Anno quarto

Georgii III. Regis.

An Act to enlarge the Term and Powers of ſo much of an Act of the Twenty ninth Year of the Reign of His late Majeſty, for repairing and widening ſeveral Roads therein deſcribed, leading from the Town of *Tewkeſbury*, in the County of *Glouceſter*, as relates to the Firſt Diſtrict of Roads therein mentioned; and for amending the Road from *Comb Hill* to a Bridge near *Norton Mill*, in the County of *Glouceſter*, and from *Eckington Bridge* to join the Turnpike Road which leads from *Upton on Severn* to *Perſhore*, in the County of *Worceſter*.



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 repairing and widening the ſeveral Roads from the Town of *Tewkeſbury* to *Coſcomb Gate*; and from *Iſabel's Elm* to the Top of *Gotherington Hill*, in the County of *Glouceſter*; and from *Tewkeſbury* to a Farm-houſe, called *The Old Blue Bell*, and to the Direction Poſt in the Pariſh of *Ripple*, and to *Simmond's* Preamble, reciting 29 *Geo.* II.

Simmond's Ford Brook, and from *Breedon* to *Eckington Bridge*, in the County of *Worcester*; and from *Tewkesbury* to *Waindhead's Bridge*, and to the Road opposite to *Elston* Church; and from the Market-house in *Cheltenham* to the Turnpike Road from *Burford* to *Gloucester*, near a Tree called *Pewsdon Ash*, in the County of *Gloucester*; several Tolls were granted, and Powers given, to the Trustees therein named, or to be appointed, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, for repairing the said several Roads therein described: And whereas the Trustees appointed by the said Act for the First District of Roads therein described have borrowed a considerable Sum of Money on the Credit of the Tolls made payable by the said Act, within the said First District of Roads, which now remains unpaid, and great Sums of Money have been expended in amending the Roads within the said First District; but the same cannot be effectually amended and kept in good Repair, and the Money now borrowed repaid, unless the Term and Powers of the said Act, so far as they relate to the Roads within the said First District, are enlarged, and the said Act made more effectual; And whereas the Road leading from the Turnpike Road from Tewkesbury towards Piff's Elm aforesaid, at or near a Place called Comb Hill, to the Turnpike Road from the City of Gloucester towards Tewkesbury aforesaid, to a certain Bridge at or near a Place called Norton Mill, being Part of the upper Road leading from the said Town of Tewkesbury to the City of Gloucester aforesaid; and also the Road which leads from a Place called Eckington Bridge towards Pershore, in the County of Worcester, to join the Turnpike Road which leads from Upton-on-Severn to Pershore aforesaid, are very ruinous and incommodious, and cannot be effectually amended, widened, and kept in Repair, by the Laws now in being; And whereas by the said recited Act, the Trustees for the said First District of Roads are not impowered to receive Tolls more than once in any One Day, for Cattle and Carriages passing and returning once through all or any of the Turnpikes upon the said Road leading from Tewkesbury to Coscomb Gate, in the Parish of Stanway; and unless additional Tolls are allowed to be taken by them upon that Road, over and above the present Tolls now authorized to be taken upon that Road, the Purposes of the said Act cannot be effected: 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 so much of the said recited Act as relates to the said First District of Roads, thereby directed to be repaired, and all the Clauses, Tolls, Powers, Provisions, Penalties, and Forfeitures, therein contained (except so much thereof as are by this Act altered or varied) shall be, and the same are hereby declared to be and continue in Force from the Expiration of the Term of the said Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, subject to the Payment of the Money which is or shall be borrowed or due on the Credit of the Tolls, arising or to arise on the several Roads within the said First District by virtue of the said former Act, as fully to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act.

The recited Act further continued for 21 Years.

And be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, so much of the said recited Act as relates to the said First District of Roads, and this present Act, and all the Clauses, Provisions, Authorities, Penalties, and Forfeitures, therein and herein contained, shall respectively extend to the said new additional Road leading from the Turnpike Road from the said Town of Tewkesbury towards Piff's Elm, in the said Act also mentioned, at or near a Place called Comb Hill, to the Turnpike Road leading from the City of Gloucester towards Tewkesbury aforesaid, to a certain Bridge at or near a Place called Norton Mill, being Part of the upper Road leading from the said Town of Tewkesbury to the City of Gloucester aforesaid, and also to the other new additional Road which leads from a Place called Eckington Bridge, towards Pershore in the County of Worcester, to join the Turnpike Road which leads from Upton on Severn to Pershore aforesaid, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act; and such first-mentioned new or additional Road is hereby declared to be Part of the Division of Road, mentioned in the said former Act, leading from the said Town of Tewkesbury to Piff's Elm; and the other new or additional Road is hereby declared to be Part of the Division of Road, mentioned in the said former Act, leading from the said Town of Tewkesbury to Swinhond's Ford Brook, and from Breedon to Eckington

Former Act extended to new Road.

ton Bridge aforesaid, and which said new Roads shall be respectively repaired and widened in such Manner as the Roads within such Divisions are respectively directed to be repaired and widened.

