Anno tricesimo primo

Georgii II. Regis.

An Act for repairing and widening the Roads from *Tetbury*, to the Gates on the West of *Simond's Hall Down*; and from the Turnpike-gate at the Top of *Froceſter Hill*, to the Turnpike Road from *Cirenceſter* towards *Bath*; and from the Field called *Bouldown Sleight*, to the End of a Lane adjoining to the Road from *Horſley* to *Tetbury*, near *Tiltup's Inn*; and from the *Market-houſe* in *Tetbury*, to the Turnpike Road on *Minchin Hampton Common*; and from the ſaid Road in *Minchin Hampton Field*, unto the Turnpike Road from *Cirenceſter* to *Stroud*, near *Burnt Aſh*; and from the ſaid Turnpike Road, to *Tayloe's Mill-pond* in *Chalford Bottom*, and through *Hide*, to the Bottom of the *Bourn Hill*, in the County of *Glouceſter*.

WHEREAS the Roads leading from the Town of Tetbury, through Tetbury, Charleton, Beaverſtone, Bagpath, Kingſcoate, Cold Harbour, Owlpen, and Wotton Underedge, to the Gates at the Weſterly End or Side of a certain Down called Simond's Hall Down, leading to the Turnpike Road going from thence to Wotton Underedge and Durſley, in the County of Glouceſter, being Seven Miles, or thereabouts; and the Road leading from the Turnpike-gate at the Top of Froceſter Hill, Preamble.

Hill, in the said County of Gloucester, through Nymphsfield, Owlpen, Kingscoate, Bagpath, Lasborough, Boxwell, Leighterton, Tresham, Settlewood, Hawksbury, and Hawksbury's Upton, to the Joining of the Turnpike Road leading from Cirencester, to The Monument upon Lansdown, in a certain Field called Hawksbury's Upton Field, and near to a Barn called Dunkirk Barn in the same County, being Eleven Miles, or thereabouts; and the Road leading from a Field called Bouldown Sleight, to the End of a Lane adjoining to the Road from Horsley to Tetbury, near Tiltup's Inn, being Two Miles, or thereabouts; and the Roads leading from the Market-house in the Town of Tetbury, through Upton, Avening, and Minchin Hampton, to the Turnpike Road, upon a certain Common called Minchin Hampton Common, in the said County of Gloucester, leading from the Town of Cirencester aforesaid, to the Town of Stroud in the said County, being Six Miles, or thereabouts; and from such Part of the said Road in Minchin Hampton Field, where the Roads leading to Minchin Hampton, Avening, Cherrington, and Hide Part, unto the said Turnpike Road leading from Cirencester to the Town of Stroud, at or near a Place called the Burnt Ash, and from the same last-mentioned Turnpike Road, near the said Place called the Burnt Ash, to a Place called Tayloe's Mill-pond, in Chalford Bottom; and likewise through Hide, to the River at the Bottom of the Bourn Hill in the said County of Gloucester, being Two Miles and an Half, or thereabouts; are in a very ruinous Condition, and in several Parts very narrow and incommodious, and cannot be effectually repaired, widened, and kept in Repair, by the ordinary Methods appointed by the Laws in being; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Knights of the Shire for the County of Gloucester for the time being; Daniel Adey of Wotton Underedge, William Adey of the same, Daniel Adey junior of the same, Esquires; Henry Adey of Dursley Gentleman, Norborne Berkeley Esquire, Reverend Blake, George Charles Black, Edward Bear Packer of Wotton Underedge, Gentlemen; Samuel Blackwell Esquire, Joseph Butler of Tetbury, Nathaniel Body of the same, Gentlemen; the Honourable Benjamin Bathurst, Benjamin Bathurst of Lidney, William Blathwayte, Charles Bragge, Esquires; Bliss of Tormarton Clerk, the Honourable Henry

Trustees for the First District.

Henry Bathurſt, the Honourable and Reverend Allen Bathurſt, the Honourable Thomas Bathurſt, Sir Richard Warwick Bampfylde, Sir William Codrington, Baronets; Thomas Eſtcourt Creſwell, Thomas Cheſter, Eſquires; Nathaniel Capel of Wotton Underedge, John Codrington Nathaniel Cripps, Eſquires; Giles Clutterbuck Gentleman, Paul Caſtleman, John Coxe, Eſquires; Potter Cole Clerk, William Davis, Philip Dauncey of Wotton Underedge, Gentlemen; Thomas Daunt of Owl Pen Eſquire, Edward Dorney of Uley Gentleman, the Honourable John Dawnay Eſquire, Edmund Eſtcourt of Shipton Moyne Eſquire, Matthew Eſtcourt of Cam Gentleman, Sir Francis Fuſt Baronet, John Fuſt Eſquire, William Fiſher of Tetbury Gentleman, Sir John Gyſe Baronet, William Gyſe, the Reverend Thomas Gregory of Uley Clerk, Timothy Gyde of Uley Eſquire, the Honourable Henry Howe, the Honourable William Howe, Eſquires; Nathaniel Hickes, John Hooper Morſe of Stone Gentleman, Thomas Hickes Eſquire, John Heathfield of Berkley, Nicholas Hickes of the ſame, Eſquires; William Holborow of Durſley Gentleman, John Holborow of Uley Eſquire, John Harding of Newark, the Reverend Richard Huntley of Bagpath Clerk, Hickes Eſquire, Sampſon Harris Clerk, Anthony Holborow, Samuel Holborow, Gentlemen; Matthew Hale Eſquire, Peter Holford Maſter in Chancery, William Hughes Clerk, Hedges Eſquire, Sir Robert Banks Jenkinſon Baronet, John Jenkins of Stone Eſquire, Nigil Kingſcote, David Killicorne, Eſquires; Thomas Liſton Eſquire, Daniel Lapley Gentleman, William Mills, William Moore of Wotton Underedge, Eſquires; Joſeph Mathews, John Mabbett of Stinchcomb, Gentlemen; the Honourable Robert Nugent Eſquire, the Reverend Noel of Shipton Moyne, Giles Naſh, Thomas Maſter, Eſquires; John Oſborne of Monk Mills Eſquire, Miles Oatridge, Miles Oatridge junior of Cowley, Gentlemen; William Paſton Eſquire, John Pearce, John Phillimore of Cam, Samuel Phillimore of Cam, Gentlemen; John Purnell of Durſley, John Purnell of King's Hill, John De la Field Phelps, Eſquires; John Pinfold of Stinchcomb Gentleman, Peache of Tormarton, Oneſiphorus Paul, William Phelps, Eſquires; Thomas Paine Clerk, William Robins of Cromhall Eſquire, George Smith of Nibley, George Smith junior, Eſquires; Reverend Henry Skey, Edward Saniger, Reverend Thomas Sherwin, Reverend Peter Senhouſe, Richard Stephens, John Foyle Small, Henry Stephens, Eſquires; John Savage, Matthew Sloper, Samuel Saunders of Tetbury,

