Anno tricesimo tertio

Georgii II. Regis.

An Act for making more effectual, and continuing the Term, and enlarging and altering the Powers, of an Act made in the Twentieth Year of His present Majesty's Reign, for repairing and widening the Road leading from the City of *Gloucester*, towards the City of *Hereford;* and for repairing other Roads in the County of *Gloucester*, in the said Act mentioned.

WHEREAS an Act of Parliament was passed in the Twelfth Year of His late Majesty's Reign, for repairing and widening the Roads from the City of Gloucester to the City of Hereford, in and through the several Parishes in the said Act mentioned: And whereas an Act passed in the Twentieth Year of His present Majesty's Reign, for continuing the Term, and enlarging the Powers, granted by the aforementioned Act, so far as related to the Roads therein mentioned, lying in the County of Gloucester, and also for repairing other Roads in the said County of Gloucester in the said last-mentioned Act described: And whereas great Progress has been made in repairing and widening the Roads lying in the County of Gloucester, which by the said Act of the Twentieth

Preamble, reciting Acts 20 *Geo.* II.

Twentieth of His present Majesty, were directed or intended to be repaired and widened; but, from some Defects in the said Act, it has not been possible effectually to repair and widen all the said Roads, nor can the same be done unless the Term of the said Act be further continued, and some other Powers given for those Purposes: Wherefore, and to the end that all the said Roads may be speedily repaired; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term of the said Act made in the Twentieth Year of His present Majesty, shall be, and the same is hereby further continued from the Expiration thereof, and also of the additional Term granted by an Act made in the Twenty eighth Year of His present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and instead of all other Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things, in the said Act of the Twentieth Year of His present Majesty, contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things whatsoever, in this Act contained, shall, for the Purpose of repairing, widening, and keeping in Repair, the Roads by the said Act of the Twentieth of His present Majesty, and also by this present Act, directed and intended to be repaired, take place, and shall commence, from and immediately after the passing of this Act, and shall continue in Force until the Expiration of the said further Term of Twenty one Years, and the End of the then next Session of Parliament.

Term of Act 20 *George* II. further continued.

Trustees Names.

And be it further enacted, That the Right Honourable the Earl of Bellamont in the Kingdom of Ireland, the Right Honourable Lord Viscount Gage in the Kingdom of Ireland, Sir John Guise, Sir William Codrington, Sir Walter Compton, Norborne Berkeley, Charles Barrow, Thomas Bathurst, Samuel Blackwell, William Bell, William Buckle, Robert Breton, Yate Bromwich, James Birt, Thomas Bonner, Thomas Bower, Thomas Baron, Thomas Baron the younger, Thomas Branch, Francis Brabant, Peregrine

regrine Ball Clerk, Thomas Crawley Boevey, Thomas Crawley Boevey the younger, John Beal, Thomas Chester, Maynard Colchester, Richard Colchester, William Crawley Clerk, John Cowcher Clerk, Thomas Carpenter Clerk, Edmund Chamberlayn, Edward Pye Chamberlayn, Edward Chin, Joseph Chester, Joseph Cheston, John Cam, William Cam, William Dowdeswell, George Dowdeswell D. D. Charles Dowdeswell, Thomas Davis, Richard Driver, Edward Driver, Edward Draper Clerk, Robert Ellis, Daniel Ellis, Mark Everard, Edward Elton, William Edwards, James Elley, Godfrey Elley Clerk, Thomas Foley, Thomas Foley the younger, Robert Foley D. D. Samuel Farmer, Samuel Farmer, John Fendall, William Guise, John Guise, Charles Greville, James Griffith Clerk, Thomas Hayward, Charles Hayward, William Hayward, Samuel Hayward, Hopewell Hayward, John Hayward Clerk, John Howell, Richard Hayle, Thomas Hartland, Benjamin Hyett, Nicholas Hyett, Benjamin Hyett, Robert Harding Clerk, Whetham Hill Clerk, Christopher Hoskins Clerk, Kedgwin Hoskins, Richard Hill, Edward Hearne, John Hawkins, Edward Holder, William Jones of Nass, William Jones, Roynon Jones, Roynon Jones Clerk, Thomas James, Thomas Kemble, David Killican, John Jelf, Edmund Lechmere, Nicholas Lechmere, Daniel Lysons, Daniel Lysons the younger, Richard Morley, Edward Tomkins Machen, John Moreton Clerk, Jakeman Morse Clerk, William Nourse, John Nanfan, Samuel Niblett, John Probyn, Edmund Probyn, William Probyn, Caple Payne, Thomas Porter, Thomas Porter the younger, Nathaniel Perring, Thomas Price, Thomas Pettat, Thomas Pettat the younger, Dean Paul, Onesiphorus Paul, Rowland Pitt, Thomas Poulton, Edward Pembruge, Edmund Phillips, George Pritchard, Robert Pyrk, James Rook, Edward Rogers, William Rogers, Thomas Rogers, Stephen Rhea, Thomas Ratcliffe, Ratcliffe D. D. John Raymond, Charles Roan, William Rowles, Robert Raikes, John Robertson, George Augustus Selwyn, George Savage, Henry Savage, George Stoughton, William Parker Surman, Edward Sparkes Clerk, Samuel Sargeaunt Clerk, John Sergeaunt, Edward Sargeaunt, Sadler of Glouceſter, Benjamin Saunders, John Symons of the Mynde, John Turner, Thomas Vernon, William Vernon, Viney Clerk, Herbert Westfaleing, Philip Westfaleing, Charles Wyndham, Reginald Winniatt, Samuel Wooley, Nicholas Webb, John Webb, Henry Whitaker, Samuel Wilson, Thomas Wadley of Glouceſter, Weal, John Wickes Clerk, Joseph Watts, otherwise Pyrk, and Richard Dobbyns Yate, shall be, and they and their Successors, to be elected

elected in Manner herein after-mentioned, are hereby appointed Trustees for the widening, altering, repairing, and keeping in Repair the said several Roads, and for putting in Execution all the Powers by this Act given.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall prove, upon Oath, that he is in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or possessed of, or intitled to, a Personal Estate alone, or 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 Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and if any Person not being so qualified shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the King's Head Inn in the City of Gloucester, upon the Fifth Day of June, One thousand seven hundred and sixty, and proceed to the Execution of this Act; and the said Trustees, or any Five or more of them, may then, and from time to time afterwards, adjourn themselves to meet at such Place or Places, upon or near any Part of the said Roads, as they the said Trustees, or any Five or more of them, shall, from time to time, think most convenient; and the said Trustees, or any Five or more of them, shall, at their first or any subsequent General Meeting or Meetings, from time to time, during the Continuance of the Term hereby granted (if they see Cause) divide and distribute themselves into as many several and distinct Committees, for the Management and effectual Repair of the said several and respective Roads, as

