Anno primo

Georgii III. Regis.

An Act for continuing and amending an Act made in the Sixteenth Year of His late Majesty's Reign, for repairing the Highways from the City of *Glouceſter*, to the Top of *Birdlip Hill*; and from the Foot of the ſaid Hill, to the Top of *Crickley Hill*.

WHEREAS an Act of Parliament was paſſed in the Ninth Year of the Reign of His late Majeſty King George the Firſt, for repairing the Highways from the City of Glouceſter, to the Top of Birdlip Hill, being the Road to London; and from the Foot of the ſaid Hill, to the Top of Crickley Hill, being the Road to Oxford, and for other Purpoſes in the ſaid Act mentioned: And whereas an Act paſſed in the Sixteenth Year of the Reign of His late Majeſty King George the Second, for continuing and making more effectual the aforementioned Act: And whereas the Truſtees appointed to put the ſaid Acts in Execution, did, in purſuance of the Powers to them thereby given, borrow ſeveral Sums of Money upon the Credit of the ſaid Acts; which ſaid Sums ſo borrowed, and ſtill remaining due and unpaid, have, together with the Tolls and Duties collected and received by

Preamble, reciting Acts 9 *Geo.* I. and 16 *Geo.* II.

by virtue of the said Acts, been applied in repairing and widening the Roads which by the said Acts were directed or intended to be repaired and widened, and great Progress has been made therein; but it has not been possible effectually to repair and widen the said Roads, nor can the same be done, and the said Sums of Money borrowed as aforesaid be repaid, unless the Term of the said last-mentioned Act be further continued, and some other Powers given for those Purposes: Wherefore, and to the End that the said Roads may be speedily repaired; May it please Your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term of the said Act made in the Sixteenth Year of His said late Majesty King George the Second, 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 said late 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 Sixteenth Year of His said late Majesty contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, 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 Sixteenth of His late 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.

Recited Acts further continued for 21 Years.

Trustees Names.

And be it further enacted, That the Right Honourable the Lord Viscount Tracy, the Right Honourable Lord Viscount Downe, the Right Honourable Lord Viscount Gage, Sir John Gyse Baronet, Sir William Codrington Baronet,

the Honourable Benjamin Bathurſt, the Honourable Henry How, the Honourable William How, Thomas Cheſter, Norborne Berkeley, Charles Barrow, George Auguſtus Selwyn, John Martin, Nicholſon Calvert, Thomas Hayward, John Probyn, William Craven, Joſeph Atwell D. D. William Aſhmeade, William Bell, Samuel Blackwell, Henry Toye Bridgman, Samuel Burroughs, Thomas Crawley Boevey, Thomas Crawey Boevey junior, John Box, Francis Brabant, Henry Bubb, William Blanch, Thomas Branch, Charles Biſhop, Thomas Brown, Maynard Colcheſter, Richard Colcheſter, James Commeline, Chriſtopher Capel, John Cheſter, Joſeph Cheſter, William Cowcher, Nathanael Cowles, Richard Chandler, William Chandler, Thomas Chandler, William Coles, Peter Cox, James Lenox Dutton, Wilſiam Baghot Delabere, Thomas Baghott Delabere, John Delabere, John Dutton, James Dutton, William Dowdeſwell, George Dowdeſwell M. D. Charles Dowdeſwell, Richard Davis, John Davis, Dun Clerk, Richard Driver, Edward Driver, William Edwards, James Elly, Godfrey Elly Clerk, Robert Ellis, Daniel Ellis, Edward Elton, John Everard, Mark Everard, Samuel Farmer, Samuel Farmer, Robert Berkeley Freeman, John Fendall, the Members of Parliament for the County and City of Glouceſter, for the time being; the Dean and Chapter of Glouceſter, for the time being; the Mayor, Aldermen, Sheriffs, and Common Council of the City of Glouceſter, for the time being; William Gyſe, John Guiſe, William Gibbs, Samuel Guinnett, Charles Grevile M. D. Samuel Hayward, John Hayward Clerk, Charles Hayward, Thomas Hayward junior, William Hayward, William Hayward of Glouceſter, Richard Hayle, Benjamin Hyett, Nicholas Hyett, Benjamin Hyett junior, How Hicks, John Hawkins, Charles Hooper, William Humphries, John Jones, William Jones, Roynon Jones, Roynon Jones Clerk, Selwyn James, Nigel Kingſcote, David Killican, Robert Lawrence, Daniel Lyſons, Daniel Lyſons junior, Samuel Lyſons Clerk, William Long, Longdon Clerk, John Lock, William Lane, Thomas Moor, John Newton Clerk, William Niccolls, Samuel Niblett, William Prinn, Caple Payne, Edmund Probyn, Edmund Phillips, John Pitt, James Pitt Clerk, John Palmer Clerk, John Porter, Thomas Porter, Nathaniel Perring, Thomas Price, Thomas Price, Thomas Price, Rowland Pitt, Daniel Palling, Thomas Price Whitesmith, Thomas Price Bookſeller, Daniel Quarrington, John Quarrington, Thomas Ratcliffe, William Randall, William Rogers, William Rogers, Richard Rogers, Richard Rogers, Samuel Rogers, Thomas Rogers,