Gentlemen; the Reverend Master Robert Stephens, Samuel Sheppard, Jarritt Smith, Esquires; Reverend William Tindale, John Tyler, Robert Trotman, Nicholas Tooker, Gentlemen; Thomas Talboys of Dufton Esquire, Thomas Tippets, John Taylor, Gentlemen; William Veele junior, Samuel Vines, Gentlemen; the Reverend John Wight Clerk, George White, Harry Witts, Joseph Wickes, Joseph Wickes, Barnard Wickes of Tetbury, Gentlemen; the Reverend Wallington Clerk, John Yate of Arlingham Esquire, Freame Arundell, William Burgh Esquire, Jasper Clutterbuck, Charles Cox, Charles Cox of Kemble, Esquires; Dennis Davis, Nathaniel Fowler, Gentlemen; Humphrey Fitzherbert, Thomas Griffin, Benjamin Hyett, Samuel Hawker, Edmund Probyn, William Parry, Thomas Master, Esquires; Daniel Oatridge, Samuel Paul, Gentlemen; Thomas Shermur, Richard Smart, Esquires; Thomas Yates, Samuel Yates, shall be, and they and their Successors to be elected in Manner herein after-mentioned, are hereby appointed and declared Trustees for the amending, widening, and keeping in Repair, the said several Roads from the said Town of Tetbury, to the said Gates at the Westerly Side of Simond's Hall Down, leading to the said Roads to Wotton Underedge and Dursley; and from the Turnpike-gate at the Top of Froceſter Hill, to the Joining of the said Turnpike Road leading from Cirencester, to The Monument, upon Lansdown, near the said Barn called Dunkirk Barn, and from the Field called Bouldown Sleight, to the End of the Lane adjoining to the Road from Horsley to Tetbury, near Tiltup's Inn, being the First District of Roads hereby intended to be repaired; and also for putting in Execution all other Powers by this Act granted, so far as the same relate to such of the said Roads: And that the Knights of the Shire for the County of Glouceſter, for the time being; Benjamin Adamson Esquire, the Reverend Master Edmund Ashton Clerk, Edward Aldridge Gentleman, Walter But, John Beale, William Burgh, Jonathan Byam, Gentlemen; Nathaniel Body, Charles Coxe, Charles Coxe of Kemble, Esquires; Edmund Clutterbuck, John Cliffold, Solomon Cook junior, Thomas Clutterbuck, Robert Clark, Robert Croucher, Gentlemen; the Honourable John Dawnay Esquire, Dennis Davis Gentleman, Reverend Master William Fifield Clerk, Christopher Gardner, Thomas Gryffin, Gentlemen; Benjamin Hyett Esquire, Peter Holford Master in Chancery, John Iles Esquire, Henry Jayne Gentleman, Peter Leverſage, Thomas Lambert, John Ledgingham, Hopeful Lockey, Gentlemen;

Truſtees for the Second Diſtrict.

men; John Moreton Gentleman, Daniel Oatridge, Thomas Oatridge, Nathaniel Overbury, Nathaniel Overbury junior, Gentlemen; Onesiphorus Paul Esquire, John Paul, Samuel Peach, John Peach, William Parham, John Parham, Gentlemen; the Reverend Master Stephen Philips, Nathaniel Perks Esquire, Isaac Punter, Thomas Pike, Gentlemen; Samuel Paul, Edward Peach, Nathaniel Peach, William Rickword, Charles Rodway, Gentlemen; William Savage, Francis Savage, John Saunders, Gentlemen; Reverend Master Philip Sheppard, John Stephens, Richard Smart, Samuel Sheppard, Esquires; William Sevill senior, William Sevill junior, Samuel Sevill, Gentlemen; Edward Sheppard Gentleman, John Tayloe, John Teale, William Turner, John Taylor, William Tugwell Gentlemen; Reverend Thomas Croome Wickes Clerk, Samuel Whitmore, Abraham Walbank, Gentlemen; the Reverend Master Henry Wightwick, Joseph Wathen, Walter Wiltshire, Jacob Wilkins, Joseph Wickes junior, Thomas White, Edmund Wick, Nathaniel Wick Gentlemen; John Blackwell, James Chambers junior, John Clift, Thomas Deverell, William Deverell, Thomas Gough, Daniel Gough, Samuel Heaven, Joseph Mayor, Thomas Mayor, Tobit Mayor, John Pinfold Merchant, Samuel Remington, Daniel Webb, Nathaniel Webb, Stephen Wilkins, shall be, and they and their Successors, to be elected in Manner herein after mentioned, together with the Trustees herein before named and appointed for the said First District, are hereby appointed and declared Trustees for the amending, widening, and keeping in Repair, the said Roads from the Market House in the said Town of Tetbury, to the Turnpike Road on Minchin Hampton Common; and from such Part of the said Road in Minchin Hampton Field, where the Roads leading to Minchin Hampton, Avening, Cherrington, and Hide Part, into the said Turnpike Road leading from Cirencester to the Town of Stroud, at or near a Place called The Burnt Ash; and from the said last-mentioned Turnpike Road near the said Place called The Burnt Ash, to Tayloe's Mill Pond in Chalford Bottom; and also through Hide to the River at the Bottom of the Bourn Hill (being the Second District of Roads hereby intended to be repaired) and also for putting in Execution all other Powers by this Act granted, so far as the same relate to such last-mentioned Roads; and the said respective Trustees in their respective Districts, or any Seven or more of them, shall and may cause to be erected upon and across the Roads in each respective District, and upon and cross, or on the Side of any Street, Lane or Way, leading

Trustees may erect Turnpikes and Tollhouses,

leading into any Part of such Roads, One or more Turnpike or Turnpikes; and also build or provide a Toll-house at or near each of the Turnpike-gates which shall be erected; and they, or any Seven or more of them, in their respective Districts are hereby authorized and impowered to continue, remove, take down, erect, set up, or order, and cause to be continued, removed, taken down, erected, and set up, such Gates, Turnpikes, and Toll-houses respectively, in, cross, or on the Sides of any Part of the said Roads respectively, as to them shall seem requisite and expedient for the Purposes of this present Act; and the Tolls following shall be paid before any Horse, or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through any Turnpike to be erected upon or cross any of the said Roads comprised within the said First District; or upon or cross any Street, Lane, or Way, leading into the same; that is to say,

and take the following Tolls thereat.

Tolls for the First District.

For each Horse or Beast of Draught drawing any Coach, Waggon, or other Carriage whatsoever at each of the Turnpikes to be erected in, upon, or cross the said Roads comprised within the said First District, or cross any Street, Lane, or Way, leading into the same, the Sum of Three Pence.

And for each Horse, Mare, Gelding, Mule, Ass, and Beast of Burthen, loaden or unloaden, and not drawing, at each of the Turnpikes to be erected in, upon, or cross, any of the Roads within the said First District, or cross any Street, Lane, or Way, leading into the same, the Sum of One Penny.

And for every Drove of Oxen, Cows, and Neat Cattle, at each of the Turnpikes to be erected in, upon, or cross any of the Roads within the said First District, or cross any Street, Lane, or Way, leading into the same, the Sum of Ten Pence per Score, and so in Proportion for any greater or less Number.

And for every Drove of Calves, Sheep, Lambs, or Swine, at each of the Turnpikes to be erected in, upon, or cross any of the Roads within the said First District, or cross any Street, Lane, or Way, leading into the same, the Sum of Five Pence per Score, and so in Proportion for any greater or less Number.

And the Tolls following shall be paid before any Horse or other Cattle, or Beast, or any Carriage whatsoever, shall be permitted to pass through any Turnpike to be erected by virtue of this Act upon or cross any of the said Roads comprised within the said Second District, or upon

upon or cross any Street, Lane, or Way, leading into the same; that is to say,

For each Horse and Beast of Draught drawing any Coach, Waggon, or other Carriage whatsoever, the Sum of Three Pence. Tolls for the Second District.

And for every Horse, Mare, Gelding, Mule, Ass, and Beast of Burthen, loaden or unloaden, and not drawing, the Sum of One Penny.

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

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be paid to such Person or Persons in and for each respective District, as the said respective Trustees, or any Five or more of them, shall respectively appoint to receive the same; and the Money so to be raised is hereby vested in the said Trustees for each respective District, and shall be applied in such Manner as herein after is mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beast, upon which such Tolls are by this Act imposed, or any Carriage drawn by such Horses or other Cattle or Beast, or the Goods and Chattles of such Person or Persons so neglecting or refusing to pay such Tolls, and to detain such Horse or Horses, Cattle, Beast, Carriages, or Goods, so seized and distrained; and if such Tolls, and the reasonable Charges of such Seizure, Distress, and Detainer, shall not be paid within the Space of Five Days, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Beasts, Carriages, or Goods so seized and distrained, returning the Overplus, if any be, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Distress, Detainer, and Sale, shall be deducted. Tolls may be levied by Distress and Sale. Distress may be sold after 5 Days.

Expences of procuring this Act, to be paid proportionably out of the Tolls collected on both Roads.

And be it enacted by the Authority aforesaid, That out of the first Monies which shall arise by or on Account of the Tolls within the said Districts, or out of the Monies which shall be borrowed on the Credit of such Tolls, or any of them, the said Trustees respectively, or any Seven or more of them, shall, and are hereby impowered and required to pay and discharge all reasonable Expences attending the procuring this Act; which said Expences shall be borne in the following Proportions; that is to say, One Moiety of such Expences out of the Tolls which shall be collected and levied on the Roads within the said First District, or the Money to be borrowed on the Credit thereof, and the other Moiety of such Expences out of the Tolls which shall be collected and levied on the Roads within the said Second District, or the Money to be borrowed on the Credit thereof; that is to say, Two Parts in Three of the said last mentioned Moiety of the Expences shall be paid out of the Tolls which shall be collected and levied on that Part of the Road only within the said Second District, which leads from the said Town of Tetbury to the said Turnpike Road on Minchin Hampton Common, or the Money to be borrowed on the Credit thereof, and the remaining Third Part out of the Tolls which shall be collected and levied on the other Part of the Roads herein before described to be within the said Second District, or the Monies to be borrowed on the Credit thereof.