Additional Trustees Names.

And be it further enacted by the Authority aforesaid, That the High Steward, the Justices, Town Clerk, Chamberlain, and principal Burgesses of the Borough of Tewkesbury, in the County of Gloucester, for the time being; the Reverend Richard Andrews, the Reverend John Arnold, William Beckford, the Reverend Rowland Broadstock, William Buckle, Richard Bayzand, John Barnett, John Baldwyn, Thomas Banck, Joseph Boulter of the Church Street in Eckington, John Beale of Temple Guiting, Sir William Codrington Baronet, William Codrington, the Honourable William Craven, the Honourable and Reverend Henry Craven, the Honourable Thomas Craven, the Honourable William Craven junior, the Reverend John Craven, William Clifton, Thomas Chinn, Thomas Collins, Joseph Collet, Richard Carlos, John Cook of the Lye, the Reverend John Cowchen, Richard Cripps of Hayles, Robert Care, the Reverend George Clevely, William Carnall, George Dowdeswell LL. D. Charles Dowdeswell, John Darke of Alstone, William Weale Darke, Thomas Dance, Walter Dewguard, William Durham, John Evans, Thomas Freeman of Laverton, William Freeman of Beckford, Thomas Freeman of Greet, James French, William Francomb, Benjamin Fisher, Francis Geers LL. D. the Reverend Godfrey Goodman, William George, William Higford, the Reverend Henry Higford, the Reverend John Holbrooke, the Reverend Robert Harden, Nicholas Hyett, Benjamin Hyett, John Havard, Neast Havard, the Reverend George Hayward, Samuel Hayward of Sandhurst, Charles Hayward, Charles Hayward junior, William Hayward of Forthampton, Thomas Hayward of Compton, Edward Hanford junior, James Hanford, Charles Hanford, William Hill, Samuel Healing, Sir Hildebrand Jacob Baronet, John Jones Brazier, George Gilbert Jones, Nathaniel Joynes, Samuel Joynes junior, Gilbert Insall, William Jones Brazier, William Jennings of Eckington, the Reverend Robert Kirkham, Thomas Kings, Edmund Lechmere junior, the Reverend William Lockwood, the Reverend Benjamin Lane, Edward Leighe, the Reverend John Martin of Buckland, Thomas Merryman of Twyning, Thomas Mumford, William Martin junior, John Martin of Tewkesbury, Robert Martin, John Merryman Shopkeeper, Thomas Merryman of Winchcomb, the Reverend R. Neale, Sir Charles Pratt Knight,

Sir

Sir George Perrott Knight, Robert Pratt of Cotsomb, William Prinn, Charles Parsons, John Pitt, Philip Pitt, the Reverend Ethelbert Perkes, the Reverend William Palmer, Edward Phelps, John Phillips of Gretf, Joseph Peace, Henry Pryor, the Reverend George Roberts, Marmaduke Rose, George Rickards of Kinsham, Flock Roberts, John Ricketts of Breedon, William Ricketts of Breedon, Richard Roberts, John Roberts of Mitton, Edward Roberts of Mitton, Thomas Rogers of Gloucester Sadler, Powell Snell junior, George Savage of Gloucester, Luke Singleton, William Singleton, William Smard M. D. Nicholas Smithsend, the Reverend John Sandys, William Smith of Tewkesbury Butcher, Robert Smith, Erasmus Saunders D. D. the Reverend Guy Stone, the Right Honourable Lord Viscount Tracy in the Kingdom of Ireland, Dodwell Tracy, Thomas Thornberry, the Reverend John Taylor, George Turberville, Edmund Turberville, John Terrett of Tewkesbury, John Terrett of Chacely, Benjamin Tidmarsh, the Reverend Thomas Vernon, Thomas Vernon Barrister at Law, William Vernon, Benedict Wakeman, the Reverend Reginald Winniatt, Henry Whitaker, John Welles of the Lye, John Webb, Thomas Warren, Thomas Woodyatt, Joseph Wintle, Thomas Waldron, Richard Webb, the Honourable and Reverend James Yorke Dean of Lincoln, John Dobbins Yate, Thomas Yeates, shall, from and immediately after the said First Day of May, One thousand seven hundred and sixty four, be added to and joined with the Trustees appointed or to be appointed to put this Act in Execution, and also so much of the said former Act in Execution as relates to the said First District of Roads, and also to the new or additional Roads hereby directed to be repaired; and the Trustees nominated and appointed, or to be elected to put the said former Act in Execution, and the Trustees herein before named, shall be, and are hereby authorized and impowered to put the said former Act and this Act in Execution, so far as the same relate to the said First District of Roads, and to the new or additional Roads, hereby directed to be repaired, as Part of that District.