Remmington Clerk, Stephen Rhea, Samuel Ridler Clerk, Robert Raikes, John Ready, Powel Snell, Powel Snell junior, Selwyn, George Savage, Richard Smart, Luke Singleton, William Singleton, Benjamin Saunders, John Sheppard of Colesborn, James Sadler, Thomas Rich Stock, Thomas Smith, Thomas Smith, Robert Smith, Edward Sparkes Clerk, Robert Tracy, Thomas Tracy, Josiah Tucker D. D. Dean of Glocester, John Turner John Turner, Thach Clerk, Thomas Tindal, Henry Townshend of the Slad, William Trye, John Trye Clerk of Leckhampton, Francis Tyler, John Turner Grocer, Robert Timbrell, Thomas Vernon, William Hughes Vernon, William Viner, Thomas Welles Clerk, Thomas Wadley, Samuel Wilson, Henry Window Clerk, James Wood, Richard Wood, Samuel Wilse, John Wood, William Walbank Clerk, John Webb, Nicholas Webb, Richard Webb, Nicholas Webb junior, William Wood, shall be, and they and their Successors, to be elected in the 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 Eighty 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 Five hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two 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 Sum of Fifty Pounds, without any other Proof

Penalty on acting if not qualified.

or Evidence on the Part of the Profecutor, than that fuch Perfon hath acted as a Truftee in the Execution of this Act.

Time and Place of Truftees Meeting.

And be it further enacted, That the faid Truftees, or any Five or more of them, fhall meet together at the King's Head Inn in Glouceſter, upon the Firſt Day of May, One thouſand ſeven hundred and ſixty one, 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 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,

Meeting to be adjourned.

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 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 of a Place of Profit arifing 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 inquire into, or do any Act, Matter, or Thing, by or on the Oath or Oaths of any Perſon or Perſons, ſuch Truſtees and Juſtices

Truſtees not to act where intereſted.

Justices respectively are hereby impowered to administer such Oaths to such Person or Persons respectively.

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

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

Notice of Election to be given.

Trustees may erect Turnpikes and Toll-houses,

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 Roads, and may cause to be erected any other Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part of the said Roads, and also on the Side or Sides 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 Sixteenth Year of His said late 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 Tolls thereat.

The Tolls.

For every Horse, Ox, Mule, Ass, or other Beast, drawing any Coach, Chariot, Chaise, Chair, Calash, Waggon, Cart, Car, Dray, or other Carriage, the Sum of Four 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 it shall and may be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, with the Consent of such Person or Persons as shall be intitled to Two Thirds or more of the Money which shall have been advanced upon the Credit of the said Tolls, from time to time, and for such Time or Times as the said Trustees, or any Nine or more of them, shall think proper, to lessen or alter all, or any, or either, of the Tolls by this Act granted; and such Tolls, so lessened or altered, shall and may be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied; but no such Meeting, after the First Meeting of the said Trustees, shall be held, unless Twenty Days previous Notice at the least be given thereof in Writing, to be affixed upon all the Turnpikes then erected by virtue of this Act.