Qualification of Trustees for the First District.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, in or for the said First District, unless at the Time of acting therein, he shall have, or be seised of, in his own Right, or in Right of his Wife, and be in the actual Possession and Enjoyment, or Receipt of, the Rents, Issues, and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of One hundred and fifty Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Land, of the clear yearly Value of Three hundred Pounds; and every such Person (not being an Heir Apparent as aforesaid) shall, before he acts as a Trustee, in or for the said First District, take and subscribe the Oath following, before any One Justice of the Peace for the County of Gloucester, or any Two or more of the said Trustees at a publick Meeting (who is and are hereby impowered to administer the same) which Oath shall be to the Effect following:

Trustees to take the Oath following, before they act.

I *A.B.*

I *A. B.* do swear, That I am truly and *bona fide*, in the actual Possession, Enjoyment, and Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes. The Oath.

So help me GOD.

And that no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, in or for the said Second District, unless at the Time of acting therein, he shall have, or be seised of, in his own Right, or in the Right of his Wife, and be in the actual Possession or Enjoyment, or Receipt of, the Rents, Issues, and Profits, of a Real Estate in Law or Equity, of the clear yearly Value of Fifty Pounds, or possessed of a Personal Estate alone, or of a Real and Personal Estate together, to the Amount or Value of One thousand Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Land, of the clear yearly Value of One hundred Pounds above Reprizes; and every such Person (not being an Heir Apparent as aforesaid) shall, before he acts as a Trustee, in or for the said Second District, take and subscribe the Oath following, before any One Justice of the Peace for the County of Gloucester, or any Two or more of the said Trustees at a publick Meeting (who is and are hereby impowered to administer the same) which Oath shall be to the Effect following, as the Circumstances of the Case shall require. Qualification of Trustees for the Second District. Trustees to take the Oath following before they act.

I *A. B.* do swear, That I am truly and *bona fide*, in the actual Possession, Enjoyment, and Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds; or possessed of a Personal Estate alone, or of a Real and Personal together, to the Value of One thousand Pounds above Reprizes. The Oath.

So help me GOD.

And if any Person or Persons so made incapable, shall presume to act in the respective Trusts aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Penalty on Persons acting as Trustees, who are disqualified.

of Fifty Pounds, to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Tolls to be paid but Once a Day in the respective Districts.

Provided always, and it is hereby declared, That in case there shall be more than One Turnpike or Toll-gate erected, in, cross, or on the Side of, any of the said Roads within the said First District, any Person or Persons having paid the Toll or Duty aforesaid, at any One of the said Toll-gates or Turnpikes, shall pass through any other of the said Turnpikes or Toll-gates, within the said First District, Toll-free, so as such Person or Persons produce a Note or Ticket, signifying that the Toll or Duty was paid that Day, and which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give to the Person paying the said Toll or Duty, and the Person or Persons having such Note or Ticket, shall deliver the same to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the latter Gate or Turnpike on the same Day; and also in case there shall at any Time be more than One Turnpike or Toll-gate erected, in, cross, or on the Side of, any of the said Roads, within the said Second District, any Person having paid the Toll or Duty at any One of the said Turnpikes or Toll-gates within the said Second District, shall pass through any other of the said Turnpikes or Toll-gates, within such Second District, Toll free, so as such Person or Persons produce a Note or Ticket, signifying that the said Toll or Duty was paid on that Day; and that no Person having paid the Toll or Duty at any One of the said Turnpikes or Toll-gates, on any Part of the Roads within the said First District hereby intended to be repaired, and who shall return on the same Day before Twelve of the Clock at Night with the same Horse, Mare, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Chair, Waggon, Cart, or other Carriage, for which such Toll or Duty was paid, shall be liable or compelled to pay the same Toll or Duty more than Once on the same Day; and that no Person having paid the Toll or Duty at any One of the said Turnpikes or Toll-gates on any Part of the Roads within the said Second District hereby intended to be repaired, and who shall return on the same Day before Twelve

Twelve of the Clock at Night with the same Horse, Mare, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Chair, Waggon, Cart, or other Carriage for which such Toll or Duty was paid, shall be liable or compelled to pay the same Toll or Duty more than Once on the same Day.

Particular Exemptions.

Provided always, and be it further enacted and declared by the Authority aforesaid, That no Tolls shall be taken for any Horse or other Beast of Draught or Burden drawing in any Waggon or other Carriage, or being loaded or employed only in the Conveyance or Carriage of Cheese passing through any Turnpike or Turnpikes which shall or may be erected on any Part of the said Road between a Place called Cold Harbour, and the West Side of Simonds Hall Down aforesaid.

Provided also, and be it further enacted by the Authority aforesaid, That if any Horse, Mare, Gelding, Mule, Ass, or Beast of Burden, being unloaded, or if any Waggon, Wain, Cart, Dray, or other Carriage, being empty, shall go and pass through any or either of the Gates or Turnpikes that shall be erected or set up by virtue of this Act within the said Second District, and shall pay the respective Tolls or Duties, such Horse, Mare, Gelding, Mule, Ass, Beast, Cattle, Waggon, Wain, Cart, or other Carriage, upon producing the Note for the preceding Day of the Payment of the Tolls, shall be permitted the next Day to return, loaded with Coals only, through any of the said Gates or Turnpikes within the said Second District, without paying any Toll.

No Turnpike to be erected within the Town of *Minchin Hampton*, &c.

Provided always, That no Gate or Turnpike shall, during the Continuance of this Act, be erected and set up within the Town of Minchin Hampton, or on the West Side thereof.

Persons and Things exempted from Toll.

Provided always, and it is hereby declared, That no Tolls shall be taken for any Horse, Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Dung, Soil, or Compost, of any Kind, for manuring of any Garden, or other Land or Ground; nor shall any Toll be taken at any Time for any Horse, or other Cattle, or Beast, drawing or not drawing, employed only in the Conveyance or Carriage of any Stones, Gravel, or other Materials, for repairing the said Roads, or for repairing any of the Highways in any of the Parishes or Places in which any Part of the said Road is situated, or employed in the plowing, sowing, tilling, cultivating, or stocking of any Land or Ground in any of such Parishes or Places; or in the Carriage or Conveyance of any Hay,

Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, or Grounds, of the Owner or Owners thereof, or drawing or conveying any Plough, Harrow, or other Implements of Husbandry; or for any Horse, or other Cattle, or Beasts, going to or from Water or Pasture within the said Parishes or Places; or for the Horses of any Officers or Soldiers on their March, or for any Horse, or other Cattle, or Beasts, employed in the Conveyance or Carriage of their Arms or Baggage; or in the passing of Vagrants sent with lawful Passes; or for any Post Horse or Vehicle carrying the Mail; or for any Horse, or other Cattle, drawing or not drawing, employed in the carrying or conveying any Person or Persons going to, or returning from, any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of Gloucester, on the Days of such Election or Elections, or on the Day before, or Day after, any such Election shall begin and be concluded; or for any Horse, or other Cattle, or Beasts, drawing or not drawing, employed in the Conveyance or Carriage of any Person or Persons residing in any of the Parishes wherein the said Roads do lie, to and from Church, Chapel, or other Place of Religious Worship on Sundays, or in conveying the Corpse of any Person to be interred in any of the said Parishes, or carrying or conveying any Person or Persons attending, or immediately returning from, such Funeral.

