parish, Tything, Hamlet, or Place respectively, as shall be assembled at any Vestry or other publick Meeting for that Purpose (whereof Three Days publick Notice at least shall be given in the Church belonging to the said Parish, Tything, Hamlet, or Place, on the Lord's Day, immediately after Divine Service) to compound and agree with the said respective Trustees, or any Five or more of them, for a certain Sum of Money by the Year, in lieu of the Statute-work to be performed by the Inhabitants of such Parish, Tything, Hamlet, or Place respectively upon the said Roads.

Surveyors paying the Composition money, how to be reimbursed.

Provided always, and it is hereby further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any Parish, Tything, Hamlet, or Place, for or in lieu of whose Statute or Days Work such Composition shall be made, as aforesaid, shall pay the Composition money; or if such Composition-money shall be recovered and levied by Distress and Sale of his

or

or their Goods and Chattles in Manner herein before directed, then and in either of the said Cases, such Surveyor or Surveyors shall be repaid or reimbursed the Composition-money, which shall be so paid by, or recovered of, him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Money by them expended in buying Materials for mending the Highways.

And whereas the Powers given by the said Acts to remove and prevent Annoyances on the said respective Highways or Roads, have been found defective: Therefore, be it enacted, That from and after the passing of this Act, it shall and may be lawful to and for the respective Surveyor or Surveyors appointed, or to be appointed by virtue of the said Acts, or any or either of them, or this present Act, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the respective Trustees, or any Five or more of them for that Purpose) to remove and prevent all Annoyances on any Part of the Roads thereby and hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, or Water, or by Sinks or Drains running into the said Roads, or otherwise; and to turn, scour, or cleanse, any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, or any of them, and make the same as deep and large as he or they shall think proper, and to stop any Sinks, Drains, or Gouts, so running into the said Roads; and also to cut down, at a proper Season of the Year, any Trees or Bushes, growing in any of the said Roads, or to lay any Hedge or Hedges, or to cut down, lop, or top, any Trees or Bushes growing in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to lay such Hedge or Hedges, or to cut down or carry away such Trees or Bushes as aforesaid, or to turn, open, scour, or cleanse, such Watercourses or Ditches, or remove or prevent such other Annoyances, within Fifteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said respective Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties are herein after directed

Surveyors may remove Annoyances, &c.

scour Ditches,

and lop or top Trees, &c.

the Owners neglecting to remove the same after Notice.

Surveyors to be reimbursed the Charges.

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directed to be recovered; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, or remove or destroy the Means used to prevent such Annoyances; or if any Person or Persons shall by Force and Violence, prevent any Surveyor or Surveyors appointed, or to be appointed by the said respective Trustees, or any Five or more of them, or any Person or Persons employed by him or them, in the Execution of any or either of the Powers given by this, or either of the said former Acts, every such Person or Persons, on being convicted thereof on Oath before any Five or more of the said respective Trustees, or One or more Justice or Justices of the Peace for the Counties of Gloucester or Somerset, or of the City of Bristol respectively, who is, and are hereby impowered to administer such Oath, shall, for every such Offence, forfeit the Sum of Forty Shillings, and pay the same to the said respective Trustees, or to their Treasurer for the time being to be recovered, levied, and applied, as any other Penalty or Forfeiture incurred by this Act directed to be recovered, levied, and applied.

Penalty of a subsequent Offence;

and of obstructing Surveyors in the Execution of their Duty.

Limitation of the Power of cutting Trees.

Provided nevertheless, That the above-mentioned Power of cutting down Trees in any Hedges or Banks, shall not be construed to extend to Trees growing on the Side of any Road, which shall exceed Thirty Feet wide from Ditch to Ditch; and that it shall be lawful for the Owner or Owners of such Trees, to appeal from the Order for cutting down the same, to the General Quarter Sessions of the Peace, for the County wherein such Trees shall grow, who shall hear and finally determine concerning the same; provided such Owner or Owners shall give Notice in Writing to the said respective Trustees, or their Treasurer, of his, her, or their Intention to appeal as aforesaid, within Ten Days after he, she or they, shall be served with the Notice before-mentioned, to cut down and remove the same.

Owners may appeal from the Order for cutting down Trees, to the Quarter sessions,

giving Notice thereof.

Penalty on drawing Timber, &c. otherwise than on Carriages.

And be it further enacted, That if any Person or Persons, shall haul or draw, or cause to be hauled or drawn upon any Part of the Roads, by all, any, or either of the said former Acts, or this present Act, directed to be repaired, any Tree or Piece of Timber, or any Stone otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, for more than One hundred Yards, to the Prejudice thereof, every such Person or Persons, for every

every such Offence, shall forfeit the Sum of Ten Shillings.