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

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

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

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.

Charges of passing this Act to be first paid.

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 Sums of Money, and Interest for the same, now due and owing upon the Credit of the former Acts, shall be first satisfied and paid; 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 repairing, altering, widening, and keeping in Repair, the said respective Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint.

Application of the Money.

Provided always nevertheless, That the said Trustees, or any Five or more of them, shall and may, at any Time or Times during the Continuance of this Act, pay, apply, and dispose of, a Part of the said Tolls and Sums of Money in repairing, widening, and keeping in Repair, any Side Roads, Lanes, or Ways, leading into the said Turnpike Roads, which it shall be necessary or convenient to repair, for the better conveying Materials to any Part of the said Turnpike Roads, for the Repair thereof; and also to order and appoint a Part of the Statute-work appointed by this Act to be done in the said Turnpike Roads, to be performed upon any such Side Roads, Lanes, or Ways, for the Purpose aforesaid.

Toll to be paid but Once a Day.

Provided always, and be it further enacted, That no Person or Persons (except as herein after excepted) 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 Roads, or cross any Lane or Way

leading

leading into the same; but that all and every Person and Persons, after having paid Toll Once as afore-said, 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 the said respective Roads, or cross any Lane or Way leading into the same, whereon such Tolls shall be paid, upon producing a Note or Ticket denoting the Payment of the same, which Notes or Tickets the Collectors of the said Tolls are hereby required to give gratis, on Receipt of the Toll; save and except such Person or Persons as shall pass or repass with any Waggon, Wain, or Cart, laden and travelling for Hire, or, if not travelling for Hire, that shall travel, be drawn, or go laden, upon the said Turnpike Road beyond the Four Mile Stone now erected there, to or from the said City of Gloucester.

Exemptions from Tolls.

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 loaden, 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, not sold or disposed of, but to be laid up in the Houses, Outhouses, 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 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

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 claiming Exemptions, not being intitled thereto.

Penalty on Perſons avoiding 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, 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 wittingly 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 any of the ſaid Tolls, or any Part thereof, ſhould be avoided; or if any Perſon or Perſons ſhall do any other Act, in order or with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof, 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 Non-payment 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 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 as aforeſaid; and if no ſuch Seizure as aforeſaid can or ſhall be made, then the aforeſaid Penalties, Forfeitures, and Toll, ſhall be levied and recovered by ſuch Means, and in ſuch Manner, as are herein after-mentioned and provided, for the levying and recovering of Penalties and Forfeitures impoſed by this Act.

Tolls may be aſſigned for Money borrowed.

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 further or other Sum or Sums of Money, upon the Credit of the Tolls to be taken or paid, or payable, at the Turnpike or Turnpikes to be ſet up or continued by virtue of this Act, in or croſs the ſaid Roads by this Act intended to be repaired, and in or croſs 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 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 Money thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money now due and owing, and for such further or other Sum or 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 whatsoever; 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 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 entitle 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.

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

Entries to be made of all Assignments.

Clerk's Fee.

Proviso. 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 the Turnpike or 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 Price or yearly Sum 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, and the Trustees that let 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 Quarterly Payments; and that the Person or Persons to whom the said Tolls shall be so let, 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 may 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 remove them, and appoint others.

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 the said 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, and altering the said Roads, and otherwise putting the Powers by this Act given in Execution, as they shall think reasonable:

Trustees to allow Officers Salaries.

Treasurer to give Security.

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 Turnpike or Turnpikes, or a Receiver or Receivers of any Money that shall belong to the said Roads, 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.

Victuallers, &c. not to have a Place of Profit;

nor Officers to gain any Settlement.

Officers to account upon 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 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 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 Balance 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 the 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 Sale after Payment of the said Money due or unaccounted for as aforesaid, 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 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

Officers refusing to account,

Justices to enquired into the Default;

and levy the Balance by Distress and Sale;

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

until he shall conform, or compound for the same.

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.

Truſtees may appoint a Collector, in caſe of Death or Incapacity.

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.

