Anno nono

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Thirty third Year of King *George* the Second, for repairing and widening the Road from *Glouceſter*, towards *Hereford*, and other Roads therein mentioned; and for amending ſeveral other Roads near or adjoining to ſome of the ſaid Roads.

WHEREAS an Act was made in the Twelfth Year of the Reign of King George the First, for repairing and widening the Roads from the City of Glouceſter, to the City of Hereford; and ſo much of the ſaid Roads as lie in the County of Glouceſter, are therein deſcribed to lead through the Parishes of Churcham, Huntley, Longhope, The Lea, Rudford, Tibberton, Tainton, Upleadon, Newent, Minſterworth, Weſtbury, Maiſemore, Laſſington, Saint Mary de Lode, Hartpury, and Corſe: Preamble.

Act 20 Geo. II. Corſe: And whereas an Act was made in the Twentieth Year of the Reign of his late Majeſty King George the Second, for enlarging the Term and Powers of the ſaid before-mentioned Act, ſo far as the ſame related to the ſaid Roads in the ſaid County of Glouceſter; and alſo for amending the Road from a Place called The King's Standing, through the ſaid Pariſh of Corſe, to the Pariſh of Staunton, in the ſaid County of Glouceſter, and from The King's Standing aforeſaid, through the ſaid Pariſh of Corſe, and the Pariſhes of Hasfield and Tirley, in the ſaid County of Glouceſter, to the Pariſh of Eldersfield, in the County of Worceſter:

Act 33 Geo. II. And whereas an Act was made in the Thirty third Year of the Reign of his ſaid late Majeſty, for making more effectual, continuing the Term, and enlarging and altering the Powers of the ſaid Act of the Twentieth Year of his ſaid Majeſty: And whereas ſeveral Sums of Money have been borrowed on the Credit of ſeveral Proportions of the Tolls granted by the laſt recited Act, and ſtill remain due: And whereas great Progreſs has been made in amending the ſaid Roads, but from the great Extent thereof, and Inſufficiency of the Tolls, it is found, that all the ſaid Roads cannot be effectually repaired and widened, and kept in Repair for the future, and the Money ſo borrowed be repaid, with the Intereſt thereon, unleſs the Term of the ſaid laſt-mentioned Act be enlarged, and the ſaid Act made more effectual: And whereas the Road from the preſent Turnpike Road at Newent, Part of the Roads by the ſaid laſt-recited Act directed to be repaired through the Town and Pariſh of Newent, and the Pariſhes of Pauntley, Oxenhall, Dymock, and Donington, to join the Ledbury Turnpike Road, at or near a Place called Dinichill, in the ſaid Pariſh of Donington; and alſo the Road leading from the preſent Turnpike Road at Mitchell Dean, to a Place called Guns Mills, in or near the Pariſh of Abenhall, in the ſaid County of Glouceſter, and from the ſaid Turnpike Road at Mitchell Dean, through the Town of Mitchell Dean, to the Top of a Hill called the Stenders, in or near the Foreſt of Dean, and through the ſaid Town of Mitchell Dean, to the Turnpike Road leading from the Lea to Roſs, at or near a Place called Caſtle End, and through the ſaid Town of Mitchell Dean, to the Turnpike Road leading from the City of Glouceſter, through the Lea, in the County of Glouceſter, in the Road to Hereford, at or near a Place called the Lea Line; and alſo the Road leading out of the Turnpike

New Roads.

Road, from the City of Gloucester, to a Place called Hawkins Pill, in the Road to Newnham, at or near a Place called Jordan Hill, through the Parish of Flaxley, to the Place called Guns Mills aforesaid; and also the Road leading from the said last-mentioned Turnpike Road, in the Tything of Elton, to the Cross in the Town of Little Dean, in the said County of Gloucester; are in a ruinous Condition, narrow in some Places, and cannot be effectually amended by the ordinary Course of Law: 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 Term of the said Act made in the Thirty third Year of His late Majesty, shall be, and the same is hereby further continued, from the Expiration thereof, 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 contained, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things whatsoever, in this Act contained, shall take Place, and commence upon the First Day of May, One thousand seven hundred and sixty nine, 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, for the Purpose of repairing, widening, and keeping in Repair, the said Roads from Gloucester, over Over's Bridge, to Highnam Pool, and through the Parish of Churcham, to the Wood End Farm in the Parish of Huntley, and through the Parishes of Huntley, Longhope, and the Lea, in the County of Gloucester, in the Road to Hereford; and also the Road from the said Wood End Farm, through the Parish of Longhope, to and through the Town of Mitchell Dean, to the Top of the Hill called The Stenders, and the Road leading through the said Town of Mitchell Dean, to the Lea Line, in the said Road leading from Gloucester, through the Lea, towards Hereford, and the Road leading through Mitchell Dean, to a Place called Castle End, in the said Road leading towards Hereford, and the Road leading from the said Town of Mitchell Dean, through the Parish of Abenhall, to a Place called Guns Mills; and also the Road leading from Highnam Pool aforesaid, through the Parish of Rudford, and the Parish and Town of

Former Act further continued for 21 Years.