And whereas the Persons guilty of Offences against this Act, or the Acts herein recited or mentioned, may be transient People, unknown to the Collectors, Surveyors, or other Officers, appointed or to be appointed by virtue of the said Acts, or this Act; be it therefore enacted, That it shall and may be lawful to and for the said Collector or Collectors, Surveyor or Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons, so guilty as aforesaid, and to carry him, her, or them, before One or more Justice or Justices of the Peace, for the County or Place where any Offence against the said Acts, or this present Act, shall be committed, without any Warrant or other Authority than this Act for so doing; and such Justice or Justices of the Peace respectively, are hereby impowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending, to give Security for his, her, or their appearing, at the next Petty Sessions to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for want of such sufficient Security, to commit the Person or Persons so offending, to the Common Gaol for the County or Place where the Offence shall be committed, until he, she, or they, shall pay the respective Penalties by him, her, or them incurred, for such respective Offence or Offences, or shall give such Security as aforesaid.

The Offender, if unknown, may be seized by the Collectors or Surveyors, and carried before a Justice, &c.

who is to proceed to immediate Trial;

and upon Conviction and want of Security, may commit the Offender till Payment of the Penalties.

And whereas by the before recited Acts, or some or One of them, it is declared, that no Toll or Duty shall be demanded or taken, at any Gate or Turnpike to be erected, for any Horse or Cattle going to or from Water, or to or from any Pasture: And whereas the Collectors of the Tolls and Duties, have been frequently imposed on by Persons pretending to be going to or from Water or Pasture, and others have insisted on going on the Turnpike Roads several Miles to Water or Pasture, which was not intended by the said Acts; be it therefore enacted, That no Horse, Mare, Gelding or Cattle, shall be exempted from paying the respective Tolls, by the said Acts or this Act granted and made payable, which shall be going to or from Water beyond the Distance of Two Miles, or to or from Pasture, beyond the Distance of Three Miles, from the first Turnpike Gate through which such Horse, Mare, Gelding, or Cattle shall pass; and that in case of any Horse, Mare, Gelding, or Cattle, being going to, or coming from such Water or Pasture, the Per-

Cattle going to or from Water or Pasture, beyond certain Distances, liable to pay Tolls.

son or Persons going through any of the said Gates or Turnpikes, with or for the same, shall pay the usual Toll at the said Gates or Turnpikes; and receive from the Collector there, a particular Ticket, which shall be called a Water or Pasture Ticket, with the particular Hour of the Day when such Person or Persons went through the said Gate, with or for such Horse, Mare, Gelding, or other Cattle; which Ticket the respective Collectors are hereby required to give gratis, on Receipt of the Toll; and on such Person or Persons returning from Water or Pasture to the said Gate, within a reasonable Time after he or they shall have so first gone through the same, such Person or Persons shall receive the Money in paid as Toll backagain; and that no Horse, Mare, Gelding, or other Cattle, shall be exempt from paying the respective Toll or Tolls, on Account of going to Water or Pasture, but under those Circumstances; and in case any Dispute shall arise concerning the same, it shall be determined by the Trustees at their respective Meetings, whose Determination shall be final to any thing in the said Acts, or either of them, to the contrary notwithstanding.

Water or Pasture Tickets to be given for those Purposes.

and no Cattle to be exempt but under the Circumstances here mentioned.

And whereas the Collectors of Tolls are frequently imposed on by Persons claiming Exemptions from paying the Tolls by the said Acts, where payable, who are not intitled to the same; for Remedy whereof, be it enacted, That if any Person or Persons shall, after the passing of this Act, pass or claim, or attempt to pass through any of the Turnpike-gates, erected or to be erected by virtue of the said former Acts, or this present Act, or any of either of them, under Pretence of being exempt from paying the said Tolls by virtue or on account of any Clause of Exemption in the said Acts, or any of them, or in this present Act contained, who shall not be really intitled thereto; or shall, after passing any of the said Gates, and having claimed such Exemption, drive, ride, or go, with any Carriage, Horse, or Cattle, for which he, she, or they, shall have claimed such Exemption, to any other Place, or for or with any other Loading, or for any other Purpose, besides what shall intitle him, her, or them, to such Exemption, every such Person or Persons, being thereof convicted before the said respective Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the County wherein such Offence shall be committed, shall, for every such Offence, forfeit the Sum of Twenty Shillings; to be recovered and levied in the same Manner as the other Penalties and Forfeitures

Penalty on Persons making illegal Claims to Exemption from Tolls.

of Forfeitures for Offences against this Act, or the said former Acts, are hereby directed to be recovered.