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

And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors of the ſaid 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, 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

without paying for the ſame;

levelling the Pits;

ſuch

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. making Satisfaction to the Owners.

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 upon the said Grounds, by the making any such new Drains, Ditches, or Watercourses; and in case the said Trustees or Surveyors, and the Owners or Occupiers of the Lands or Grounds in which any 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 between 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 Ten 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. Surveyors may repair Bridges, &c. cut Drains, making Satisfaction to the Owners of the Grounds. Justices to determine Differences.

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 Surveyors may remove Annoyances,

or

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, Nusances, and Obstructions, that shall lie, stand, or be, in any Part or Parts of the Roads intended by this Act 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 and 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 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, Nusances, 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

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

Charges to be levied in the same Manner as Penalties in other Cases.

such Ways and Means, as the Forfeitures by this Act imposed are directed to be levied and recovered.

Penalty on interrupting Surveyors in their Duty.

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 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 Roads, or otherwise in or for the Execution of the Powers of this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Persons liable to do Statute-work to continue so.

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 at least 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,

Parish Surveyors to deliver in Lists of Persons liable to do Statute-work.

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 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 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 aftermentioned; 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.

Penalty on Persons neglecting their Statute-work;

and on Surveyors, &c. neglecting to deliver Lists.

Provided always, and be it 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 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 compound with Parishes for Statute-work.

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

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

change 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, or for making any Reservoir or Reservoirs, Head or Heads of Water, to be used or employed for the cleansing and amending any Part or Parts of the said Roads, and to pay for the same Lands and Hereditaments by and out of the Tolls and other Monies that, by virtue of this Act, shall be raised on the said Roads; 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 whosoever, 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 or 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 Politick, &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 whosoever, 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 Purposes aforesaid, 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 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,

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

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

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, Situations, 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 a 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, if needful or required, to cauſe the Jury ſworn to view the ſaid Lands or Hereditaments, and to take ſuch other Meaſures to inform themſelves and the Jury ſworn, concerning the Natures and Values of the 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

Jurors may be challenged.

Witneſſes to be ſummoned, and examined upon Oath.

Five

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 and 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 Politick 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.

Verdict of the Jury to be final and conclusive.

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

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 case 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 be lawful for the said Trustees to enter upon the said Lands and Hereditaments, and the same to use or employ for any of the

Proceedings relating thereto to be entered in a Book.

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

W m m Purposes

and deemed a publick Highway, and kept in Repair as such.

Purposes aforesaid; and such Part of the said Lands and Hereditaments as shall be taken and used as a publick Highway or publick Highways, 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 so 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.

Old Road may be sold.

Buildings, &c. not to be damaged.

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 Scite 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.

Penalty on drawing Timber, &c. otherwise than on Wheel-carriages.

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, 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.

Roads to be measured, and Mile-stones erected.

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 the Roads by this Act intended to be repaired, cause Stones or Posts to be set up on the Sides 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 obliterate or deface any of the Words, Letters, Figures, or Marks, that shall be inscribed thereon, or cause or procure the 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

Penalty on defacing Mile-stones, &c.

Moiety

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.

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 enquire 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, and the Charges of the said Convictions, Levies, and Sales, to the said Offender or Offenders, 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 ſaid Roads, 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 ſaid Roads; 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 Judgements 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

8 Days Notice of Appeal to be given.

the

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 by Diſtreſs and Sale of the Goods and Chattles, 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 only;

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 removable by *Certiorari*.

Proceedings to be enter'd 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 of 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.

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

No Order made ſhall be repealed, unleſs Nine Truſtees be preſent.

And be it further enacted, That no Order made by the ſaid Truſtees, or any Five or more of them, in, for, or concerning, the Execution of the Truſts and Authorities of this Act, ſhall be revoked, repealed, altered, or ſet

alide, 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.

Limitation of Actions. 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 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

General Iſſue. 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, Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, the Defendant or

Treble Coſts. 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 in other Caſes by Law.

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 Irregularities shall recover Satisfaction only for the Special Damages in an Action or Actions on the Case.

Distress not to be deemed unlawful for want of Form;

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

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.

Publick Act.

FINIS.