May subdivide themselves.

as they shall see necessary and think fit, and they shall, from time to time, set down in Writing the Names of those who shall act at each Committee so as Two or more of the said Trustees shall be appointed for each Committee for repairing each Road; but that such Appointment shall not thereby restrain any of the Trustees from acting in any of the Trusts by this Act reposed in them, and also such convenient Place or Places for the Meeting of such Committee or Committees for the Purposes aforesaid, as they shall see meet; and if it shall happen that there shall not appear at any Meetings to be appointed by virtue of this Act, a sufficient Number of Trustees to act and to adjourn to another Day, then the Trustee or Trustees then present, or the Clerk to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in the Gloucester Journal, or in Writing to be affixed on all the Turnpike Gates erected upon the said Roads, at least Seven Days before the next Meeting, appoint the said Trustees to meet at the House where the Meeting of the said Trustees was last appointed to be held, or at some other convenient House, upon or near some Part of the said Roads, on some other future Day; and that the said Trustees at all their Meetings shall defray their own Expences.

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted, That all Orders and Determinations of the said Trustees in Execution of any of the Powers hereby granted, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, and that no such Order or Determination shall be valid, unless the Majority of the Trustees present at such Meetings shall concur therein.

No Act valid, except done at a publick Meeting of the Trustees.

Provided also, That no Person shall be capable of acting as a Trustee during such Time as he shall hold any Place of Profit under this Act, or in relation thereto.

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

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 and may act nevertheless as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be personally interested; and that in all Cases where the said Trustees or Justices are by this Act directed or impowered to enquire into, or do any Act, Matter, or Thing, by or on the Oath or Oaths of any Person or Persons, such Trustees and Justices respectively, are hereby impowered to administer such Oaths to such Person or Persons respectively.

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

And be it further enacted, That when and as often as any Trustee shall die or refuse under his Hand in Writing,

On Death or Removal of Trustees.

others to be chosen.

ing to act, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands, from time to time, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of the Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given in the Gloucester Journal, or be affixed in Writing under the Hand of the Clerk or Clerks to the Trustees, upon all the Turnpikes which shall be erected upon the said Roads, at least Fourteen Days before every such Meeting, and all Persons who shall be so chosen shall be joined with such surviving or remaining Trustees, and are hereby impowered to act in the Execution of this Act to all Intents and Purposes, in as free and ample Manner, as if such Persons had been particularly appointed Trustees by this Act.

14 Days Notice to be given of such Election.

Trustees may continue the present Turnpikes and Toll-houses, or erect new ones,

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may continue or remove the Turnpikes already erected upon the said respective Roads, and may cause to be erected any Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part of the said respective Roads, and also on the Side or Sides of any of the said Roads, and cross any Lane or Way leading into the same respectively, and also to be erected or provided a Toll-house or Toll-houses, at or near each Turnpike or Turnpikes, and that the Tolls following shall be demanded and taken at every such Turnpike or Turnpikes, by such Person or Persons as the said Trustees, or any Five or more of them, shall from time to time appoint for that Purpose, or to whom the same shall be let, instead of the Tolls directed by the said Act of the Twentieth Year of his present Majesty, to be demanded and taken, before any Cattle, Beast, or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Ox, Mule, Ass, or other Beast drawing any Coach, Chariot, Chaise, Chair, Calash, Waggon, Cart, Carr, Dray, or other Carriage, the Sum of Three Pence.

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

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

For every Drove of Calves, Sheep, Hogs, or Lambs, 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 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, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and distrain any Horse or Horses or other Cattle, or any Goods or Carriage, upon which any Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell and dispose of the Horse, Cattle, Carriages, Goods or Chattles, so seized and distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and that all the Tolls collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein after mentioned.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

And be it further enacted, That the Right and Property of all the Turnpikes and Toll-houses already erected or to be by virtue of this Act erected upon the said Roads, and the Right and Property of the Materials for building the same, and of all Materials which shall be actually got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby impowered to bring or cause to be brought any Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof, or take or retain, or hold Possession thereof, after being required, by the Order of any Five or more of the said Trustees, to deliver up the same.

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

And be it further enacted, That out of the Monies that shall be raised by virtue of this Act, all the Charges and Expences of procuring and passing this Act, and other the reasonable Charges incident thereto, and also the Remainder of the Sum of Two hundred and one Pounds and Five Pence, and the Interest for the same now due and owing upon the Credit of the former Acts, shall be

Application of the Monies.

first satisfied and paid by and in such Shares and Proportions respectively, as are in and by the said Act of the Twentieth Year of His present Majesty mentioned and appointed for the Payment and Application of the Tolls thereby granted, and from and after Payment thereof, then that the several Tolls and Sums of Money to be raised or made payable by virtue of this Act, shall be paid, applied, and disposed of, in Manner herein after mentioned.

The Monies raised by this Act on the several Roads, how to be apportioned and applied.