And be it further enacted, That if any Person or Persons whatsoever, shall drive, lead, ride in, or on, or pass with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, through any Ground, Field, Yard, Gate, Passage, or Way, whereby the Payment of the Tolls by the said former Acts, and this present Act, or any or either of them, granted and made payable, shall be designedly lessened or avoided; or shall drive, lead, or ride in, any Coach, Berlin, Landau, Chariot, Chaise, Chair, or Calash, Litter, Caravan, Hearse, Cart, Waggon, Wain, Dray, or any other Carriage, or on any such Horse, Mule, Ass, or any other Beast of Burden, on any Part of the Roads by the said Acts, and this present Act, or any or either of them, intended to be repaired, and at or before he, she, or they, shall come to any of the Gates or Turnpikes erected, or to be erected, by virtue of the said former Acts, or this present Act, shall alight, or permit, or suffer, the Person or Persons riding, or being in or on the same, to alight and pass through, or by the Side of, or beyond the said Turnpike-gate or Gates, and send back, or put, or leave, the same Carriage, Horse, or other Beast, in any House or Place, or on or near the said Road, and thereby wilfully avoid paying the Tolls at such Turnpike-gate or Gates; or shall put on, or add, any Horse or Horses, Ox or Oxen, or any other Beasts of Draught, to any Coach, Berlin, Landau, Chariot, Chaise, Chair, or Calash, Litter, Caravan, Hearse, Cart, Waggon, Wain, Dray, or other Carriage, after the same hath passed through any such Gate or Turnpike, whereby the Payment of the said Tolls shall any wise be avoided or lessened, then, or in either of such Cases, the Driver or Owner of, or the Person riding in such Coach, Berlin, Landau, Chariot, Chaise, Chair, or Calash, Litter, Caravan, Hearse, Cart, Waggon, Wain, Dray, or other Carriage, or on any such Horse, Mule, Ass, or any other Beast, or other Person or Persons so offending; and being thereof convicted upon Oath, before the respective Trustees, or any Five or more of them, or before any Justice or Justices of the Peace for the said Counties of Gloucester or Somerset, or of the City of Bristol, respectively (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, are, and is hereby impowered and required to administer;)

Penalty on Persons permitting or using private Passage;

or otherwise evading or lessening the Tolls.

administer;) shall forfeit the Sum of Twenty Shillings, and shall pay the same to the respective Trustees, or to their Treasurer for the time being; which said Sum, in case the same be not forthwith paid, shall be recovered and levied in such Manner as is herein after mentioned.

And whereas by the recited Acts for amending the Roads leading from the said City of Bristol, there is no Provision made to compel the Surveyor or Surveyors of the said Roads, or other Officers (except the Receivers or Collectors) to account for the Monies intrusted to his or their Care, on Oath, or to pay the Balance remaining in his or their Hands, in case he or they neglect or refuse so to do; be it therefore enacted, That in case any Surveyor or Surveyors, or other Officer or Officers, appointed or to be appointed by virtue of any of the said former Acts, or this present Act, shall not give or deliver to the respective Trustees, or any Five or more of them, at any Meeting or Meetings, a full and true Account in Writing on Oath, of all Monies by him or them received, paid, and disbursed, together with the proper Vouchers for such Payments, and also an Account of the Money remaining in his or their Hands, and pay the same as directed in the said former Acts, or any of them, being thereunto required, that then the said respective Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the said Counties of Gloucester or Somerset, or for the said City of Bristol respectively, upon Application made to him or them, shall make Enquiry of and 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 he or they are hereby impowered and required to administer, without Fee or Reward) and if any Person or Persons shall be thereof convicted by such Trustees respectively, or any Five or more of them, or such Justice or Justices, he or they shall and may upon such Conviction, be committed by any One or more such Justice or Justices respectively, to the Common Gaol of such respective County or City, as the Case shall require; there to remain without Bail or Mainprize, until he or they 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 respectively, or any Five or more of them, and have paid such Composition-money to the Treasurer or Treasurers, Receiver or Receivers, or other Officer or Officers, appointed to receive the same; which Composition the said Trustees, or any Five or more of them,

Surveyors or other Officers refusing or neglecting to account,

or to produce proper Vouchers,

Justices upon Complaint to enquire into the Default;

and commit the Offender to Gaol;

until he shall conform,

or compound with the Trustees.