Penalty on Persons making illegal Claims to Exemption from Tolls.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on Persons permitting, or going through, private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Lands near to any of the said Turnpikes, shall permit any Person or Persons to pass through the same, or any Part thereof, not being a publick Highway, with any Horse, or other Cattle, or Beasts, or Carriage whatsoever; or if any Person or Persons shall pass through any Lands, or any private Way whatsoever, with any Horse, or other Cattle, or Beasts, or Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, shall be wilfully avoided; or if any Person shall forcibly pass through any such Turnpike with any Horse or other Cattle, or Beasts or Carriage whatsoever, without Payment of the said Tolls, after the same is demanded;

Penalty on Persons giving or receiving Tickets, &c.

or shall offer, give to, or receive from, any Person or Persons, or forge, counterfeit, or alter, any Note or Ticket given by

by the Collectors of the said Tolls; or shall take off, or cause to be taken off, any Horse, or other Cattle, or Beasts, from any Carriage; or leave, or cause to be left, upon or near to any Part of the said Roads, any Horse or other Cattle, or Beasts, or Carriage; or put on or add any Horse or Horses, or other Beast of Draught, to any Carriage, after the same has passed through any such Turnpike, and travel therewith, on any Part of the said Turnpike Road, with an Intent to evade the Payment of any of the said Tolls, or any Part thereof; or shall interrupt or disturb any Person or Persons who shall be employed by the said respective Trustees, or their respective Surveyor or Surveyors, in the Execution of his or their Office or Offices, Employment or Employments, under this Act, every Person so offending in any of the Cases aforesaid, shall, for every such Offence respectively, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner, as the other Penalties are herein after directed to be applied.

For taking off Horses, &c. to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That the Property of all the Turnpikes and Toll-houses which shall be erected or provided by virtue of this Act, and of the Materials for building the same, and for repairing the said respective Roads, shall be, and are hereby vested in the said respective Trustees, in and for their respective Districts; and they, or any Five or more of them, are hereby impowered to bring Actions, or prefer Bills of Indictment, in their Names, or in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers, against all Persons who shall disturb them in the Possession of the Property thereof.

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

And be it further enacted by the Authority aforesaid, That the said Trustees for the First District, or any Five or more of them, shall meet at the Dwelling-house of Brooks Widow, known by the Sign of The Bear at Cold Harbour, on the Nineteenth Day of June, in the Year of our Lord One thousand seven hundred and fifty eight; and the said Trustees for the said Second District, or any Five or more of them, shall meet at the Dwelling-house of John Ledgingham, known by the Sign of The White Hart in Tetbury aforesaid, on the Twenty second Day of June aforesaid, and respectively proceed to the Execution of this Act, for their said respective Districts, and adjourn then, and from time to time afterwards, and meet there, or at any other convenient Place, in or near their respective Districts, as they, or any Five or more of them, for their said respective Districts, shall think

Time and Place of Trustees Meeting.

think most convenient, as often as it shall be necessary for putting this Act in Execution: And if at any Meeting or Meetings, there shall not appear a sufficient Number of the said Trustees to act, and to adjourn to another Day, by being such sufficient Number, shall neglect to adjourn, the Clerk or Clerks to the Trustees for such respective District, or any One of the Trustees for the same, who shall be present at such Meeting, shall and may, from time to time, by Seven Days previous Notice in Writing, to be affixed on all the Turnpikes within such District, appoint such Trustees to meet at the House where the last Meeting was appointed to be held, or some other convenient House in or near such respective District, on that Day Fortnight from the Day on which such last Meeting was appointed to be held.

Notice to be given of such Meetings;

Trustees may appoint Officers within their respective Districts;

And be it further enacted, That the said respective Trustees, or any Seven or more of them, at any Meeting shall and may, by any Writing under their Hands and Seals, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and for their respective Districts, and also a Surveyor or Surveyors of the respective Roads, and such other Officers as they shall think proper to employ in the Execution of this Act, within such respective Districts; and from time to time remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, from their Offices, as they shall see Occasion, and appoint others, in case of Death, or such Removal; and out of the Monies arising by virtue of this Act, may make such Allowances to such Officers, and to such other Persons, as are or shall be assisting in and about the Amendment or Alteration of the said respective Roads, or any Part thereof, or in putting this Act in Execution, or in preventing any Abuses contrary to the Intent thereof, as they the said respective Trustees, or any Seven or more of them, for their respective Districts, shall think reasonable, in such Manner as is herein after mentioned; and such Officers, and all other Persons, who shall be employed in the Receipt or Expenditure of any of the Monies arising by this Act within such respective Districts, shall, upon Oath, when thereunto required by the Trustees for the respective Districts in which they shall be so employed, or any Seven or more of them, in their respective Districts (which Oath such Trustees respectively, or any Two of them, are hereby impowered to administer) give in true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected

and remove them, and appoint others.

Officers to account upon Oath.

collected and raised, and how and to what Uses the same have been applied, and produce proper Vouchers for such Payment (for which Oath no Reward shall be taken) and shall pay all such Monies as shall remain in their Hands to the said respective Trustees, or any Seven or more of them, in their respective Districts, or to such Person or Persons as they shall respectively authorize to receive the same; and if any such Officer or other Person aforesaid, shall not give such Account, or refuse to verify the same upon Oath, as aforesaid, it shall in both or either of such Cases, be lawful for any Five or more of the Trustees in their respective Districts, or any Two Justices of the Peace for the County of Gloucester, and such Trustees or Justices, are hereby required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Trustees or Justices are hereby impowered and required to administer without any Reward) and upon Conviction to commit every such Officer or other Person to the Common Gaol of the County of Gloucester, there to remain without Bail or Mainprize until such Account shall be made and verified as aforesaid; and if any such Officer or other Person aforesaid shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his Hands, it shall be lawful for any Five or more of the Trustees for the Districts where the Offence shall be committed, or any Two Justices of the Peace for the County of Gloucester; and such Trustees or Justices are hereby required to make Enquiry touching such Neglect in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of every such Officer or Person, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then any Five or more of the said respective Trustees, or the said Justices, or any Two other Justices for the said County, shall commit every such Officer or other Person to the common Gaol of the County wherein such Officer or other Person shall be or reside, there to remain without Bail or Mainprize, until the Offender hath made such Payment to such respective Trustees, or according to their Appointment as aforesaid, or compounded for the same, and paid such Composition-money to such respective Trustees, or their Treasurer; which Composi-

Officers not making Account and Payment,

Justices upon Complaint to enquire into the Default;

and commit the Offender to Gaol;

until he shall conform,

or compound with the Trustees.

tions the said respective Trustees, or any Five or more of them, in their respective Districts, are hereby impowered to make

Treasurer to give Security

And be it further enacted, That the said respective Trustees, or any Seven or more of them, in their respective Districts, shall take such Security from the Treasurer or Treasurers whom they shall respectively appoint by Authority of this Act, for the due Execution of their respective Offices, as they the said Trustees, or any Seven or more of them respectively, shall think proper.

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

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

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the respective Turnpike Surveyor or Surveyors in and for their respective Districts, and such Person or Persons as he or they shall direct, to search for, dig out, gather, take and carry away any Gravel, Furze, Heath, Sand, Stones or other Materials, in, out of, and from, any Quarry, River, or Brook, in the Waste or Common of or in any Parish, Town, Village, or Hamlet, in which any Part of the said Roads doth lie, or in any neighbouring Town, Village, or Hamlet, which shall be proper or convenient for repairing of the said Roads, without paying any thing for the same; and also that in case no sufficient Quantity of Gravel, Furze, Heath, Sand, Stone, or other Materials, can be found in any Quarry, River, or Brook in such Waste or Common, at any convenient Distance, it shall and may be lawful for such respective Surveyor or Surveyors, and such Persons as he or they shall direct, such Surveyor or Surveyors having an Order in Writing for that Purpose from the respective Trustees, or any Five or more of them, in their respective Districts, to search for, dig, cut, gather, take, and carry away such Materials in, out of, from, and over the Ground or Grounds of any Person or Persons whatsoever within the several Parishes, Towns, Villages, or Hamlets, in which any Part of the said Roads doth lie, or any neighbouring Parishes, Towns, Villages, or Hamlets (not being the Ground whereon any House stands, or a Garden, Orchard, Plantation, or Nursery for Trees, or a Yard, Park, or planted Walk or Avenue to any House), paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where and from whence the same shall be digged, cut, and gathered, and through or over which the same shall

without paying any thing for the same;

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

Justices to determine Differences.