Provided always, That no Person appointed by this Act, or to be hereafter elected, shall be capable of acting as a Trustee, unless he shall be qualified according to the Directions of the said former Act for the Qualification of Trustees: And if any Person, so made incapable, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the

To be qualified as the old Act directs.

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

And whereas it is necessary, that an additional Toll should be paid upon such Part of the Roads aforesaid as lies between Tewkesbury and Coscomb Gate, in the Parish of Stanway, over and above the Tolls now paid upon that Road; be it therefore further enacted by the Authority aforesaid, That from and after the said First Day of May, One thousand seven hundred and sixty four, the said Trustees, or any Five or more of them, shall, and they are hereby authorized and impowered to erect, or cause to be erected, One or more Turnpike or Turnpikes upon the said Road between Coscomb Gate aforesaid, in the Parish of Stanway, and a certain Elm called Bengrove Elm, standing within the Tything or Hamlet of Bengrove, in the Parish of Beckford, in the County of Gloucester, and upon, or cross, or on the Side of any Way or Lane leading into the same, and also a Toll-house or Toll-houses; and the Tolls following shall be paid before any Horse or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through any such Turnpike or Turnpikes (over and above the present Tolls authorized to be taken by virtue of the said recited Act;) that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the additional Tolls following thereat.

The Tolls.

For each Horse or Beast of Draught drawing any Coach, Waggon, or other Carriage whatsoever, the Sum of Four Pence,

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

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

And for every Drove of Calves, Sheep, Lambs, Swine, or Goats, the Sum of Five Pence per Score, and so in Proportion for any greater or less Number; any Thing in the said recited Act contained to the contrary notwithstanding;

Which said Sums of Money shall be demanded and taken in the Name of and as a Toll, and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same,

and shall be vested in the said Trustees, and collected, levied, recovered, and applied, and may be let, reduced, and raised again, by such Ways and Means, and in such Manner, as the other Tolls directed to be taken on the said Road between Tewkesbury and Coscomb Gate, and between Isabel's Elm and the Top of Gotheringham Hill, by virtue of the said recited Act, can or may be collected, levied, recovered, and applied, let, or reduced, and raised again, and be subject to the like Exemptions as the said recited Act directs; and all Persons evading or attempting to evade the Payment of the Tolls hereinbefore mentioned, shall be liable to the same Penalties and Forfeitures as Persons evading or attempting to evade Payment of the Tolls directed to be paid by the said recited Act; and the same shall and may be levied and recovered in the like Manner as Penalties or Forfeitures for Offences of the like Nature against the said recited Act are thereby directed to be levied and recovered; and the same when recovered, shall be applied towards repairing the said Road leading from Tewkesbury to Coscomb Gate.

Turnpikes to be a separate Charge.

Provided always, That the Expences of erecting Turnpikes and Toll-houses upon the said Road between Coscomb Gate and Bengrove Elm aforesaid, and the Payment of Salaries and Allowances to Officers employed on the said last mentioned Road, shall be defrayed out of the Tolls to be collected at the said Turnpikes, or out of the Money to be borrowed upon the Credit thereof.

Tolls to be paid but once a Day.

Provided always, and be it enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than once for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages (except as hereafter excepted) through all or any of the Turnpikes erected or to be erected by virtue of this present Act, between Coscomb Gate and Bengrove Elm; but all and every Person and Persons having paid Toll once at any such Gate or Gates, upon producing a Note or Ticket denoting the Payment of such Toll, shall afterwards pass Toll-free with the same Horses, Cattle, Beasts, and Carriages, (except as hereafter excepted) during such Day, through all the Turnpikes to be erected by virtue of this present Act upon the said Road, or between Coscomb Gate and Bengrove Elm, or on the Sides thereof, in respect whereof such Toll shall have been so paid; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Tolls for loaded Waggons.

And whereas, on account of the great Expence attending the Repairs of the Road between Tewkesbury and Coscomb Gate, it may be necessary that Tolls should be paid for loaded Waggons and other Carriages, for which Tolls have been before the same Duties paid at any of the Turnpikes or Gates erected or to be erected upon the said Road, each Time they pass through the same Turnpike; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, if they think fit, to demand and take, and cause to be demanded and taken, the Tolls by the said recited Act and by this Act granted, or such Proportion thereof as they shall think proper for all Horses and Cattle drawing any Waggon, Cart, or other Carriage of the like Kind, for every Time such Carriage shall pass laden with any Thing not exempted by the said recited Act, through the same Turnpike or Gate upon the said Road, except Tolls shall have been paid for such Horses or other Cattle, drawing such Carriage through the same Turnpike empty, the previous Time of passing the same Day; and in such Case, the same Horses or other Cattle drawing the same Carriage, shall repass once in the same Day through the same Turnpike Toll-free; any thing in the said recited Act or in this present Act, to the contrary notwithstanding.

