Anno ſecundo

Georgii III. Regis.

An Act to amend and render more effectual an Act, made in the Twenty ninth Year of the Reign of His late Majeſty, intituled, *An Act for amending and keeping in Repair the Roads leading from* Meadbrook, *which divides the Pariſhes of* Pucklechurch *and* Mangotsfield, *in the County of* Glouceſter, *to* Chriſtian Malford Bridge, *in the County of* Wilts; *and alſo from* Pucklechurch *aforeſaid to certain Coal Mines in the ſaid Pariſh.*



Preamble, reciting Act 9 *Geo.* II.

Whereas by an Act of Parliament, made and paſſed in the Twenty ninth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for amending and keeping in Repair the Roads leading from *Mead Brook*, which divides the Pariſhes of *Pucklechurch* and *Mangotsfield*, in the County of *Glouceſter*, to *Chriſtian Malford Bridge* in the County of *Wilts*; and alſo from *Pucklechurch* aforeſaid, to certain Coal Mines in the ſaid Pariſh; ſeveral Tolls and Duties were granted, and divers Powers given, for repairing the ſaid Roads: And whereas the Truſtees, appointed to put the ſaid Act in Execution, have cauſed the greateſt Part of the ſaid Roads to be repaired; and for that Purpoſe have borrowed a very conſiderable Sum of Money upon the Credit of the ſaid Tolls and Duties; which Money ſo borrowed, and alſo the ſaid Tolls and Duties, have been duly applied: And whereas by a Clauſe in the ſaid Act, the ſaid Truſtees are reſtrained from erecting a Gate or Turnpike

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between a Place called the Salutation and Chriſtian Malford Bridge; and, by another Clauſe in the ſaid Act, the Tolls ariſing thereby (after paying the Expences of procuring and paſſing the ſame, and of erecting and ſetting up Turnpikes and Toll-houſes, are to be applied and diſpoſed of in Manner following; that is to ſay, Two Third Parts thereof in repairing, and keeping in Repair, ſuch Part of the Road only as lies between the ſaid Mead Brook and the ſaid Salutation, in the Pariſh of Caſtlecomb; and alſo between Pucklechurch aforeſaid and the Coal Mines, in the Pariſh of Pucklechurch; and the remaining Third Part in repairing, and keeping in Repair, ſuch Part of the Road only as lies between the ſaid Salutation and Chriſtian Malford Bridge; which ſaid Proviſions have been found inconvenient: 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, from and after the paſſing of this preſent Act, the ſaid recited Clauſe in the ſaid Act, whereby it is provided and declared, that no Gate or Turnpike ſhall be erected or ſet up, in purſuance of the ſaid Act, upon any Part of the ſaid Road, between the ſaid Salutation and Chriſtian Malford Bridge, ſhall be, and the ſame is hereby repealed, for ſo long Time and Term only as the Turnpike already ſet up on the Road leading from Pucklechurch to the Coal Mines aforeſaid ſhall continue, and the ſeveral Tolls be paid and received there.

Clauſe in the recited Act repealed.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, to cauſe to be erected One or more Turnpike or Turnpikes, Toll-houſe or Toll-houſes, upon or acroſs any Part or Parts of the ſaid Road, between Chriſtian Malford Bridge and the ſaid Salutation; and alſo acroſs any Street, Lane, or Way, leading into or out of the ſaid Road, except as herein after excepted; and to cauſe ſuch Tolls to be received and taken at ſuch Turnpike or Turnpikes, before any Horſe, Cattle, or Carriages, ſhall be permitted to paſs through the ſame, as are payable by the ſaid Act upon any other Part of the ſaid Road by the ſaid Act directed to be repaired; which ſaid Tolls ſhall be collected, levied, accounted for, and applied, by ſuch Ways and Means, and in ſuch Manner, as any Tolls directed to be taken by virtue of the ſaid Act are thereby directed to be collected,

Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

levied,

levied, accounted for, and applied; any thing contained in the ſaid recited Act to the contrary notwithſtanding.