And be it further enacted, That the several Tolls and Sum and Sums of Money to be raised and made payable by virtue of this Act, shall, subject to the several Appropriations thereof as aforesaid, be paid and disposed of in Manner following; that is to say, All such Tolls and Sums of Money as shall be raised or collected at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected upon or on the Sides of the said Road or Roads leading from the City of Gloucester to the Parish of Staunton, in the Road towards the Market Town of Ledbury, and to the Parish of Eldersfield in the Great Road to the City of Worcester, shall be laid out and applied in repairing, altering, widening, and keeping in Repair the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint; and the Tolls hereby made payable upon the several other Roads hereby directed to be repaired, shall be paid, applied, and disposed of, in Manner following; that is to say, One Moiety or Half Part thereof in the repairing, altering, widening, and keeping in Repair the said Road, leading from Overs-Bridge to Highnam-Pool, and from thence to Wood-End Farm, and from thence to Mitchel-Dean, and through the Lea in the County of Gloucester in the Road to Hereford, and Three Fifth Parts of the other Moiety or Half Part of the said Tolls shall be paid, applied, and disposed of, in the repairing, altering, widening, and keeping in Repair the said Turnpike Road, leading from or near Highnam-Pool aforesaid, to the said Market Town of Newent; and the remaining Two Fifth Parts of the said other Moiety or Half Part of the said Tolls shall be paid, applied, and disposed of, in the repairing, altering, widening, and keeping in Repair, the said Road from Highnam-Pool aforesaid, through the Parishes of Minsterworth and Westbury to a Place called Hawkin's Pill, in the Road to Newnham, in such Manner as the said Trustees, or any Five or more of them, shall respectively direct or appoint.

And

And whereas the Road leading from Overs-Bridge to Highnam-Pool, being the common Road towards Newnham, Newent, Mitchel-Dean, and the City of Hereford, could not be sufficiently repaired by the Proportion of the Tolls appropriated for that Purpose by the said last mentioned Act, and therefore several large Sums of Money have been laid out and expended in repairing the said common Road, which still remain due and owing, and cannot be paid by the Proportion so allotted as aforesaid; be it therefore further enacted, That all such Sum and Sums of Money, as have been so expended and laid out for repairing the said common Road to Highnam-Pool, over and above the Monies raised and paid by the Inhabitants, and Owners and Occupiers of Land of and within the said Tything or Place, and over and above the Proportion of Tolls appropriated for that Purpose as aforesaid, shall be raised and paid out of the Monies raised by virtue of this Act, by or upon the Credit of the Tolls, or Proportion of Tolls, payable upon the said respective Roads, to which the same is a common Road as aforesaid, in the several Shares, Parts, and Proportions respectively, as are in and by this present Act mentioned and appointed for the Application of the Tolls hereby granted; any thing herein before contained to the contrary notwithstanding.

How the Overplus Money raised and applied in repairing the Road from *Overs-Bridge* to *Highnam-Pool*, is to be repaid.

And whereas larger Sums of Money have been necessarily laid out upon the respective Roads leading from or near Highnam-Pool towards Newent, and from Highnam-Pool to a Place called the Wood-End Farm, being the common Road from thence towards Mitchel-Dean and the City of Hereford, than the several Proportions by the said last-mentioned Act appointed and allotted have hitherto amounted to, or been sufficient to pay and discharge, whereby a considerable Deficiency has hitherto happened in Payment of the Proportion of the Tolls to the other Roads in and by the said Act appropriated and made payable; be it therefore further enacted, That such Deficiency or Deficiencies respectively shall be repaid and made good out of the several Proportions of the Tolls by this Act appointed and allotted for the Repair of the said respective Roads leading towards Newent and the City of Hereford aforesaid, or out of the Monies to be borrowed upon the Credit of the said Tolls respectively; any Matter or Thing herein contained to the contrary notwithstanding.

How the Deficiency in the Payment of the Proportion of the Tolls allotted and appropriated to the Repair of other Parts of the Roads, is to be repaid.

Provided always nevertheless, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Thirteen or more of them, at any Meeting to be appointed for that Purpose, whereof Notice shall be

be given in like Manner as is hereby directed to be given for the Election of new Trustees, to take into their Consideration the State and Condition of the Road leading from Overs-Bridge to Highnam-Pool, and from thence to Mitchel-Dean and the Lea, and of the respective Roads leading from Highnam-Pool towards Newnham, and to the Town of Newent, and the Equality or Inequality of the several Proportions of the Tolls allotted to the said respective Roads; and in case of any considerable Inequality appearing therein, shall and may, if they shall see fit, order and direct any Gate or Turnpike to be removed, and other Gates or Turnpikes to be erected and set up on all the said Roads separately and distinctly, and to cause the Toll or Tolls to be received separately and distinctly at the said Gates or Turnpikes; and to lay out, apply, and dispose of, the said Tolls so separately and distinctly received, in repairing, amending, widening, and keeping in Repair, the said separate and distinct Roads.

The State and Condition of the Roads from *Overs-Bridge* to *Highnam-Pool*, *Mitchel-Dean*, and the *Lea*; and from *Highnam-Pool* towards *Newnham*, and to *Newent*, to be taken into Consideration.

Provided nevertheless, That in such Case, the Road leading from Overs-Bridge to Highnam-Pool, shall be repaired and amended, as Occasion shall require, out of the Monies arising from all the said separate and distinct Tolls, in and according to the several Shares and Proportions herein before mentioned and allotted; any thing herein contained to the contrary notwithstanding.

Provision with respect to the Repair of the Road from *Overs-Bridge* to *Highnam-Pool*.

Provided also, That such separate and distinct Gates or Turnpikes shall be set up on all the said Roads, and not upon any One or particular Road only.

Separate and distinct Gates to be set up on all the Roads.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through all or any of the Gates or Turnpikes erected, or to be erected, upon or on the Sides of the said Road leading from the City of Gloucester to the Parish of Staunton in the Road towards the Market Town of Ledbury, and to the Parish of Eldersfield in the Great Road to the City of Worcester, or cross any Lane or Way leading into the same; nor more than Once for passing or repassing through all or any of the Gates or Turnpikes erected or to be erected upon or on the Sides of the said Road leading from Overs-Bridge to Highnam-Pool, and from thence to Wood-End Farm, and from thence to Mitchel-Dean, and through the Lea in the County of Gloucester in the Road to Hereford, or cross any Lane

Tolls to be paid but Once a Day.

or

or Way leading into the same; nor more than Once for passing or repassing through all or any of the Gates or Turnpikes erected or to be erected upon or on the Sides of the said Road leading from or near Highnam-Pool aforesaid, to the Market Town of Newent, or cross any Lane or Way leading into the same; nor more than Once for passing or repassing through all or any of the Gates or Turnpikes erected or to be erected upon or on the Sides of the said Road leading from Highnam-Pool aforesaid, through the Parishes of Minsterworth and Westbury, to a Place called Hawkin's Pill in the Road to Newnham, or cross any Lane or Way leading into the same; but that all and every Person and Persons, after having paid Toll Once as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriages through the Gates or Turnpikes at which any such Toll was paid, and also through all other Gates or Turnpikes across or on the Sides of such respective Roads as aforesaid, or cross any Lane or Way leading into the same, whereon such Toll shall be respectively paid, upon producing a Note or Ticket denoting the Payment of such respective Toll; which Notes or Tickets the Collectors of the respective Tolls are hereby required to give gratis on Receipt of the Toll.

Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Carriage or Cattle going for, or returning unloaden, or laden only with Stones, Gravel, or other Materials, for repairing the said Roads, or any Highway, or Materials for Building in any of the Parishes or Townships through or into which any Part of the said Roads lead, or in any of the neighbouring Parishes; or going for, or returning unloaden, or only loaden with Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or other Places belonging to any of the Inhabitants of any of the said respective Parishes or Townships, or with any Dung, Mould, or Compost, of any Nature or Kind whatsoever, to be used in manuring or improving of Land in such Parishes or Townships; nor for any Carriage or Cattle going for, or passing with, any Plough, Harrow, or other Implement of Husbandry only, which shall belong to the Inhabitants of any of the Parishes or Townships through or into which any Part of the said Roads lead; nor shall any Toll be demanded or taken for any Horses, Cattle, or Carriages, belonging to any of the Inhabitants of Maisemore going or passing between the said Parish of Maisemore and the City of Gloucester,

Persons and Things exempted from Tolls.

and not travelling for Hire; nor for any Horses, Cattle, or Carriages, going to or from the Mills situate at Over aforesaid, called Overs Mills, or the Lands called Dockham, to the said Mills belonging; nor for any Horse, or other Cattle, or Beast, going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Gloucester, or of a Citizen or Citizens, Burgess or Burgesses, to serve in Parliament for the said City of Gloucester, during the Time of such Election respectively, or on the Day before, or Day after such respective Election shall begin or be concluded: And 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 forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims.

Penalty on evading the Tolls.

And be it further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, or Carriage, through any or either of the Turnpikes by virtue of this Act to be continued, erected, or set up, without paying the Toll or Tolls by this Act directed to be paid for the same; or shall knowingly and designedly assault, interrupt, or obstruct, any or either of the Collectors or Persons in the collecting or receiving any or either of the said Tolls, or any otherwise, in the Execution of his or their Office or Offices of Collector or Collectors; or shall forge, counterfeit, or alter, or shall deliver to, or receive of, any other Person or Persons, any Ticket or Tickets, with Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, or, having passed through any of the said Turnpikes, shall afterwards add or put any Horse, or other Beast, to any such Carriage, and draw therewith upon any Part of the said respective Roads, so as to increase the Number of Horses, or other Beasts, drawing the said Carriage, after the same shall have passed through any of the said Turnpikes, with Intent to evade, or having thereby evaded, the Payment of any or either of the said Tolls, or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, or Carriage,

Penalty on Persons giving or receiving Tickets, &c.

or taking off Horses, &c.

riage, through or over any Land, Ground, or Place, lying by the Side of, or near to, either of the said Roads, the same not being a publick Highway; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a publick Highway, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, or Carriage, through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided, such Persons, and every of them so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law; and it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods, belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premisses; and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may, and is hereby required to examine the Nature of the Offence or Offences so complained of; and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of; if he, she, or they shall or shall not appear before him, in the respective Penalties aforesaid; and for Nonpayment thereof, and of the Tolls that shall be due, though the same shall not be demanded, by Warrant under his Hand and Seal, to cause the said Horse or Horses, Beast or Beasts, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and selling the same, and of such Convictions; and after Payment thereof, to render the Overplus of the Money arising by such Seizure, Distress, and Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession, they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are herein after mentioned

Penalty on Persons going thro' or permitting private Passage,

to avoid Payment of the Tolls.

Penalties may be levied by Distress and Sale,

tioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act.

Trustees may borrow Money on Credit of the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby impowered, at their first or any subsequent Meeting, to borrow and take up at legal or lower Interest any Sum or Sums of Money upon the Credit of the respective Tolls, or respective Shares or Proportions of Tolls, to be taken or paid or payable at the Turnpikes to be set up or continued by virtue of this Act, in or across each of the respective Roads by this Act intended to be repaired, and in or across the Roads, Lanes, or Highways leading into the same respectively; and to assign over and convey, by any Writing or Writings under their Hands and Seals, the said respective Tolls, or Shares or Proportions of Tolls, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, and Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after such first Meeting, unless Notice be for that Purpose given in the Gloucester Journal, or fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments; for which the Clerk or Treasurer shall be paid the Sum of Two Shillings and

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred, and the Manner of doing it.

Clerk's Fee.

Six

Six Pence, and no more; and which said Book or Books shall and may at all seasonable Times be perused and inspected without any Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may in like Manner assign or transfer again, and so toties quoties, and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Money to be borrowed on the respective Roads, and not jointly.

Provided always, That no Sum of Money shall be borrowed on the Credit of the Tolls, or Shares, or Proportions of the Tolls to be taken on the said Roads jointly, but of each of them severally and distinctly.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby impowered upon Fourteen Days Notice being given in the Gloucester Journal, or in Writing affixed on the several Turnpikes for that Purpose, to lett or farm by the Year the Tolls to be taken at any or either of the Turnpikes, by virtue of this Act to be erected or set up or continued, to any Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Sums that can be got for the same, provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively, and the Trustees that lett the same; and be not made for more than Three Years at a Time; and that the Money that shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the said Trustees by Four equal quarterly Payments; and that the Person or Persons to whom the said Tolls shall be so lett, shall always pay down One Quarter's Pay in Advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in Advance, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and then and in either of such Cases, the Person or Persons to whom the said Tolls shall be

lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them by the same Means, and in the same Manner, as are by this Act directed or provided for the Accounting for the said Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for the levying and recovering the same upon and of them.