Newent, and the Parishes of Pauntley, Oxenhall, Dymock, and Donington, by Dinichill, to the Turnpike Road leading to the Town of Ledbury; and also the Road leading from Highnam Gate, at or near Highnam Pool, through the Parishes of Minsterworth and Westbury, to a Place called Hawkins Pill, in the Road to Newnham, and the Road leading out of and from the said Road, at a Place called Jordan Hill, through the Parish of Flaxley, to Guns Mills aforesaid, and the Road leading out of and from the same Road, in the Tything of Elton, to the Cross in the Town of Little Dean, in the County of Gloucester; and also the Road leading out of the said Road, from the City of Gloucester, at or near Over's Bridge, through the Parishes of Maisemore, Hartpury, and Corse, to the Parish of Staunton, in the Road to the Town of Ledbury, and to the Parish of Eldersfield, in the Great Road to the City of Worcester, being the Roads included in the said herein recited Acts, and the new and additional Roads herein before described.

Additional Term subject to the Payment of Money.

And be it further enacted by the Authority aforesaid, That the additional Term hereby granted, shall be, and the same is hereby, made subject to the Payment of all Money now due and owing upon the Credit of the said herein recited Acts, any, or either of them, and all Interest due, and to grow due thereon.

Trustees Names.

And be it further enacted, That the Right Honourable Lord Viscount Gage in the Kingdom of Ireland, Sir John Guise, Sir Walter Compton, Sir William Codrington, Sir Onesiphorus Paull, Sir Chandos Hoskyns, Sir William Strahan, Baronets; Charles Barrow, Thomas Bathurst, Samuel Blackwell, Thomas Crawley Boevey, Thomas Crawley Boevey the younger, William Buckle, Yate Bromwich Clerk, Bromwich junior, John Beal, William Barns Clerk, George Bonner, Thomas Baron, Thomas Branch, Francis Brabant, Peregrine Ball Clerk, Robert Bathorne, Charles Bishop Clerk, Thomas Bower, Thomas Bower junior, John Box, Miles Astman, John Astman, Christopher Bond, Thomas Bellamy, James Benson D. D. Edward Bearcroft, Thomas Bonner, Maynard Colchester, Richard Colchester, William Crawley Clerk, Edmund Chamberlayn, Edward Pye Chamberlayn, Edward Chin, Joseph Cheston, Richard Brown Cheston, John Cowcher Clerk, John Cam, James Cooper, James Commeline, William Chandler, William Cowcher, Antipas Church, Antipas Church junior, William Dowdeswell, Thomas Dowdeswell, George Dowdeswell M. D. Charles Dowdeswell, Charles Dowdeswell

well junior, Thomas Davies, Edward Driver, Edward Draper Clerk, Daniel Dew, John Dew, John Dew junior, Robert Ellis, Daniel Ellis, Daniel Ellis junior, Mark Everard, Edward Elton, William Edwards, James Elly, John Elton, Thomas Foley, Thomas Foley the younger, Edward Foley, Robert Foley D. D. John Foley Clerk, Samuel Farmer, Samuel Farmer, John Fendall, Thomas Freeman, William Guiſe, John Guiſe, Charles Grevile, William Cope Gregory, Thomas Hayward, Charles Hayward, William Hayward, Samuel Hayward, William Hayward Clerk, John Howell, Nicholas Hyett, Benjamin Hyett, Richard Hayle, Thomas Hartland, Robert Harden Clerk, Chriſtopher Hoſkins Clerk, Richard Hill, Richard Hill junior, Edward Hearn, Edward Holder, William Hankins, John Hankins, Thomas Hill, Joſeph Hill, Richard Hall, William Hodges, William Hardwick, Robert Holder, Robert Holder junior, Thomas Hopkins, Thomas Hammond, William Jones of Naſs, Edward Jones, Roynon Jones, Roynon Jones Clerk, Charles Jones, Thomas James, John Jenkins Clerk, Colonel John Jennings, John Jelf Clerk, Thomas Kemble, Robert Keyſe, Edmund Lechmere, Nicholas Lechmere, Daniel Lyſons, Daniel Lyſons the younger, William Lane, Percival Lloyd, Charles Morgan, Richard Morley, Edward Tomkins Machen, John Moreton Clerk, William Mathews, Thomas Hopkins Merrick, William Mynd, Morſe of Newent, Thomas Mee, George Mynd, William Nourſe, Samuel Niblett, John Newton, Benjamin Newton, John Probyn, Edmund Probyn, William Probyn, Thomas Price, Thomas Pettatt, William Parker, Charles Parker Clerk, John Pitt, James Pitt Clerk, Thomas Pulton, Edmund Phillipps, Robert Pyrk, Thomas Parker Clerk, Joſeph Peach, John Palmer Clerk, James Rock, Thomas Rogers, Stephen Rea, John Ratcliffe D. D. Charles Roan, William Rowles, Robert Raikes, John Robinſon, Thomas Ruſſel, John Roberts D. D. John Roberts, Thomas Rideout, Richard Rideout, Moſes Randal of Glouceſter, John Scudamore, George Auguſtus Selwyn, George Savage, William Singleton, Edward Sparkes Clerk, Samuel Sargeant Clerk, Edward Sargeant, John Sargeant Clerk, John Sadler of Glouceſter, Thomas Symons, Richard Symonds of the Mynde, John Skip, John Skip junior, Thomas Saunders, Abraham Saunders, Thomas Vernon, William Hughes Vernon, Herbert Weſtfaling, Philip Weſtfaling, Charles Wyndham, William Hayward Winſtone, Nicholas Webb junior, Thomas Wadley of Glouceſter, John Wood junior, Joſeph Watts alias Pyrk, Reginald Wynniat, John