making Satisfaction to the Owners

shall be carried, as the said respective Trustees, or any Five or more of them, in their respective Districts, shall adjudge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County, shall hear and finally determine the same. Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Turnpike Surveyor or Surveyors, by Order of the said respective Trustees, or any Seven or more of them, for the said respective Districts, to make, or cause to be made, any new Causeways, Drains, Ditches, and Fences, in and upon the said Roads, and through any Grounds lying contiguous to any Part of the said Roads, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads, to the Prejudice thereof; and to make, erect, widen, or alter, any Arches or Bridges upon, in, or leading to the said Roads, or any Part thereof; and also to make, or cause to be made, a Temporary Road through the Grounds adjoining to any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Building stands, or a Garden or Orchard, or a Yard, Park, or planted Walk, or Avenue to any House, or any Parcel of inclosed Ground, set apart and used as a Plantation or Nursery for Trees) to be made use of as a publick Highway whilst the old, narrow, or ruinous Road is repairing or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass the Road so repaired or widened, and no longer; making such reasonable Satisfaction to the Owners and Occupiers of the Ground respectively through or upon which any such Arch, Bridge, Causeway, Drain, Ditch, or Fence, shall be made, erected, widened, or altered, or through which such Temporary Road shall be made, as shall be adjudged by the said respective Trustees, or any Seven or more of them, in their respective Districts: And in case any Difference shall happen between such Owners or Occupiers and the said respective Trustees, touching such Damages, it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions, to be holden for the said County, to hear and finally determine the same. Surveyors to make Causeways, cut Drains, &c. and make a temporary Road; making Satisfaction to the Owners of the Ground. Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the respective Turnpike Surveyor or Surveyors for the said several Districts, or any other Persons by him or them employed, may remove and prevent all Annoyances, Surveyors may remove Annoyances,

ances, Nuisances, and Obstructions, upon any Part of the said Roads, and open, scour, or cleanse any Watercourses or Ditches adjoining or near to any Part of the said Roads, and make the same as deep and large as he or they shall think necessary; and cut down any Bushes growing in or near any Part of the said Roads, and lay down any Hedges, and remove or carry away such Bushes and other Annoyances; and, by Order of the said respective Trustees, or any Five or more of them, in their respective Districts, to cut down, lop, or top, any Timber or other Trees growing upon or on the Side of the said Roads, and remove or carry away the same at proper Seasons of the Year for so doing, in case the Owners or Occupiers of the Premisses, or the Persons who have laid or made, or caused to be laid or made, such Annoyances, shall neglect to cut down, or lop or top, or lay down and carry away, such Trees, Bushes, or other Annoyances, or to open, scour, cleanse, deepen, or enlarge, such Watercourses or Ditches for the Space of Fourteen Days next after Notice in Writing given to such Owners, Occupiers, or Persons, for that Purpose, under the Hand or Hands of such respective Turnpike Surveyor or Surveyors, the Charges whereof shall be settled by the said Trustees, or any Five or more of them respectively, and shall be reimbursed to such Turnpike Surveyor or Surveyors by such Owners, Occupiers, or Persons respectively; and in Default of Payment thereof, the same shall be recovered in such Manner as any Penalties are herein after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, over and above such Charges as aforesaid, for every such Offence, forfeit the Sum of Forty Shillings.

cleanse Ditches &c.

cut down Bushes;

lop or top Trees;

the Owners neglecting to remove the same, after Notice;

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Trustees may lease &c. the Tolls.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, for their respective Districts, may, and they are hereby impowered, by Writing under their Hands and Seals, to set, demise, and to farm-let the Tolls, which shall, by virtue of this Act, arise on the said respective Roads within their several Districts, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, upon Twenty Days Notice to be affixed on all the Turnpikes within such respective Districts, and published Twice in some Weekly News Paper, and to the highest Bidder, upon a publick Bidding, and for the best Price the said respective Trustees can get for such Tolls, or any Part thereof; and

20 Days Notice thereof to be given.

and the Sums so agreed to be paid for such Tolls in the said Districts, or any Part thereof, shall be paid, from time to time, by Monthly Payments, in Advance, to such respective Trustees, or such Person or Persons as they, or any Seven or more of them, in their respective Districts, shall appoint to receive the same; and if any Person or Persons to whom such Tolls, or any Part thereof, shall be set, demised, or let, shall neglect or refuse to make any such Payment, in Advance, according to the true Intent and Meaning of this Act, the Contract or Agreement for setting, demising, and letting, such Tolls, or any Part thereof, to such Person or Persons, shall, from thenceforth, be null and void.

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

And be it further enacted by the Authority aforesaid, That in case the said respective Trustees, or any Seven or more of them, shall think proper to widen, turn, or alter, any Part of the Roads within their respective Districts, it shall and may be lawful to and for such Trustees, or any Seven or more of them, from time to time, to purchase any Lands or Hereditaments, lying contiguous or near to any Part of the said Roads, within their respective Districts, and to pay for such Lands and Hereditaments, and all the Charges attending such Purchase, out of the Produce of the said Tolls; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and all other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said respective Trustees, or any Seven or more of them, for the Purchase of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and all Persons are hereby indemnified for what they shall so do, by virtue or in pursuance of this Act.

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

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

And be it further enacted by the Authority aforesaid, That if any Bodies Politick or Corporate, Ecclesiastical or Civil, or any other Person or Persons whatsoever, upon Notice to him, her, or them given or left in Writing, by Order of the said respective Trustees, or any Seven or more of them, at the Dwelling-house or Houses,

or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in, and added to, any of the said Roads, or through which any of the said Roads shall be turned as aforesaid, shall, for the Space of Twenty 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, or otherwise, shall be prevented from treating; then, and in every such Case, the said respective Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Gloucester (which Oaths any Two or more of the said respective Trustees, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners or Proprietors, or other Person or Persons interested for, or on Account of, taking such Lands or Hereditaments into any of the said Roads, or of turning such Roads through the same; and in Order thereunto, the said respective Trustees, or any Seven or more of them, in their respective Districts, are hereby impowered and required, from time to time, to summon before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and the said Trustees, or any Seven or more of them, in their respective Districts, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premisses, and shall adjudge the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition; which Verdict or Inquisition and Judgement, shall be final and binding to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim 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, Ecclesiastical or Civil, and all and every other Person or Persons whomsoever; and the said Trustees, or any Seven or more of them,

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined on Oath;

Verdict of the Jury to be binding and conclusive.

them, in their respective Districts, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Gloucester, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said respective Trustees, or any Seven or more of them, in their respective Districts, at such Time and Place therein, or not exceeding the Distance of One Mile therefrom, as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said respective Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for 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 speedily be procured to attend that Service, to the Number of Twelve; and one Moiety of the Charges of impanelling, summoning, and returning the said Jury, and of taking the said Inquisition, shall be paid by such respective Trustees, or any five or more of them, out of such Tolls, as the Purchase Money for any such Lands or Hereditaments is herein directed to be paid, or out of the Monies to be borrowed the Credit thereof, and the other Moiety by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in, such Lands or Hereditaments; and in Default of Payment of such Moiety, by such Owners, Proprietors, or Persons interested as aforesaid, within Three Days next after such Inquisition taken, the said respective Trustees, or any Seven or more of them, are hereby required and impowered, to pay the same out of the Sum or Sums of Money so to be assessed for Damages as aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said respective Trustees, or any Seven or more of them, in their respective Districts, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn shall refuse to give their Verdict, or in any other Manner wilfully neglect their Duty therein,

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

Jury may be challenged.

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

contrary

contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premisses shall refuse or neglect to appear, or refuse to be examined and to give Evidence; and such Fines shall be levied and applied, in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so as that no such Fines shall exceed the Sum of Ten Pounds, upon any One Person for One Offence.

Fine not to exceed 10*l.*

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

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money or Recompence, ascertained by such Jury as aforesaid, shall be, and the same is and are hereby directed to be, paid out of the Tolls which shall arise out of the respective Roads so to be turned, altered, or widened, or out of the Monies to be borrowed on the Credit thereof, unto the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof, to such Person or Persons respectively, or their Agents; and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the respective Trustees, for the Use of such Persons, and after Eight Days Notice thereof given to such Persons or their Agents, to receive such Money, it shall and may be lawful for the said respective Trustees, or any Seven or more of them, in their respective Districts, their Surveyors, Workmen, or Agents, to take into or add to the said Roads, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them as aforesaid, shall think fit; and all Lands or Hereditaments so taken into or made Part of the said Roads, shall be for ever thereafter, a publick and common Highway, and shall be repaired and kept in Repair, by such Ways and Means as the Roads hereby appointed to be repaired and widened, are by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands and Grounds constituting the former Road, shall be vested in, and shall and may be sold and conveyed by the said respective Trustees, or any Seven or more of them, for their respective Districts, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied in repairing and amending the said respective Roads, and the Conveyances of the Lands comprized in the old or former Road, being signed by any Seven or more of the Trustees as aforesaid, and inrolled with the Clerk of the Peace for the County of Gloucester, shall be good and effectual in the Law to all Intents and Purposes.