Trustees to appoint Officers,

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered by Writing under their Hands, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and Surveyor or Surveyors of the Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper; and from time to time to remove such Officer or Officers, and on the Death or Deaths, Removal or Removals, of such Officer or Officers, to appoint others in their Steads; but Seven Days Notice shall be given of every Meeting, where any such Appointment or Removal shall be made, after the First Meeting of the said Trustees upon all the said Turnpikes; and by and out of the Monies that shall be raised on or for the Repairs of each of the said respective Roads, may, and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons by them the said Trustees employed, for their Services in repairing, widening, or altering the said Roads respectively, and otherwise putting the Powers by this Act given in Execution, as they shall think reasonable; provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or a Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; nor shall any Collector, Surveyor, or other Officer under this Act, gain a Settlement in any Parish or Place, by reason of his being appointed to or serving in such Office.

and remove them, and appoint others;

and allow them Salaries;

taking Security.

No Victualler, &c. shall hold any Place of Profit.

Officers not to gain any Settlement.

Officers to Account on Oath.

And be it further enacted, That all and every Collector and Collectors of the said Tolls, and all and every Treasurer and Treasurers, and other Officer and Officers, and all and every other Person and Persons who hath or have had, received,

or

or paid, by virtue of the said former Acts, or who shall at any Time or Times hereafter receive, have, or pay, any Sum or Sums of Money belonging to the said Trustees, or on account of or relating to the said respective Roads, shall, when and as often as he or they shall by the said Trustees, or any Five or more of them, be required so to do, deliver to and settle with such Trustees just and fair Accounts, on his or their respective Oath or Oaths, of all Sums of Money by him and them respectively received, and of whom, when and on what Accounts such Sums of Money, and every of them, were and was so received, and of all Sums of Money by him and them respectively paid, and to whom, when and on what Accounts the said Sums, and every of them, were and was so paid, and shall produce proper Vouchers for, or make other Proof of, such Payments, to the Satisfaction of the Trustees, and verify the Items of such Accounts upon and by his and their respective Oaths if required; and all such Sums of Money as, on the Balances of such Accounts or otherwise, shall appear to be due, or in his or their respective Hands, shall forthwith pay over to the said Trustees, or to such other Person or Persons, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, shall for those Purposes direct or appoint; and if any or either of the said Officers or other Persons shall refuse or neglect to deliver, settle, or verify, his or their Account or Accounts in the Manner aforesaid, he or they having been required so to do, or if any or either of the said Officers or other Persons shall have so accounted as aforesaid, and shall refuse or neglect to pay the Money appearing to be due, or in his or their Hands, as the Balance or Balances of such Account or Accounts, to the Persons, and in the Manner aforesaid, then and in either of the Cases aforesaid, and on Complaint and Proof thereof, and of any Money being had or received by any such Officer or Officers, Person or Persons, as aforesaid, to or before any Justice of the Peace of the County where such Officer or Officers, Person or Persons, shall be or reside, by and on Oath of One or more credible Witness or Witnesses, such Justice may and is hereby required to issue a Warrant or Warrants, under his Hand and Seal, to levy by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons, the Sum or Sums of Money which shall appear to be due and owing upon Balance of Accounts if settled and verified as aforesaid, or as shall appear to have been otherwise had and received, and neglected or refused to be accounted for (returning the Overplus of the Money that arises by such Distress and

Trustees to appoint Officers

and remove them and appoint others

and allow them Salaries

Officers refusing to account,

the Money may be levied by Distress and Sale

No Vendue or Sale shall be in any Place of Profit.

Officers to be sworn to their Accounts

Sale,

Sale, after Payment of the said Money due, or unaccounted for as used; and the Charges of such Distress and Sale, and all other reasonable Charges incident thereto, to such Officer or Officers, Person or Persons respectively, upon Demand) and if sufficient Distress or Distresses cannot be had or found for Payment of the said Money and Charges, then the said Justice may and is hereby required to issue his like Warrant or Warrants for the apprehending of such Officer or Officers, Person or Persons, and shall commit him or them to the Common Gaol of the said County, there to remain without Bail or Mainprize until the said Money and Charges, or the Arrears thereof, shall be paid, or until such Officer or Officers, Person or Persons, shall have compounded for the same with, and paid such Compositions to, the said Trustees, and which said Compositions the said Trustees, or any Nine or more of them, are hereby impowered to make and receive, and on Receipt thereof to give Discharges for all the Monies in respect whereof such Compositions were so respectively made; provided that Notices thereof, and of the Persons with whom, and Matters for which, such Compositions shall be intended to be made, be inserted in the respective Notices of the Meetings at which such Compositions shall be so intended to be made.

and for want of Distress, the Party to be committed,

till Payment or Composition be made.

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees shall, at a Meeting to be held in pursuance of this Act, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding.

Trustees may appoint Officers, tho' not at a publick Meeting.

And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the respective Roads, by virtue of this Act to be appointed, or for any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for that Purpose, employed to cut, dig, gather, take, and carry away, any Furze, Heath, Sand, Gravel, Stones, or other Materials, proper for the repairing of Roads, in, upon, out of, or from, any Ditch, Brook, River, Field, Waste Ground, Common, or other Place, lying in, or by the Sides of, or near the respective Roads by this Act intended to be repaired, not being a Court, Garden, Orchard, Yard, Paddock, Park, Planted Walk or Walks, Nursery for Trees, or Avenue to any House, and the same by Carriages or otherwise, to take, draw,

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

draw, or carry into the said Roads, through or over any Field, Ground, or Place, belonging to any Person or Persons, not having Corn or mowing Grass then growing upon it, without paying any thing for the same; they the said Trustees and Surveyors, or some of them, causing the Pits in, from, and out of which such Sand, Gravel, Stones, or Materials, shall be so dug, had, or taken, being on or in any Road, Highway, Common, or Waste Ground, to be filled up, rectified, or fenced, so as to prevent any Damage or Danger to any Traveller or Cattle, and causing any Pit or Pits that shall be so made, in any Land, Ground, or Place, belonging to any Person or Persons, and not being a Road, Highway, or Waste Ground, to be filled up, and reasonable Satisfaction to be made to such Person or Persons for the making such Pit or Pits, and causing all reasonable Satisfaction to be made to all Persons for the Damages that shall be done by the Passage of Carriages laden with the said Materials, through or over their respective Lands or Grounds.

without paying for the same;

levelling the Pits;

making Satisfaction to the Owners of the Ground.