them, at any Meeting within their respective Districts, are hereby impowered to make.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by the said Acts, or this present Act, or any or either of them, imposed or incurred, shall and may be recovered and levied, by Distress and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hands and Seals of any Five or more of the Trustees respectively, appointed by virtue of the said Acts, or either of them, or this present Act, within their respective Districts or Divisions, or under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace, for the Counties of Gloucester or Somerset, or the City of Bristol respectively, or of any One or more Justice or Justices of the Peace of or for the County or Place wherein the Offender or Offenders shall reside or be found; which Warrant or Warrants such Trustees, or Justice or Justices, are and is hereby impowered and required, upon the Information or Informations of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees, Justice or Justices, are and is hereby required and impowered to administer) or by the Confession of the Party or Parties, and the said Penalties and Forfeitures when received, after tendering the Overplus (if any be and 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 Trustees appointed to act for such respective Road or Roads, relating to which any such Penalties or Forfeitures shall arise or be incurred, or any Five or more of them, or to the Treasurer or Treasurers by them appointed, and shall go and be applied, and laid out, if not otherwise directed to be applied, towards amending such Road or Roads respectively; and for want of sufficient Distress, then it shall be lawful for any One or more Justice or Justices of the Peace, for such respective County or City, by Warrant under his or their Hand and Seal, or Hands and Seals respectively (which Warrant such Justice or Justices is and are hereby authorized and required to grant) to commit such Person or Persons to the Common Gaol for such County or City respectively, where such Offence shall be committed, or where such Offender or Offenders shall reside or be found, there to remain without Bail or Mainprize, for the Space of One Calendar Month, to be reckoned from the Day of Commitment,

For want of Distress, Offender to be committed.

mitment, or until he, she, or they, shall have paid such Penalties or Forfeitures respectively.

Distress not to be deemed unlawful for want of Form, &c.

And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of any of the said former Acts, or 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, Notice, Warrant of Distress, or other Proceeding 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; and that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought.

nor the Party distraining deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends shall be made.

And whereas by the said Acts for amending the said Roads leading from the City of Bristol, or One of them, it is enacted, That the several Tolls and Duties arising and levied on the said several Roads respectively, as also all Forfeitures incurred for Offences on or touching the same, shall be deemed so many separate Funds for the Repair of the respective Roads whereon the same shall arise and become due, and shall be vested in the Trustees to be appointed for such Roads respectively, and be applied in the Repairs thereof, and not elsewhere; save only as therein is provided, and reciting, that divers of the said Roads do at certain Places near the said City of Bristol, terminate and unite in certain common Roads leading into the same City: It is also enacted, That the said Tolls arising from the Roads terminating respectively in such common Roads shall be chargeable, in equal Proportions, towards repairing such common Roads: And whereas the Income of the Tolls would be increased, and the Charges of collecting thereof lessened, by erecting on the said common Roads Turnpike-gates for collecting Tolls for the Use of the several Roads terminating therein: Therefore, be it enacted, That it shall and may be lawful for the Trustees appointed, or to be appointed, by or in pursuance of the said last mentioned Acts, at any Meeting of the Trustees, subdivided or to be subdivided for the separate Care and

Trustees in their Subdivisions impowered to erect Gates on the separate Roads terminating in the common Roads.

Service of the several Roads to terminating in any of the said common Roads, or a Meeting for that Purpose, to erect, or cause to be erected, a Toll-house or Toll-houses, and Turnpike or Turnpikes, on the said common Roads, or any of them, and to appoint Collectors to take Toll thereat, in the same Manner, and with the same Powers as by the said Acts are directed for the said separate Roads; and at such or any future Meeting or Meetings, apportion how much of the Tolls and Duties collected or to be collected at such Turnpike or Turnpikes so to be erected on the said common Roads, and also of all Forfeitures and Penalties for Offences committed on the said common Roads, shall be applied to the Use of such separate Roads respectively, in such Manner as shall be agreed on at such Meeting or Meetings; and also from time to time to continue, or discontinue or remove, any of such Toll-houses or Turnpikes as they shall see fit, except as before excepted; any thing in the said recited Acts, or this Act, to the contrary notwithstanding.

Trustees not to determine for erecting Toll thereat;

and apportion how much of the Tolls and Forfeitures shall be applied to the Use of such Roads, &c.