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

Old Road may be sold.

Money arising by Sale thereof how to be applied.

Provided

Provided always, That the said respective Trustees, or any Seven or more of them, in their respective Districts, shall and may turn or alter the Path or Way of any of the said Roads, if they shall think it necessary, through any Common or Waste Grounds, without paying any Thing for the same; and the old Road, in lieu whereof such new Road shall be turned or made, shall be from thenceforth Part of such Common or Waste Ground, and no Statute-work shall be done thereon. Proviso.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the Power hereby given to the said respective Trustees aforesaid, shall not extend to the pulling down any Dwelling-house, or any other Building, or taking in any Scite of any House or other Building, or to take in any Garden, Nursery for Trees, or Orchard, or any Yard, Park, Plantation, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding. Buildings, &c. not to be damaged.

And be it further enacted by the Authority aforesaid, That all Persons who are or shall be subject or chargeable to the Repair of any Part or Parts of the said Roads, shall remain liable and chargeable to such Repairs, and it shall and may be lawful for the said respective Trustees, or any Five or more of them, by their respective Surveyor or Surveyors, Clerk or Clerks, yearly and every Year, during the Continuance of this Act, by Writing under the Hand or Hands of such Surveyor or Surveyors, Clerk or Clerks, to summon the Surveyors of the Highways, for the respective Parishes or Places wherein any Part of the said Roads doth lie, within their respective Districts, or where there shall be no such Surveyors, the Churchwardens and Overseers of the Poor of such Parish or Place, to bring in Writing under their respective Hands before the said respective Trustees, or any Five or more of them, present at any Meeting for their respective Districts, upon Oath, according to the best of their Knowledge, within Fourteen Days after such Summons, or at the then next Meeting of the Trustees for such District (which Oath the said respective Trustees, or any Two or more of them, are hereby impowered to administer) a List of the Names of all the Persons who are liable to do Statute-work for that Year, with Teams and Draughts, or otherwise, within such Parishes or Places respectively; and such Surveyors, Churchwardens, or Overseers, shall in such Lists distinguish which of the said Inhabitants keep, or by this Act are deemed to keep a Team, and which of them are liable to do Statute-work as Labourers only; and the said respective Trustees, or Persons, &c. chargeable to the Repair of the Highways, to continue so.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

any Five or more of them, for their respective Districts, shall and may order and appoint how many Days Statute-work shall be done in each Year, by such Persons, at such Times, in such Manner, and in such Parts of the said Roads hereby directed to be repaired within such respective Parishes and Places, as the said respective Trustees, or any Five or more of them, in their respective Districts as aforesaid, or their respective Surveyor or Surveyors, shall from time to time direct and appoint, not exceeding Three Days Work in any One Year; and every Person occupying Fifty Pounds a Year, of Lands, Tenements, or Hereditaments, of what Nature soever, within any Parish or Place in which any Part of the said Road lies, shall be deemed to keep, and shall send a Team or Draught, to perform Statute-work on the said Roads, in Manner aforesaid; and if any Person after Ten Days Notice thereof given to him or her, or left at his or her Place of Abode, by the Clerk or Clerks to the said respective Districts, or by or on the Behalf of the respective Turnpike Surveyor or Surveyors, shall neglect or refuse to do, or cause to be done such Statute-work, or any Part thereof, every such Person shall, for each Day's Default, forfeit the Sum of Ten Shillings for each Team or Draught; and every other Person liable to the Performance of such Statute-work as a Labourer, shall forfeit the Sum of One Shilling and Six Pence for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute-work, the respective Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to discharge such Person; and in such Case, it shall be deemed as if such Person had not come or been sent to Work; and the Person so discharged, or the Person or Persons on whose Behalf such Person so discharged shall have been sent to Work, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways, Churchwardens or Overseers of the Poor, for any such Parish or Place as aforesaid, shall refuse or neglect to give in a List of the Names, on Oath, as aforesaid, or shall be guilty of any Fraud therein, every such Surveyor, or Churchwarden, or Overseer, shall, for every such Neglect, Refusal, or Fraud, forfeit the Sum of Forty Shillings.

Persons renting 50*l. per Ann.* deemed Team-holders.

Penalty on Persons not performing their Statute-work.

Persons found idle to be discharged and forfeit.

Penalty on Surveyors neglecting to give in Lists.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways, Churchwardens and Overseers of the Poor as aforesaid, for the time being, of any Parish or Place, shall think the said Trustees have appointed too

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

large a Proportion of the Statute-work to be performed by the Inhabitants of any such Parish or Place on any of the said Roads, it shall be lawful for such Surveyor or Surveyors, Churchwardens or Overseers, to appeal to the Quarter Sessions of the Peace next after such Appointment, to be held for the County of Gloucester, and the Justices of the Peace at such Quarter Sessions, are hereby impowered finally to adjust and determine what Proportion of Statute-work the Inhabitants of such Parish or Place shall in each Year perform on the Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, Churchwardens or Overseers, first giving Twenty Days Notice of such Appeal to the respective Turnpike Surveyor or Surveyors for the District wherein such Matter of Appeal shall arise.

Lands, &c. liable to the Repairs of the Highways, to continue so.

Provided always, and it is hereby enacted, That all Lands, Tenements, or Hereditaments, liable and chargeable towards the repairing of any Part of the said Roads, shall still remain liable to, and chargeable with such Repairs; and the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, are hereby required and directed to repair the same; and all Persons liable to pay any Rents and Profits towards the Repairs of any Part of the Roads hereby directed to be repaired, shall pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, in their respective Districts, shall appoint to receive the same; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods of the Person or Persons who shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits when recovered or received, shall be applied from time to time for and towards repairing and amending the Roads for or on account of which the same were payable, unless such Roads shall be adjudged to be in sufficient Repair by the said Trustees, or any Five or more of them, in their respective Districts, as aforesaid; in which case, the same shall be applied towards the Repair of such other Roads within the same District, as the said Trustees, or any Five or more of them, shall think fit.

Bridges, &c. to be repaired by this Act.

And be it further enacted by the Authority aforesaid, That all and every the Bridge or Bridges, Causeways, Arches, Drains, or Sewers, in any Part of the said Roads, which have been accustomed, or ought to be repaired by the County, or any Hundred, Parish, Hamlet, or Place, or by any particular Person or Persons, or

Bodies Politick or Corporate, by reason of the Tenure of Lands, or otherwise howsoever, shall be still liable to be maintained and kept in Repair, as they were before the passing of this Act.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, in their respective Districts, shall cause the said Roads to be measured, and Stones or Posts to be erected thereon, or on the Side thereof, at the Distance of One Mile from each other, with Inscriptions on such Stones or Posts, denoting the Distance of every such Stone or Post from such Town or Place, as the said Trustees, or any Five or more of them, in their respective Districts as aforesaid shall think fit; and if any Person or Persons shall wilfully pull down, break, dig up, or in any wise damage such Stones or Posts, or any of them, or any Part thereof, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be inscribed thereon, or shall cause or procure the same to be done, and shall be convicted thereof by the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the County of Gloucester (which Oath the said respective Trustees, or any Two of them as aforesaid, or such Justice or Justices is and are hereby impowered and required to administer) every such Person so offending, shall, for every such Offence, forfeit the Sum of Forty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety be applied, after repairing and supplying such Stones and Posts, for repairing the Roads where the Offence shall be committed; and in case such Penalties shall not be forthwith paid, the said respective Trustees, or any Five or more of them, within their respective Districts as aforesaid, or any One or more of such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, shall commit such Person or Persons to the Common Gaol of such County, wherein the Offence shall be committed, for any Time not exceeding Four Months, nor less than One Month.

Penalty on defacing Mile-stones.