Provided nevertheless, That no Part of the Ground or Soil in the Parish or Manor of Huntley aforesaid, called or known by the Name of Huntley Wood, or reputed so to be, whether inclosed, or open and uninclosed, shall be deemed Waste Ground, or Common, within the Intent and Meaning of this Act; any thing herein contained to the contrary notwithstanding.

Huntley not reputed Waste or Common.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or for the Surveyors by virtue of this Act to be appointed, or any or either of them, to repair, widen, or alter, or cause to be repaired, widened, or altered, any Bridge, Arch, Brook, Drain, Ditch, or Watercourse, lying in or leading into, or from the respective Roads by this Act intended to be repaired, or to cause any new Bridges, Arches, Drains, Ditches, or Watercourses, to be made in the said respective Roads, or to cause any new Drains, Ditches, or Watercourses, to be made in or through any Land, Ground, or Place, lying by the Side or Sides of, or near to, such Roads respectively, not being a Court, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, they the said Trustees and Surveyors, or some of them, making reasonable Satisfaction to the Owners or Occupiers of the said Lands or Grounds for the Damages done thereby; and in case the said Trustees or Surveyors, and the Owners or Occupiers of the Lands or Grounds, in which any

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

making Satisfaction to the Owners.

Pit or Pits shall be dug, or through or over which any Materials shall be carried, or in or through which any new Ditch, Drain, or Watercourse shall be made, cannot, by Agreement betwixt themselves, ascertain the Sums to be paid for the Damages done by digging such Pit or Pits, carrying the said Materials, or making the said new Ditches, Drains, or Watercourses, then the Justices of the Peace of the County of Gloucester shall at the next or Second General Quarter Sessions of the Peace to be held for the said County after such Pit or Pits shall be dug, Materials carried, or new Ditch, Drain, or Watercourse respectively, shall be made, upon Eight clear Days Notice thereof in Writing, by either of the Parties to the other for that Purpose given, hear and finally ascertain, settle, and determine the said Damages, and the Sums to be paid for the same; and which said Determinations of the said Justices shall be final and conclusive to all Parties.

Justices to determine Differences relating thereto.

And be it further enacted, That the said Turnpike Surveyors, or either of them, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, for that Purpose employed or appointed, may, and are and is hereby impowered to cleanse and scour all Ditches, Drains, and Watercourses, and cut up, take, and carry away, all Hedges and Bushes, and remove all Annoyances, Nuisances, and Obstructions, that shall lie, stand, or be in any Part or Parts of the Roads by this Act intended to be repaired; and may, and are and is hereby impowered by and with the Orders of the said Trustees, or any Five or more of them, to top, lop, fell, or cut down, or cause to be topped, lopped, felled, or cut down, any Tree or Trees, and cut, or cause to be cut, the Overhangings of any Hedge or Hedges that shall stand, or be in, or by the Side or Sides of any Part or Parts of the said Roads; and cleanse or scour, or cause to be cleansed or scoured any Ditches, Drains, or Watercourses, lying in, or leading into, from, or towards, the said Roads, or either of them, and which ought to be cleansed or scoured by any other Person or Persons, and the said Trees, Lops, and Tops, and the said Overhangings, to take and carry away without paying any thing for the same; if the Owner or Owners of such Trees or Hedges, or the Occupier or Occupiers of the Land whereon the same stand or grow, or the Person or Persons who ought to scour and cleanse the said Ditches, Drains, or Watercourses, shall not, within the Space of Fourteen Days next after Notice to him, her, or them, respectively for those

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

to

those Purposes given, or left in Writing at his, her, or their Dwelling-house, by the said Surveyors, or One of them, under his or their Hands, cause the said Trees to be lopped, topped, and cut down, and the said Overhangings to be cut, and such Overhangings, and the said Trees, and the Tops and Lops thereof, to be carried away, and the said Ditches, Drains, and Watercourses, to be well and sufficiently cleansed and scoured; and the Owner or Owners, Occupier or Occupiers of the said Lands, Trees, and Hedges, and the Person or Persons who ought to scour or cleanse the said Ditches, Drains, or Watercourses, shall pay to the said Surveyor or Surveyors, or to such other Person or Persons, as, by such Orders as aforesaid, shall cut and carry away the said Overhangings, and cleanse and scour the said Ditches, Drains, or Watercourses, or remove such Annoyances, Nuisances, or Obstructions, such Sums of Money for doing the same, as the said Trustees, or any Five or more of them, shall allow and order to be paid to him or them respectively on those Accounts; and if Default shall be made in Payment of the said Money so ordered on Demand, the same shall be levied and recovered of the Person or Persons who shall be ordered to pay the same, in such Manner, and by such Ways and Means, as the Forfeitures by this Act imposed are directed to be levied and recovered.

Justices to Charges to be reimbursed to the Surveyors.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any or either of the said Turnpike Surveyors, or any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for those Purposes employed in the cutting, digging, taking, or carrying, of any Furze, Heath, Sand, Gravel, Stones, or other Materials, for the altering, widening, or repairing, the respective Roads by this Act intended to be repaired, or in topping, lopping, cutting, or carrying of any Tree, Top, Lop, or Overhangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, or doing any other Act in or for the repairing, widening, or altering, the said respective Roads, or otherwise, in or for the Execution of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty of obstructing Surveyors in their Duty.

And be it further enacted, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Persons whosoever, who by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair

Persons, &c. chargeable to the Repairs of the Highways, &c. continue so.

of

of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Inhabitants, &c. to do 3 Days Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the Roads by this Act intended to be repaired, or either of them, do or doth lead, and that are or shall be liable to do Statute-work or Duty in the Highways, shall yearly, and every Year, do Three Days of such Statute-work or Duty in such Part or Parts of the said Roads as doth or do lie in such Parishes, Hamlets, and Places respectively, and in such Places thereof, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, by virtue of this Act so appointed, or either of them, shall, for those Purposes, direct or appoint, and shall with his Team and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Six Days next after Notice in Writing to him or them respectively, for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant shall receive such Notice, or to One of them, a true List in Writing of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duty to the Highways: And if any or either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do any or either of the said Three Days Work or Duty on the said Roads, at such Times and Places, and in such Manner, as according to the Powers by this Act given he shall be directed

Parish Surveyors to give in Lists of the Persons who are chargeable to do Statute-work, &c.