 Webb,

Webb, and Francis Woodhouſe, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for the widening, altering, repairing, and keeping in Repair, the ſaid ſeveral Roads, and for putting in Execution all the Powers by this Act given.

Qualification of Truſtees.

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

Penalty on acting, if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the King's Head Inn in Glouceſter on the Second Day of May next, 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, in the City of Glouceſter, or within Eight Miles thereof, in the County of Glouceſter; and the ſaid Truſtees, or any Five or more of them, ſhall, at their Firſt or any ſubſequent General Meeting or Meetings, from time to time, during the Continuance of the Term hereby granted (if they ſee Cauſe) divide and diſtribute themſelves into as many ſeveral

several and distinct Committees, for the Management and effectual Repair of the said several and respecti e Roads, as they shall see necessary and think fit; and they shall, from time to time, set down in Writing the Names of those who shall act at each Committee, so as Five or more of the said Trustees shall be appointed for each Committee for repairing each Road, and also such convenient Place or Places as aforesaid for the Meeting of such Committee or Committees for the Purposes aforesaid, as they shall see meet; but that such Appointment shall not thereby restrain any of the Trustees from acting in any of the Trusts by this Act reposed in them: And if, at any Meeting appointed by virtue of this Act, there shall not appear 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 as aforesaid, 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 to act,

may adjourn to another Meeting.

Trustees to defray their ownExpences.

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

Trustee not to accept of a Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of adjourning; and if it shall at any Time happen that no Trustee shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then, in case the Clerk or Clerks to the said Trustees shall refuse or neg-

Two Trustees may adjourn the Meeting;

but if no Trustee appear, or the Clerk neglect or refuse, &c.

to appoint another Meeting, Two Truſtees may appoint One.

leſt to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall and may be lawful for any Two or more of the Truſtees, appointed to put this Act in Execution, at any Time or Times, to appoint ſuch Truſtees to meet at ſome Houſe in or near the ſaid Roads as aforeſaid, on ſome Day within a Fortnight then next enſuing; which Appointment ſhall be in Writing, and ſhall be affixed on the Turnpikes erected by virtue of this Act acroſs the ſaid Roads, or advertiſed in the Glouceſter Journal as aforeſaid; either of which Methods ſhall be deemed and taken to be ſufficient Notice for any ſuch Meeting.

Meetings on Emergency.

Provided likewiſe, and be it further enacted and declared by the Authority aforeſaid, That if, after any Adjournment by virtue of this Act, or after ſuch Refuſal or Neglect as aforeſaid, it ſhall at any Time be thought neceſſary, for the better Execution of this Act, that an early Day of Meeting ſhould be appointed, the Perſon acting as Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of them, naming the Time and Place of ſuch Meeting, ſhall, as ſoon as may be, give Notice thereof by Advertiſement in the ſaid Journal, and thereby appoint a Meeting of Truſtees to be held at ſuch Time and Place as ſhall be by ſuch Order directed, ſuch Time not being leſs than Fourteen Days after the Publication of the ſaid Journal, and ſpecifying in ſuch Notice the particular Buſineſs intended to be tranſacted at ſuch Meeting; and ſuch Buſineſs, when ſo done and concluded upon at ſuch Meeting, ſhall have the ſame Effect as it could have had in caſe it had been done at any Meeting of Truſtees herein otherwiſe authorized or directed to be held; but any other Buſineſs done at ſuch Meeting than what ſhall be ſo ſpecified, ſhall be, to all Intents and Purpoſes, void and of none Effect.