Trustees, with Consent of the Creditors, may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, in their respective Districts, with the Consent of such Person or Persons respectively, who shall have farmed or advanced Money on the Credit of the respective Tolls, which shall arise at any Turnpike or Turnpikes to be erected by virtue hereof, and which shall remain

remain unpaid, are hereby authorized and impowered, from time to time, to order and direct the several Tolls hereby granted to be lessened and reduced, as they shall think fit; and the Tolls so reduced, shall be recovered in such and the same Manner, as the Tolls hereby granted are directed to be recovered; and the said Trustees, or any Seven or more of them, in their respective Districts, may, if they think proper, after any of the said Tolls shall be lessened as aforesaid, raise such Tolls so reduced, to any Rate or Rates not exceeding the Rate before mentioned. and raise them again.

And be it further enacted, That such Trustees as are or shall be in the Commission of the Peace for the County of Gloucester, shall or may, nevertheless, act a Justices of the Peace for putting in Execution the several Powers by this Act granted. Trustees in the Commission of the Peace may act as Justices.

Provided always, and be it hereby enacted and declared, That no Order made by the said respective Trustees, concerning the executing of this Act, shall be revoked, altered, or set aside, by any subsequent Order of the said respective Trustees, unless Notice be affixed in Writing under the Hands of the Clerk or Clerks to such respective Trustees, on all the Turnpikes within the respective Districts, wherein or concerning which such Order shall be made, expressing the Purpose of such Meeting, at least Fourteen Days before the revoking, altering, or setting aside, such Order; and that the said Trustees, at all their Meetings, shall defray their own Expences. No Order to be repealed, unless 14 Days Notice thereof be first given. Trustees to bear their own Expences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees within their said First District, or any Nine or more of them, from time to time, to borrow such Sum or Sums of Money upon the Credit of the said Tolls, as they shall think fit, and by any Writing or Writings under their Hands and Seals, separately to assign over the Tolls arising by virtue of this Act, upon the Roads from Tetbury aforesaid, to the Two Gates at the Westerly End or Side of Simonds Hall Down, leading to the Towns of Wotton Underedge and Dursley, in the said County of Glouceſter; and also the Tolls arising on the said Road, from the Turnpike at the Top of Frocester Hill in the same County, to the Joining of the Turnpike Road from Cirencester, to the Monument upon Lansdown aforesaid, near a Barn called Dunkirk Barn in the said County of Glouceſter; and from the Field called Bouldown Sleight, to the End of the Lane adjoining to the Road from Horsley to Tetbury, near Tiltups Inn, by Trustees impowered to borrow Money on the Credit of the Tolls.

One only, or by separate and distinct Assignments; the Tolls and Charges of assigning the same, to be paid out of the respective Tolls so assigned, for any Time or Term during the Continuance of this Act, as a Security for the respective Sums to be borrowed upon the Credit of such respective Tolls by the said Trustees, or any Nine or more of them, to such Person or Persons, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such Interest as shall be agreed on, not exceeding Five Pounds per Centum per Annum; and that it shall and may be lawful to and for the said Trustees, in the said Second District, or any Nine or more of them, from time to time, also to borrow such Sum or Sums of Money, upon the Credit of the said Tolls, as they shall think fit, and by any Writing or Writings under their Hands and Seals, separately to assign over the Tolls arising by virtue of this Act upon the said Road, from Tetbury aforesaid, to the Joining of the Turnpike Road on Minchin Hampton Common; and also that the said Trustees in the said Second District, or any Nine or more of them, shall and may, from time to time, by any Writing or Writings, separately assign over the Tolls arising by virtue of this Act, upon the said Roads leading from the last mentioned Road in Minchin Hampton Field, where the Roads to Minchin Hampton, Avening, Cherrington, and Hide, part, unto the said Turnpike Road leading from Cirencester to the Town of Stroud at or near a Place called The Burnt Ash; and from the said Turnpike Road near the said Place called The Burnt Ash, to a Place called Tayloe's Mill Pond in Chalford Bottom; and likewise through Hide to the River at the Bottom of the Bourn Hill in the County of Gloucester, by separate Assignments thereof (the Costs and Charges of assigning the same to be borne and paid out of the Tolls so assigned) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Nine or more of them, to such Person or Persons, or their Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Monies so to be borrowed in each of the said Districts, shall be applied and disposed of by the said respective Trustees, or any Five or more of them, in the said respective Districts, in such Manner, and for such Purposes, as are by this Act directed and prescribed.

And

And be it further enacted by the Authority aforesaid, That all and every such Assignment or Assignments, so to be made as aforesaid, for securing such Sum or Sums of Money so to be lent on the Credit of the Tolls as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the respective Clerk or Clerks, Treasurer or Treasurers, for the District in which the said Mortgage or Assignment shall be made; which said Book or Books shall or may be seen or perused, at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and all and every Person and Persons, to whom any such Assignment or Assignments shall be made, as a Security for any Sum or Sums of Money lent or advanced on the Credit of the said respective Tolls, or any Part thereof as aforesaid, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed upon his, her, or their Security, or by any Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, and their Right, Title, Interest, or Benefit in the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Indorsement, and Transfer or Assignment, shall, at the Time of executing the same, or as soon after as conveniently may be, be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the Trustees, within the District wherein, or on the Credit of the Tolls whereof, the same was borrowed; who shall, within Three Days next after the Date thereof, cause an Entry or Memorial to be made thereof, containing the Date, Parties Names, and Sums of Money thereby mentioned to be transferred, in the said Book to be kept for entering the said original Assignment; for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Five Shillings, and no more; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, or the Payment thereon, and such Assignee may in like Manner assign the same again, and so toties quoties; and it shall not afterwards be in the Power of such Person or Persons, who shall make such Assignment or Transfer, to make void, release, and discharge the same, or any Money thereby due, or any Part thereof.

Assignments to be entered in a Book.

Books may be perused *gratis*.

And

Penalty on drawing Timber otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, during the Continuance of this Act, haul or draw, or cause to be hauled or drawn, upon, in, or along the Roads by this Act directed to be repaired, or any Part thereof, any Tree or Trees, or any Piece or Pieces of Timber, otherwise than upon Wheel Carriages, or permit any Part of any Tree or Piece of Timber to drag along any Part of the said Road for any Distance exceeding One hundred Yards; or if any Person or Persons shall wilfully or negligently plow, or cause to be plowed up, or turn, or cause to be turned, any Plough or Ploughs on any Part of the said Roads, so as to damage the same; every such Person shall, for every such Offence, forfeit Twenty Shillings.

Writings to be without Stamps.

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

Penalties and Forfeitures when recovered, how to be applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Five or more of the said Trustees in their respective Districts, or of One or more Justice or Justices of the Peace for the County of Gloucester; which Warrant or Warrants, as well the said Trustees respectively, as the said Justice or Justices, is and are hereby authorized, impowered, and required to issue, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath such respective Trustees, or Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, shall (except otherwise directed by this Act) be paid to the Treasurer, for the time being, to the Trustees for the District wherein the Offences for which the same shall

shall be recovered, shall be committed, and be applied and laid out (if not otherwise directed to be applied by this Act) for and towards repairing and amending the respective Roads whereon or in relation whereto such Penalties and Forfeitures shall be incurred, in such Manner as the respective Tolls, or the Monies to be respectively borrowed on the Credit thereof, are by this Act directed to be applied; and the Overplus, after deducting such Penalties and Forfeitures, and the Charges of such Distress and Sale, shall, upon Demand, be returned to the Party or Parties whose Goods and Chattles were so distrained.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it enacted, That if any Person or Persons shall think himself or themselves aggrieved by any Thing done in pursuance or by Authority of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their then next Quarter Sessions of the Peace for the County of Gloucester, unless such Cause of Appeal shall happen within Twenty Days preceding such next Sessions; in which Case such Appeal shall be brought at the Second Quarter Sessions then next after: And in all Cases of Appeal by virtue of this Act, the Party or Parties appealing shall, before Notice given of Appeal, enter into a Recognizance before a Justice of the Peace for the County of Glouscster, with Two sufficient Sureties, in the Sum of Ten Pounds, to prosecute such Appeal with Effect, and to abide the Determination of the Justices of such Quarter Sessions, and to pay the Costs by them awarded: And in all Cases of Appeal in pursuance of this Act, Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, shall be given to One of the Clerks of the respective Trustees within the District wherein, or in relation to which, the Cause of such Appeal shall arise; and the Justices at the said respective Session, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall proceed to hear and determine the Causes and Matters of the said Appeals in a summary Way; and if they see Cause, may, by Order of such Sessions, mitigate, at their Discretion, all or any of such Penalties and Forfeitures, and set the Parties at Liberty, and vacate and set aside any Conviction or Convictions of the said Trustees or Justices, or otherwise may ratify and confirm the same, and award such Costs as they the said Justices at such Sessions shall think proper; and the Determination of the Justices of such Sessions shall be binding and conclusive to all Parties concerned or interested therein.