Penalty on Neglect of Duty, and on Surveyors, &c. neglecting to deliver Lists.

ed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person for every such Neglect or Offence, shall forfeit the several and respective Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence: And if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner, herein before for those Purposes mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Forty Shillings.

Three Days Statute-work to be performed by the Parish, &c. of *Newent*, on the Roads in the said Parish.

Provided always, and be it enacted, That all Owners and Occupiers of Land and Inhabitants in the Parish of Newent, or in any District or separate Hamlet, Tything, District, or Place within the same Parish, if any such there be, shall do and perform Three Days of their Statute-work or Duty, either with their Teams and Servants, or otherwise, as the Case shall be, and Eight Hours Work in every Day, in and upon such Part of the said Turnpike Road leading to the said Town of Newent as lies in the said Parish of Newent, or in any Hamlet, Tything, District, or Place within the said Parish; or for every Neglect to do either of the said Three Days Work as aforesaid, shall forfeit the Sum of Ten Shillings for a Team's Duty, or One Shilling and Six Pence, as the Case shall happen respectively to be; any Law, Statute, or Custom, to the contrary in any wise notwithstanding.

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

Provided also, and be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the Roads by this Act intended to be repaired do lead, for the Statute-work and Labour by them respectively, by virtue of this Act, to be done in the said respective Roads in every Year, the several Sums of Money, at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Compositions.

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

And be it further enacted, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part

or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to, any Part or Parts of the said Roads, or either of them, or that shall be proper or convenient for altering any Part or Parts of the said Roads, and leading the same another Way, or other Ways, and to pay for the same Lands and Hereditaments respectively, by and out of the Tolls and other Monies that by virtue of this Act shall be raised on the respective Roads for the widening or altering of which such Lands or Hereditaments shall be so respectively purchased: And all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, for or on Behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees by this Act appointed, or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid: And all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

Bodies Politic, &c. may contract for the Sale of Lands, &c.

And be it further enacted, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever, intitled to or interested in any Lands or Hereditaments which the Trustees appointed or to be appointed by virtue of this Act, or any Nine or more of them, shall think necessary to be purchased for the widening or altering either of the Roads by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them, for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments, or any Part thereof, or if by reason of their or any of their Absence or distant Residences from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to or treated with for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments, then and in either of

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

such Cases the said Trustees, or any Five or more of them, may, and are hereby impowered by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County of Gloucester for the time being, or his Deputy, to impanel, summon, and return a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the same Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices and Values of the Lands and Hereditaments intended to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return the said Jury accordingly, giving to each Juryman at least Four clear Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly: And the said Trustees, or any Five or more of them, having caused Ten clear Days Notice in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments intended to be purchased, or to some or One of them, or to be left at their or One of their last and usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Natures, Situation, and Quantities of such Lands or Hereditaments, and the Time when, and Place where, the said Jury are to meet to assess and ascertain the Values thereof, they the said Trustees, or any Five or more of them, may proceed to inquire by Twelve of the said Jurors on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other like Persons of the By-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges; and the said Trustees, or any Five or more of them, having given the Nature of the Inquiry in Charge to the said Jury that shall be sworn, may, and are hereby impowered to send for, summon, and examine all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments, and as needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Assistance to inform themselves, and the Jury sworn, concerning the Natures and Values of the said

Trustees to issue their Warrants to the Sheriff, to impanel and summon a Jury.

Bodies Politic, &c. may contract for the Sale of Lands, &c.

Where Persons refuse to treat, &c. Jury to assess the Recompence.

Jurors may be challenged.

said Lands and Hereditaments as they shall think proper, and the said Jury being so informed shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof: And if any Sheriff of the said County for the time being, or his Deputy, shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office, relating to the Premisses; or if any Juryman so summoned as aforesaid shall not appear, or appearing shall refuse to be sworn, or, if sworn, shall not find his Verdict concerning the Matters that shall be given him in charge; or if any Witness, being sent for or summoned to appear, and give Evidence to the said Trustees and Juries, shall not appear, or, if appearing, shall refuse to be sworn, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Five Pounds.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

Trustees may levy Fines on the Sheriff, and others;

And be it further enacted, That all Conveyances of Lands that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgements of the Trustees, concerning the Values of Lands that shall be ascertained by Juries, shall be entered in some Book or Books of the said Trustees, and shall be inrolled with the Clerk of the Peace of the County of Gloucester; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration Monies mentioned in such Conveyances, or of the Monies assessed and adjudged to be the Values of any Lands, the Values whereof shall be assessed or ascertained by any Jury or Juries, to the Person or Persons intitled to the same, or in Cases of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto, it shall

Lands when purchased, to be made Part of the Road,

be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to add or turn into a Highway; and the said Lands and Hereditaments shall, from thenceforth for ever afterwards, be deemed, taken, and used, as a publick Highway or publick Highways, and shall be repaired and kept in Repair in the same Manner, and by the same Means and Powers, as the Roads by this Act intended to be repaired are hereby directed to be; and after any such new Road shall be completed, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, or private Lands to which such new Road doth not lead, shall be vested in, and may be exchanged or sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be got for the same, and the Money arising by such Sale, shall be applied in such Manner as the said Tolls are hereby directed to be applied.

and deemed a publick Highway.

Verdict of the Jury to be binding and conclusive

Old Road may be sold.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling House, or other Building, or taking in the Site of any House, or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees may levy Price or Damages, and not to be damaged by this Act.

And be it further enacted, That if any Person or Persons shall take or draw, or cause or procure, or by his or their Horse or Horses, Beast or Beasts, knowingly suffer to be taken or drawn, any Timber or Tree through, along, or over, any or either of the Roads by this Act intended to be repaired, or any Part thereof, any otherwise than upon Wheels or Drays, such Person and Persons shall, for every such Act or Offence, forfeit the Sum of Twenty Shillings.