If a Turnpike ſhall be erected on the ſaid Road between *Malford Bridge* and the *Salutation*,

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Turnpike or Turnpikes ſhall, at any Time during the Continuance of an Act, paſſed in the Twenty fifth Year of His late Majeſty's Reign, intituled, An Act for repairing and widening the Roads leading from *Chippenham Bridge*, in the County of *Wilts*, to the Top of *Togg Hill*, in the County of *Glouceſter*; and from *Chippenham Bridge* aforeſaid, to the Top of *Old Sodbury Hill*, in the ſaid County of *Glouceſter*; be erected upon the ſaid Road, between Chriſtian Malford Bridge and the Salutation, the Truſtees having the Care of the ſaid Road between Chriſtian Malford Bridge and the Salutation ſhall pay, or cauſe to be paid, to the Truſtees appointed to the Care of the Roads directed to be repaired by the ſaid Act of the Twenty fifth Year of His late Majeſty, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, One Third Part of the Tolls which ſhall be taken at ſuch Turnpike or Turnpikes, after deducting ſo much Money thereout as ſhall be ſufficient to diſcharge all the Expences incurred for or on account of obtaining and paſſing this Act of Parliament; and alſo of erecting ſuch Turnpikes and Toll-houſes as ſhall be thought proper to be erected and ſet up on the ſaid Road, or on the Sides thereof; and of keeping the ſame in Repair from time to time, and alſo the neceſſary Expences of collecting and receiving the ſaid Tolls at ſuch Turnpike or Turnpikes as aforeſaid; and the Treaſurer or Clerk for the time being to the Truſtees, appointed to put the ſaid Act of the Twenty ninth Year of his ſaid late Majeſty in Execution, ſhall and he is hereby impowered and required from time to time to ſtate, or cauſe to be ſtated, an Account, and to deliver the ſame to the Truſtees for the time being, of the ſaid Act of the Twenty fifth Year of His ſaid Majeſty, in every Year, at One of their publick Meetings aſſembled, of the groſs Sum collected in the preceding Year at ſuch Turnpike or Turnpikes, and verify the ſame on Oath, if thereunto required by the ſaid laſt-mentioned Truſtees, or any Five or more of them; which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered to adminiſter; and that if any of the ſaid Third Part of the ſaid Tolls (after ſuch Deductions ſhall have been made as aforeſaid) ſhall be behind and unpaid, for the Space of Three Months after the ſame ſhall be due and be demanded, it ſhall be lawful for the Truſtees, appointed to

One Third of the clear Tolls thereat ſhall be paid to the Truſtees acting under the recited Act of 25 *Geo.* II.

and the Treaſurer or Clerk is to ſtate and deliver accordingly an Account of the groſs Sums collected thereat annually;

and if any of the ſaid Third Part ſhall be unpaid for 3 Months,

the Trustees for putting the said Act of 25 Geo. II. in Execution, may seize the said Turnpike, and collect the Tolls, till all Arrears and Charges are paid.

put in Execution the said Act of the Twenty fifth Year of his said Majesty, or for such Person or Persons as they, or any Five or more of them, shall by Writing under their Hands and Seals, appoint, to seize all or any of the Turnpike or Turnpikes which shall be erected upon the said Road between Christian Malford Bridge and the Salutation as aforesaid, and to collect and receive the Tolls authorized to be taken thereat, till the Sum so remaining due and unpaid, and all reasonable Charges attending such Collection and Perception, shall be fully paid, and no longer; any thing in this Act contained to the contrary notwithstanding.

First yearly Payment to be made by 25 *March*, 1763.

Provided always, That the First yearly Payment of the said Third Part of the said Tolls shall be made on or before the Twenty fifth Day of March, One thousand seven hundred and sixty three.

The Trustees for *Chippenham Bridge* Road to *Old Sodbury Hill*, are to repair the Road from the *Salutation* to and through *Burton*.

