Anno decimo

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Twentieth Year of His late Majesty, for repairing the Road from *Cirencester* in the County of *Gloucester*, to *Birdlip Hill* in the said County.

WHEREAS an Act was made in the Twentieth Year of the Reign of His late Majesty King George the Second, for repairing the Road leading from Cirencester in the County of Gloucester, to Birdlip Hill in the said County; for which Purpose several Tolls and Powers were granted for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, upon the Conditions therein expressed: And whereas the Sum of Eight hundred Pounds has Preamble.

been borrowed upon the Credit of the said Act, which still remain due, and cannot be repaid, and the said Road completed and kept in Repair for the future, unless the Term of the said Act be continued, and the said Provisions of the Act, in some Respects, made more effectual: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act made in the Twentieth Year of his late Majesty King George the Second, and all Clauses, Rolls, Powers, Provisions, Orders, Regulations, Restrictions, Matters and Things therein contained, shall be, and the same is and are hereby further continued, from the Expiration of the said Act, and of the additional Term of Five Years 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 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*, of which there is Four Years yet to come, and unexpired, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act; but subject always nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and which shall commence and take effect immediately from and after the Thirtieth Day of April, One thousand seven hundred and seventy, and continue during the full Term hereby continued and granted; and the said additional Term hereby granted, shall be subject to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Act, or of this Act, and the Interest due and to grow due upon the same.

Recited Act further continued for 21 Years, &c.

subject to the Payment of Debts contracted.

And

And be it further enacted by the Authority aforesaid, That the Members for the County of Glouceſter, and for the City and Boroughs of Cirenceſter and Tewkeſbury for the Time being; the Honourable Bouverie commonly called Lord Folkſtone, the Right Honourable Lord Tracy in the Kingdom of Ireland, the Right Honourable Lord Gage in the Kingdom of Ireland, the Right Honourable Lord Coleraine in the Kingdom of Ireland, Sir William Guiſe, Sir William Codrington, Sir John Webb, Sir Oneſiphorus Paul, Baronets; the Honourable Henry Bathurſt, the Honourable John Bathurſt, Richard Ainge, Ferdinando Aſkew, Thomas Arnowſmith, Obadiah Arnowſmith, the Reverend James Benſon LL. D. Charles Barrow, Thomas Buſh, John Buſh of Glouceſter, Henry Toye Bridgman, James Blount, Thomas Brown, Thomas Bridges of Winſtone, John Brown, Samuel Blackwell, John Blackwell, Joſeph Byham, Bignell of Brimsfield, Samuel Bowley, Daniel Bowley, Edmund Chamberlayne, the Reverend Henry Courtenay, Thomas Chamberlayne Coxe Clerk, John Coxe, Charles Coxe, Charles Coxe of Kemble, Charles Coxe of Cirenceſter, Thomas Cox of the ſame, John Cox Clerk, Charles Coxwell Clerk, John Cripps, John Cripps junior, Joſeph Cripps, Joſeph Chapman Clerk, Joſeph Chapman junior Clerk, Alexander Colſton, Willet Clutterbuck, John Chamber Clerk, James Clutterbuck, Thomas Eſtcourt Creſſwell Eſtcourt Creſſwell, James Croome, Thomas Crowther, John Davis, Daniel Davis, John de la Bear, James Lenox Dutton, John Dutton, James Dutton, Thomas Dawſon, James Elley, John Ellis, Albert Eyles, John Eycott, the Reverend Evans of Fairford, Floyd of Elſtone, Joſeph Freeman, Robert Berkeley Freeman, Thomas Fader, William Gibbs, Jaſper Gibbs, John Gardner, William Gegg, John Guiſe, the Honourable William Howe, John Hanger, William Hanger, John Hayward Clerk, Edmund Hinton, Nicholas Hyett, Benjamin Hyett, How Hicks, Anthony Hillier, George Hawker, George Holder, John Howſe of Winſon, John Howſe of Colne Saint Dennis, William Hower, Richard Hughes, Thomas Hughes, Charles Hughes Clerk, William Hinton, Edward Hewlings, James Hill, Nathaniel

Truſtees Names.