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

Lands when purchased, to be made Part of the Road.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered, by and out of the Money that by virtue of this Act shall be raised upon each of the Roads by this Act intended to be repaired, cause Stones or Posts to be set up on the Sides of each of the said Roads, at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from the City of Gloucester; and if any Person or Persons shall wilfully pull or break down, dig up, or damage, the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, Figures, or Marks, that shall be inscribed thereon, or cause or procure the

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

same to be done, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety (after replacing or repairing the respective Stones or Posts that shall be removed or damaged) shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalties and Forfeitures how to be recovered, &c.

And be it further enacted, That when any Penalty or Forfeiture by this Act imposed shall be incurred, except such as are by this Act otherwise particularly directed to be recovered, then upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last or usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to inquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and, either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses on Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Nonpayment thereof, though the same shall not be demanded, shall issue a Warrant or Warrants under his Hand and Seal, for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus, if any there shall be, after Payment of such Penalties and Forfeitures;

tures, and the Charges of the said Convictions, Levies, and Sales, to the said Offender or Offenders respectively, if demanded; and for want of sufficient Distress or Distresses for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal for the apprehending and taking such Offender or Offenders, and for committing him and them to the Common Gaol of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures and Charges, or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Compositions to them; and which said Compositions the said Trustees, or any Five or more of them, are hereby impowered to make and receive, and, upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges.

Application of the Penalties.

And be it further enacted, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid shall be paid, to the said Trustees, and shall be by them applied in the Repairs of the respective Roads, in respect whereof such Penalties or Forfeitures respectively shall be incurred, in like Manner as other the Monies to be raised by virtue of this Act, are hereby directed to be applied.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act, Order, Conviction, Judgement, or Determination, of any Justice or Justices that shall be done or made by virtue of this Act, such Person or Persons may appeal against the same to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held for the said County of Gloucester, after such Act, Order, Conviction, Judgement, or Determination, shall be done or made, upon Eight clear Days Notice thereof in Writing, if so many before the said next Sessions, being given by such Person or Persons to any Surveyor or Collector of the Tolls of the respective Roads, in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made; and the said Justices at their said Sessions may, and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the said Acts, Orders, Convictions, Judgements, or Determinations, so appealed against, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeals as they shall judge proper, and which said Judge-

Notice of Appeal to be given.

ments

ments of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied and recovered by Distress and Sale of the Goods and Chatels, and by Commitment of the said Offender or Offenders, by a Warrant or Warrants under the hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed, are herein before directed to be levied and recovered.

Proceedings not to be quash'd for want of Form,

Provided always, and be it further enacted, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had, by the said Trustees, or by any Justice of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or shall be removed by Certiorari or otherwise into any Court of Record at Westminster.

nor removeable by *Certiorari.*

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

And be it further enacted, That all the Acts, Orders, Accounts, and Proceedings of the Trustees to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and that no Act or Order shall be done or made by any of the said Trustees, except at a publick Meeting of them the said Trustees to be held, in pursuance of this Act; and that at such Meetings, in case of any Diversity of Opinion in the said Trustees concerning any Matter to be done in pursuance of this Act, the Majority shall prevail, and in Cases of Equality, then that Side which the Trustee first appearing and staying at such Meetings respectively shall be of; and such Acts, Orders, Accounts, and Proceedings so entered, shall be signed by the said Clerk or Clerks, and being so signed shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

and signed by the Clerk.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it enacted, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Indorsement, Transfer, or other Security for the borrowing of

Money,

Money, or other Writing whatsoever relating to the Execution or in pursuance of this Act, shall be charged or chargeable with any Stamp Duty whatsoever.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the Execution of the Trusts and Authorities of this Act, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be present at a Meeting to be held for that Purpose; of which Meeting, and the Intent thereof, Fourteen Days previous Notice shall be given in the Gloucester Journal, or affixed in Writing upon all the Turnpikes erected or continued by virtue of this Act. No Order made shall be repealed, unless Nine Trustees be present.

And be it further enacted, That no Action at Law shall be brought against any Person or Persons, for any Thing done or to be done by virtue of this Act, till after Eight clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Actions shall be intended to be so brought, thereby setting forth the Cause and Causes of such Action and Actions respectively, or left at his or their last or usual Place or Places of Abode, and that all Actions that shall be brought for any thing done or to be done as aforesaid, shall be so brought within the Space of Six Calendar Months next after the respective Cause or Causes thereof shall arise, and shall be laid and tried in the respective Counties where the Cause or Causes of such Action or Actions respectively shall arise; and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act, and the Special Matter in Evidence, and that the same were done by virtue hereof: And if on the Trial or Trials of such Action or Actions, it shall appear that the same Action or Actions was or were brought before the Expiration of Eight clear Days next after such Notice or Notices thereof shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause or Causes thereof respectively shall arise; or if such Action or Actions shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; then, and in every the Cases aforesaid, the Jury and Juries on the Trials of such Actions, and every of them, shall find for the Defendant or Defendants therein; and in all Cases where any Verdict or Verdicts shall be found for any Defendant or Defendants in such Action or Actions, or the Plaintiff or Plaintiffs therein shall discontinue the same, after the Defendant or Defendants shall have appeared thereto, or shall be Nonsuited; or if, upon Demurrer, Limitation of Actions. General Issue.

Judgement shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action or Actions shall have Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs as in other Cases by Law.

Treble Costs

Distress not to be deemed unlawful for want of Form;

Provided always, and be it further enacted, That if any Action or Actions at Law shall be brought against any Person or Persons for any thing done in pursuance of any Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or other Proceeding of or from the said Trustees, or of or from any Justice of the Peace, or of the Quarter Sessions, the Defendant or Defendants in such Action or Actions shall not be deemed a Trespasser or Trespassers on account of any Defect or Want of Form, or other Irregularity, of or in any such Summons, Notice, Act, Order, Judgement, Conviction, Determination, Warrant, or Proceeding; nor shall the said Defendant or Defendants be deemed a Trespasser or Trespassers ab initio, for or on account of any Irregularity which shall afterwards be done by him, them, or either of them; but the Person or Persons aggrieved by such Irregularity shall recover Satisfaction only for the Special Damages in an Action or Actions on the Case.

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

Publick Act.

And be it further enacted, 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 whomsoever, without specially pleading the same.

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FINIS.