Provided also, That the said Trustees for the Care of the said Road from Chippenham Bridge to Old Sodbury Hill, shall, and they are hereby required out of the first Moneys which shall be paid to them as aforesaid, to repair such Part of the Road as leads from the said Salutation to and through Burton, where the same joins the Pucklechurch Turnpike Road; and that the said Trustees are hereby also required, from time to time, to keep the same in good and sufficient Repair, for the future, out of such Money as they shall from time to time receive as aforesaid; and that the Trustees for the Care of the Pucklechurch Road shall (after the several Payments directed by this Act to be made as aforesaid) out of the first clear Money arising out of the Tolls to be collected as aforesaid, amend the said Road between Christian Malford Bridge and the said Salutation; and that the said Trustees are hereby also required, from time to time, to keep the same in good and sufficient Repair for the future.

and the Trustees for *Pucklechurch* Road, are to repair the Road between *Christian Malford Bridge* and the *Salutation*.

Clause repealing the said Repairs in the recited Acts repealed.

And be it further enacted by the Authority aforesaid, That so much of the said recited Clause as directs, that Two Third Parts of the said Tolls shall be applied in repairing, and keeping in Repair, such Part of the Road only as lies between the said Mead Brook and the said Salutation, in the Parish of Castlecomb; and also between Pucklechurch aforesaid and the Coal Mines, in the Parish of Pucklechurch; and the remaining Third Part in repairing, and keeping in Repair, such Part of the Road only as lies between the said Salutation and Christian Malford Bridge aforesaid, shall be, and the same is hereby repealed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or

any Five or more of them, from time to time to apply the whole Tolls arising by the said Act, or any Part thereof, in amending and keeping in Repair any Part or Parts of the Roads by the said recited Act directed to be repaired, in such Manner as they, or any Five or more of them, shall think proper; and also to and for such other Purposes of the said Act as they shall think most convenient; any thing contained in the said recited Act to the contrary thereof in any wise notwithstanding.

The whole Tolls arising by the Act, or any Part thereof, in Repair of the Roads, &c. applied.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected or set up in pursuance of the said former Act, or this present Act, within the Distance of Two Miles from Christian Malford Bridge, any thing in the said former Act to the contrary in any wise notwithstanding.

No Turnpike to be erected within 2 Miles of *Christian Malford Bridge*.

And be it further enacted by the Authority aforesaid, That no Toll whatsoever shall be demanded or taken, by virtue of the said recited Act, for any Carriage whatsoever, which shall be going to Marshfield Market upon the Market Days, such Carriage being laden only with Corn or Grain, nor for the same Carriage returning empty from the said Market on the Market Days aforesaid; and that no more than One Moiety of the Tolls granted by the said former Act shall be paid for any Carriage which shall be laden only with Corn or Grain, and shall be going to the said Town of Marshfield (not being upon Market Days) nor for any such Carriage returning empty from the said Town of Marshfield; any thing contained in the said recited Act to the contrary in any wise notwithstanding.

Corn Carriages going to or returning from *Marshfield* Market, are exempted Tolls; and upon other Days are to pay only a Moiety of the usual Tolls.

Provided always, That in case any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings; and the same shall be levied, recovered, and applied, in the same Manner as any the Penalties and Forfeitures incurred against the said recited Act are thereby directed to be levied, recovered, and applied.

Penalty on taking the Benefit of any of the said Exemptions, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That out of any of the Tolls collected or to be collected by virtue of the said recited Act, the said Trustees, or any Five or more of them, shall forthwith pay and discharge all the Charges and Expences incurred on account of obtaining and passing of this Act of Parliament; and the same shall be repaid to them out of the First Monies which shall be collected or received at any Turnpike which shall or may be erected or set up upon any Part of the Road between Christian Malford Bridge, and the Salutation aforesaid.

Charges of passing this Act to be paid out of the First Monies collected.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant or Defendants, in any such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County, or Place, than as aforesaid; that then, the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendants, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for his or their Costs in other Cases by Law.

General Issue.

Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.