And whereas by the said Act of the Twenty-second Year of his present Majesty's Reign, and the Acts therein recited, or One of them, it is enacted, That the Trustees in and by the said Acts appointed should hold their General Meetings at the Guildhall within the said City of Bristol, on the First Monday in June, the First Monday in September, the First Monday in December, and the First Monday in March, in every Year, for the Purposes therein mentioned, but no Power is by by the said Acts, or either of them, given to the said Trustees, to adjourn such General Meeting to, or hold any other General Meeting at, any other Time or Times in the Year, which Power would be useful for the better carrying the said Acts and this present Act into Execution: Therefore, be it enacted, That it shall and may be lawful for the said Trustees, or any One and twenty or more of them, at any General Meeting, on either of the said Days above mentioned, to adjourn such General Meeting to any other Day or Time in the said Guildhall, and so from time to time as often as they shall see Occasion; and also that it shall and may be lawful for the Trustees, by virtue of the said Acts, or either of them subdivided, or to be subdivided, for the separate Care and Service of any or either of the Roads in the said Acts mentioned, or any Five or more of them, at any Meeting, to order their Clerk to give at least Ten Days Notice in One or more of the Bristol publick News Papers, of a General Meeting to be held

Trustees may adjourn at their General Meetings from time to time.

Trustees in their subdivisions empowered to order Notice to be given of Meetings

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in the Guildhall aforesaid, at a Day or Time to be therein mentioned, which he is hereby directed to give accordingly; and at such General Meeting or General Meetings so to be held by Adjournment, or on such Notice, it shall and may be lawful to and for the said Trustees, or any One and twenty or more of them, to execute all and every of the Powers and Authorities by the said Acts, or this present Act, or either of them, granted, for putting the said Acts in Execution, in as full and ample a Manner as they are by the said Acts impowered to do, on the particular Days above mentioned.

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

And be it further enacted, That no Order made by the said respective Trustees, or any Five or more of them, at their respective Meetings, in, for, or concerning the Execution of the Trusts or Authorities of the said former Acts and this Act, or any or either of them, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the said respective Trustees, unless Nine Trustees shall be present and concur therein, at a Meeting to be held for that Purpose, of which intended Alteration Notice shall be given at a previous Meeting of the said respective Trustees, and entered in their Book of Proceedings.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and it is hereby enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved, by any Act, Order, or Judgement, done or made in pursuance of the said Acts, or either of them, or this Act, or by the Judgement of the Trustees respectively appointed by virtue of the said Acts, or either of them, or this present Act, within their respective Districts or Divisions, or by the Judgement of the Justice or Justices before whom he, she, or they, shall be convicted, so as to incur any Fine, Penalty, Forfeiture, or Damage; it shall and may be lawful for such Person or Persons to appeal to the Justices at the next General or Quarter Sessions of the Peace, which shall be held for the County, City, or Place, where such Judgement shall have been given, who are hereby authorized and required to hear and determine the Matter of the said Appeal; and if they see Cause, shall and may, by Order of such Sessions, mitigate all or any of the Penalties or Forfeitures, or vacate or set aside the Conviction or Convictions, whereby any Penalties or Forfeitures are so imposed or given, and give such Costs to either Party as they shall think reasonable; but the Person or Persons so appealing as aforesaid, shall and is and are hereby respectively directed to give Notice in Writing to the Treasurer or Treasurers appointed to act for such respective Road or

Notice of Appeal to be given.

Roads,

Roads, relating to which any such Fine, Penalty, Forfeiture, or Damage, shall arise or be incurred, of such their Intention of bringing or prosecuting any Appeal, Ten Days before the said Quarter Sessions; and shall, within Eight Days after such Notice given, enter into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, with Condition to try such Appeal at the said Quarter Sessions of the Peace, and also in case such Appeal shall be disallowed, to pay such Costs as the said Justices shall direct in that behalf; but in case the said Cause of Appeal shall arise within Ten Days next before such Quarter Sessions of the Peace, then such Appeal may be made to the Second General Quarter Sessions of the Peace, to be held for such County, City, or Place as aforesaid.

Recognizance to be entered into.

And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Tolls taken, or to be taken, or for any other Thing done, or to be done, in pursuance of the said former Acts, or this present Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the Counties of Gloucester or Somerset, or in the City of Bristol respectively, where the Matter in Question shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, may plead the General Issue, and give this Act, or the said former Acts, 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, the said former Acts, or this present Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought in any other County or Place; then, and in such Case and Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or a Verdict shall pass against the Plaintiff or Plaintiffs; or if on Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs upon Affidavit made, or the Certificate of the Judge before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against the Defendant or Defendants, for Matters contained in the said former Acts, or either of them, or this present Act, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit, in any other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted, That this Act shall be deemed, adjudged 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.