niel Haynes, Charles Hyett, Eaton, Richard Hall, John Hall, Giles Hall, Thomas Hayward, Richard Hillier, Robert Hancock, Robert Jenner, Thomas Ingram, Samuel Ingram, John Jones, William Jones, Samuel Johnſon Clerk, Anſelm Jones Clerk, Thomas Jones, William Kimber of North Cerney, Nigel Kingſcote, Richard Kinneir, John Longden Clerk, Robert Lawrence, Samuel Lyſons Clerk, William Leyborne Leyborne, Charles Loder, Timothy Levis, John Mills of Hazlehouſe, Mills Clerk, Thomas Mills Clerk, Daniel Maſters, Daniel Mills, Daniel Mills junior, John Mills, John Martin, Thomas Maſter, Richard Maſter, William Maſter, Timothy Mellichamp Clerk, the Reverend Joſhua Parſy, the Reverend James Parſons, Thomas Parſons, Thomas Pettett, John Parſloe of Badington, Thomas Pettiner Clerk, John Pitt of Glouceſter, Oneſiphorus Paul, John Roberts, John Roberts junior, John Raymond, Robert Ready Clerk, John Chaunter Ready, Samuel Rudder, James Rawes Clerk, Robert Sandford, John Sandford D. D. John Stratford, William Sanford D. D. George Savage, John Sheppard, Samuel Sheppard, Edward Sheppard, Sheppard of Paradice, Samuel Sandys, Richard Smart, Mathew Sloper, Edward Southwell, William Somerville, Robert Stevens Clerk, John Self, Richard Self, William Stephens, Joſeph Small, Joſeph Atwell Small, George Snow, Samuel Shellard Clerk, John Smith of Edgeworth, John Small, Henry Townſend, Thompſon of Maizey Hampton, Thomas Turner, John Turner, William Turner, John Timbrell, John Timbrell junior, Thomas Tyndall, Thomas Vaiſey, Thomas Vaiſey junior, James Whitſhed, Henry Woorwoord, John White Clerk, John Waſhbourne Clerk, William Wallbank, George White, Henry Window Clerk, Samuel Wallbank, Samuel Worthington, William Wilkins, Henry Wilkins, James White, Henry Waſell, John Webb, Edmund Waller of Farmington, **and their Succeſſors, to be elected in manner by the ſaid former Act preſcribed for the Election of Truſtees, and qualified as herein after-mentioned, ſhall be, and they are hereby declared to be, Truſtees, for amending and keeping in Repair the Roads included in the ſaid former**

former Act, and for putting the said former Act and this Act in Execution.

New Tolls to be paid instead of those granted by former Act.

And whereas the Tolls laid by the said Act upon Waggons, Wains, Carts, and other Carriages have been found insufficient, in consideration of the Damage such Carriages do the said Road; be it therefore further enacted by the Authority aforesaid, That from and immediately after the said Thirtieth Day of April One thousand seven hundred and seventy, instead of the Tolls by the said former Act laid on Waggons, Wains, Carts, and Carriages, and the Cattle drawing the same, the following Tolls shall be demanded and taken; that is to say,

For every Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart or other Carriage, the Sum of Four-pence.

Application of the Tolls.

Which said Tolls shall and may be collected, levied, recovered, and applied in such and the same Manner, as by the said recited Act is prescribed with respect to the Tolls thereby granted.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That from and after the said Thirtieth Day of April One thousand seven hundred and seventy, no Person shall be capable of acting as a Trustee in the Execution of the said former Act, or this Act, unless he shall then be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, or shall be possessed of a Personal Estate to the Amount of One thousand five hundred Pounds; and if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall

be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of the said former Act, or of this Act.

Trustees may vary the Tolls.

And whereas, by the said recited Act, the Trustees are impowered to lessen all or any the Tolls thereby granted, but no Power is given to raise the same again, if necessary, which may occasion great Inconvenience; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, from Time to Time, as they shall think necessary, to lessen, vary, or alter all or any Part or Parts of the Tolls by this Act granted, with respect to all or any particular Number of Horses or Cattle drawing all or any particular Sort or Sorts of Carriages, and afterwards again to raise the Tolls, or any Part thereof, which had been theretofore lessened, so that the Tolls, when so raised, do not exceed the respective Tolls granted by this Act.

Birdlip Turnpike to be taken down.

And whereas a Turnpike-gate is now erected in the Town or Village of Birdlip, near the End of the said Turnpike Road; so that Persons travelling only a few Yards on the said Turnpike Road, and going along a certain Lane or Road leading from thence towards Cheltenham, are subject and liable to pay Tolls thereat: And whereas also there are certain Inns or Victualling-houses in the said Town of Birdlip, lying on the different Sides of the said Turnpike Gate there, whereby the Occupiers of such Inns or Houses are partially affected; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, at their First Meeting after the passing of this Act, forthwith take down and remove the said Turnpike Gate, or cause the same to be taken down and removed, and shall not at any Time hereafter cause any other Turnpike Gate or Gates to be set up or erected, or have any Power or Authority so to do on the said Turnpike Road, or Side thereof, within Six hundred Yards of the Ten Mile-stone, where the said Turnpike Road now Ends; any Thing in this or the said former Act contained

tained to the Contrary thereof in any wise notwithstanding.

Treasurer, to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer, for the due Execution of his Office, as they, or any Five or more of them shall think proper.

Victuallers, &c. not to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Beer, Ale, Cyder, or Spirituous Liquors, shall hold any Place of Profit under the said recited Act or this Act.

Charges of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring and passing this Act, shall be defrayed out of the Money raised, or to be raised by virtue of the said former Act, or of this Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Eight Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in any such Action or Suit, shall and may at his or their Election plead specially, or the General Issue Not Guilty, and give this and the said former Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of, and by the Authority thereof; and if it shall appear to be so done, or that such Action or Suit shall be brought before Eight Days Notice shall be given thereof as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discon-

General Issue.

tinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants have or hath, or may have, in any other Cases in Law.

Treble Costs.

Publick Act.

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

FINIS.