New Tolls to be a separate Security.

And, in order the better to carry this Act into Execution; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls directed to be taken by virtue of this Act, at any Turnpike or Turnpikes erected or to be erected upon the said Road between Coscomb Gate and Bengrove Elm, by separate and distinct Assignments (the Costs and Charges of assigning the same to be paid out of the said Tolls) for any Time or Term during the Continuance of this Act, as a separate and distinct Security for the respective Sums to be borrowed upon the Credit of the said Tolls, to such Person or Persons, or their Trustee or Trustees, who shall advance or lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding five Pounds per Centum per Annum; and separate Accounts shall be taken and kept of all Money to be collected, received or borrowed, on the Credit of the said Tolls, to arise upon the said Road between Coscomb Gate and Bengrove Elm; and the Money so to be borrowed shall, together with the Tolls to be collected at such Turnpike

or

of Turnpikes, be applied and disposed of by the said Trustees, or any Five or more of them, in repairing the said Road from Tewkesbury to Coscomb Gate, and other the Purposes of this Act, in such Manner as they shall think proper.

Old Tolls to be a Security for Money borrowed.

And, in order the better to secure the Repayment of any Money which shall be advanced upon the Credit of the Tolls to be collected upon the said Road between Coscomb Gate and Bengrove Elm; be it further enacted and declared by the Authority aforesaid, That all the Tolls which shall or may be collected at any Turnpike or Turnpikes now erected upon any Part or Parts of the Road between Tewkesbury and Bengrove Elm, or between Isabel's Elm and the Top of Gothrington Hill, by virtue of the said recited Act, shall, from and immediately after the said First Day of May, One thousand seven hundred and sixty four, be a collateral Security to any Person or Persons for any Sum or Sums of Money, with Interest, which he or they shall or may advance or lend upon the Credit of the Tolls granted by virtue of this Act, to be collected at any Turnpike or Turnpikes to be erected between Coscomb Gate and Bengrove Elm, to secure the Repayment thereof.

Clause to regulate the Application of particular Tolls.

Provided always nevertheless, That none of the Tolls which shall be collected between Tewkesbury and Bengrove Elm, or between Isabel's Elm and the Top of Gothering-ton Hill, shall be applied or be liable to pay off or discharge any Sum or Sums of Money, or any Part thereof, which shall or may be advanced or lent upon the Credit of the Tolls to be taken at any Turnpike or Turnpikes which shall or may be erected between Coscomb Gate and Bengrove Elm, until all the Money now due and owing upon the Credit of the said Tolls, to arise between Tewkesbury and Coscomb Gate, or between Isabel's Elm and the Top of Gotherington Hill, by virtue of the said recited Act, and all Interest due thereon, shall be fully satisfied and paid; any thing in this Act contained to the contrary notwithstanding.

The Expences of this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Expences of procuring and passing of this Act, shall be in the First Place paid and satisfied in the Manner and Proportions following; that is to say, Three Tenth Parts of such Expences out of the Tolls which shall be collected upon the Road from Tewkesbury to Piff's Elm, and the said Bridge at or near Norton Mill, or out of the Money borrowed on the Credit thereof; One Tenth Part of the said Expences out of the Tolls which shall be collected upon the Road from Tewkesbury to the Old Blue Bell, and to the Direction Post in the Parish of

to

Ripple,

Ripple, and out of the Money borrowed on the Credit thereof; One Tenth Part of the said Expences out of the Tolls which shall be collected on the Road from Tewkesbury to Simmond's Ford Brook, and to Eckington Bridge; and the Remainder of such Expences out of the Tolls which shall be collected upon the Road from Tewkesbury to Coscomb Gate, and to the Top of Gotherington Hill, or out of the Money borrowed on the Credit thereof.

Five Trustees to act, except in certain Cases.

And be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, it shall and may be lawful for any Five or more of the said Trustees for the said First District, at any Meeting to be held as by the said former Act is directed, and not elsewhere; to execute all or any of the Powers and Authorities given to the said Trustees by the said former Act, except the Power of letting and assigning the Tolls thereby and hereby made payable.

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 Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County or Place where the Fact was committed, and not elsewhere; and the Defendant and 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 the same: And if it shall appear to to have been be 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, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be 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 in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.