14 Days Notice of Appeal to be given.

Provided,

Proceedings not to be quashed or vacated for want of Form, nor removeable by *Certiorari*.

Provided always, That no Order, Conviction, Judgment, or other Proceeding to be had or made in pursuance of this Act, shall be quashed, vacated, or discharged, for want of Form only; nor shall be removed by Certiorari, or other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Distress not to be deemed unlawful for want of Form,

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, or want of Form, in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, in an Action upon the Case.

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

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

Provided always, That no Plaintiff or Plaintiffs shall recover in an 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 Proceedings, before such Action brought.

Trustees not to act where interested.

Provided always, and be it further enacted by the Authority aforesaid, That no Trustee or Justice of the Peace shall act in Execution of this Act, in any Matter or Thing where he is interested; nor shall any Trustee, who shall have any Place of Profit arising out of any of the Tolls, or Monies borrowed on the Credit thereof, act as a Trustee during his Enjoyment of such Place of Profit as aforesaid.

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

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

And be it further enacted, That when and as often as One or more of the Trustees in either of the said respective Districts shall die, or refuse to act, by Writing under his Hand, it shall and may be lawful for the surviving or remaining Trustees, or any Seven or more of them, from time to time, to elect One or more fit Person or Persons in the Place of such Trustee or Trustees so dying, or refusing to act; but Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee shall be given by the Clerk or Clerks for such respective District, by affixing the same upon all the Turnpikes in the District for which such Election is to be made for, at least Ten Days before the Meeting for such Election; and every

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

Person

Person so from time to time elected, shall be joined with the remaining Trustees for such District, and is hereby impowered to act within such District, to all Intents and Purposes, in as full and ample Manner, as if such Person had been named and appointed in and by this Act a Trustee for such District.

Proceedings to be entered in a Book.

Provided always, and be it further enacted, That all Orders and Proceedings of the said respective Trustees, or any of them, in Execution of this Act, shall be entered at Length in a Book or Books to be kept by their respective Clerk or Clerks in each separate District for that and such Orders and Proceedings so entered, shall be signed by the said respective Trustees, or such Number of them, in their respective Districts, as are by this Act respectively authorized to make such Order, or be present at the entering into such Proceedings; which said Book or Books, and also the said Book or Books directed to be kept for registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeal, Suits, or Actions, touching any thing done in pursuance of this Act.

Books may be read in Evidence.

No Toll to be paid for crossing the Road only.

Provided always, and be it enacted, That no Toll or Duty shall be demanded or taken for any Horse, Beast, Cattle, or Carriage, which shall only cross either of the Roads hereby directed to be repaired.

No more Money to be applied in repairing the Streets of *Tetbury* and *Hampton*, than in repairing a like Proportion of the Roads.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable or impower the Trustees appointed for putting this Act in Execution, or any of them, to expend, or cause to be expended, out of the Monies arising by virtue of this Act, more Money in repairing the Road through the Streets of the Towns of Tetbury and Hampton, than they shall expend, or cause to be expended, in the Repair of the same Proportion or Length of other Parts of the Roads hereby intended to be repaired.

If any Parish through which any of the said Roads lead, shall be fined for Defect of Repair of the Roads, the Trustees are to pay a Moiety of the Fine.

Provided always, and be it enacted, That if at any Time after the Nineteenth Day of June, in the Year of our Lord One thousand seven hundred and sixty, any of the Parishes through which any of the said Roads do lead, shall be amerced or fined for or on account of any Defect or Want of Repair of the said Roads, or any of them, the said Trustees, or any Five or more of them, are hereby authorized and required, out of the Tolls to be collected by virtue of this Act, or any Money to be borrowed on the Credit thereof, to reimburse such Parish One Moiety, or Half Part of all Fines or Amerciaments which shall be so incurred and paid.

Provided

Separate Accounts to be kept of Tolls arising within each District,

Provided always, and be it further enacted, That a separate Account shall be kept of the Tolls which shall arise by virtue of this Act, upon the said Road from Tetbury aforesaid, to the Westerly End or Side of Simonds Hall Down, leading to the Towns of Wotton Underedge and Dursley aforesaid, of the Rents respectively paid or payable for the same, or any Part thereof, and of the Tolls which shall arise from the said Roads from the Turnpike Gate at the Top of Frocester Hill aforesaid, to the Joining of the Turnpike Road from Cirencester to The Monument aforesaid, near a Barn called Dunkirk Barn; and of the Tolls which shall arise from the said Roads from the Field called Bouldown Sleight to the End of the Lane adjoining to the Road from Horsley to Tetbury near Tiltups Inn or the Rents respectively paid or payable for the same, or any Part thereof, being the First District; and of the Tolls which shall arise upon the said Road from Tetbury aforesaid, to the joining of the Turnpike Road on Minchin Hampton Common, being the First Partition of the Second District; and of the Tolls which shall arise from the Parting of the said Road in Minchin Hampton Field (where the Roads to Minchin Hampton, Avening, Cherrington, and Hide, part) to the said Turnpike Road leading from Cirencester to the Town of Stroud, at or near a Place called The Burnt Ash; and from the same last mentioned Turnpike Road near the said Place called The Burnt Ash, to a Place called Tayloes Mill Pond, in Chalford Bottom; and likewise through Hide, to the River at the Bottom of The Bourn Hill, in the said County of Gloucester, or the Rents repectively paid or payable for the same, or any Part thereof; and a separate Account shall likewise be kept of the Monies to be separately borrowed on the Credit of the Tolls collected on the said respective Roads, as aforesaid; and such respective Tolls, and the Monies to be paid for such Tolls, and borrowed on the Credit thereof, as aforesaid, shall, after Payment of such Part of the Expence of obtaining and passing this Act, in such Proportions as are herein before mentioned, be applied by the said Trustees respectively, or any Five or more of them, for their respective Districts, in defraying the Expences of Salaries and Allowances to Officers for the respective Roads in the said respective Districts, and of erecting and providing the Turnpikes and Toll-houses to be by them respectively erected by virtue of this Act, and in paying the Interest of the Money respectively borrowed on the Credit of such respective Tolls, and repairing, altering, and widening, the respective Roads whereon or on account of which the Tolls

and of the Monies borrowed on the Credit thereof,

Application of the Monies.

or the Monies to be respectively borrowed on the Credit thereof as aforesaid, shall arise, and in defraying the necessary Expences and Charges of executing this Act, concerning such respective Roads within the said respective Districts and Divisions, in just Proportions; it being the true Intention of this Act, that the Expences incurred by the Execution of this Act in all Cases whatsoever, within or upon account of the respective Roads, in the said respective Districts and Divisions, shall be, as near as may be, defrayed out of the Tolls to be collected on the several Roads, or the Monies to be respectively raised and borrowed upon the Credit thereof.

Expences of executing this Act within the respective Districts and Divisions, to be borne by the Tolls collected therein.

Provided always, and it is hereby further declared and enacted, That no Act, Matter, Thing, or Determination, of the said respective Trustees, shall be done or made by them, except at a Publick Meeting of the said respective Trustees for their respective Districts, not without the Consent of the Majority of the respective Trustees present at such Meeting, the Majority not being less than the respective Number herein before authorized to do or make such Act, Matter, Thing, Order, or Determination.

No Act valid, except done at a Publick Meeting of the Trustees, and by Consent of the Majority present.

And be it further enacted by the Authority aforesaid, That the Tolls hereby granted, and all the Powers of this Act, shall take Place from and after the Fifteenth Day of June, in the Year of our Lord One thousand seven hundred and fifty eight, and continue for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament, and no longer.

Commencement and Continuance of this Act.

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

Limitation of Actions.

General Issue.

suited, or discontinue his, her, or their Action or Suit, after the Defendant, or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have, in other Cases by Law.

Treble Costs.

Publick Act.

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

FINIS.