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 Fourteen Days before every ſuch Meeting; and

all

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.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may continue or remove the Turnpikes already erected upon the Roads included in this Act, and hereby directed to be amended; and may cause to be erected any other Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part or Parts of the respective Roads included in this Act, and also on the Side or Sides of any of the said Roads, and cross any Lane or Way leading into the same respectively, and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike or Turnpikes; and that the Tolls following shall be demanded and taken, at every such Turnpike or Turnpikes, by such Person or Persons as the said Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, or to whom the same shall be let; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Ox, Mule, Ass, or other Beast, not exceeding the Number of Two, such Horses, Oxen, Mules, Asses, or other Beasts, drawing any Coach, Chariot, Chaise, Chair, Calash, Waggon, Cart, Car, Dray, or other Carriage, the Sum of Three Pence.

And where any Coach, Chariot, Chaise, Chair, Calash, Waggon, Cart, Car, Dray, or other Carriage, shall be drawn by more than Two Horses, Oxen, Mules, Asses, or other Beasts, the Sum of Four Pence for every Horse, Ox, Mule, Ass, or other Beast, so drawing.

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 to be levied by Distress and Sale.

Tolls vested in Trustees.

Property of Turnpikes and Toll-houses vested in Trustees.

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

Trustees may lease, &c. the Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby authorized and impowered, from time to time, as they shall think proper, to lessen, vary, or alter, all or any Part or Parts of the several Tolls hereby granted with respect to all or any Number of Horses, Oxen, or other Beasts, drawing all or any Sort or Sorts of Carriages, at any or either of the said Gates or Turnpikes,

pikes, and to raiſe the ſame again, ſo as the ſame do not exceed the Tolls by this Act granted, and ſo as ſuch Reduction be with the Conſent of the ſeveral Perſons who ſhall be intitled to Two third Parts at the leaſt of the Money then due on the Credit of the ſaid reſpective Tolls; but ſuch Reduction ſhall not be made after the Firſt Meeting, unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all the Turnpikes then erected croſs the ſaid Roads, or by advertiſing the ſame, in Manner herein before mentioned, at leaſt Fourteen Days before making ſuch Reduction; and ſuch Tolls ſo leſſened, varied, or altered, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Charges of paſſing this Act how to be 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, ſhall be firſt ſatisfied and paid by and in the Shares and Proportions following; that is to ſay, One Fourth Part thereof out of the Tolls which ſhall be collected upon the Road from the Place where the Six Mile Stone now ſtands, at the End of the Pariſh of Churcham, to the Wood End Farm in the Pariſh of Huntley, and through the Pariſhes of Huntley, Longhope, and the Lea, in the Road to Hereford; One other Fourth Part thereof out of the Tolls which ſhall be collected upon the Road from the ſaid Wood End Farm to and through Mitchell Dean, to the Top of the Stenders, and through Mitchell Dean to the Lea Line, and through and from Mitchell Dean to Caſtle End and Guns Mills; One other Fourth Part thereof out of the Tolls which ſhall be collected upon the Road leading from the Entrance of the Pariſh of Newent, at or near the Five Mile Stone, through the Pariſh and Town of Newent, and the Pariſhes of Pauntley, Oxenhall, Dymock, and Donington, by Dinichill, to the Turnpike Road leading to Ledbury; and the other Fourth Part thereof out of the Tolls which ſhall be collected upon the Road leading from a Place called the Flatt, at or near where the Six Mile Stone now ſtands, to Hawkins Pill in the Road to Newnham, and from Jordan's Hill through the Pariſh of Flaxley to Guns Mills aforeſaid, and from the ſame Road in the Tything of Elton to the Croſs in Little Dean.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That from and after Payment of the Expences of this Act in manner aforeſaid, the ſeveral Tolls and Sums of Money to be raiſed or made payable by virtue of this

Act shall be paid, applied, and disposed of, in manner herein after mentioned.

And whereas by virtue of the Powers granted by the said last recited Act, the Sum of Nine hundred Pounds has been borrowed and taken up at Interest upon the Credit of the Proportion of Tolls allotted to and for the Repair of the Road leading from Overs Bridge to Highnam Pool, and from thence to Wood End Farm, and from thence to Mitchell Dean, and through the Lea, in the County of Gloucester, in the Road to Hereford; and the Sum of Six hundred Pounds has been borrowed upon the Credit of the Proportion of Tolls allotted to and for the Repair of the Road leading from or near Highnam Pool to the Market-town of Newent; and the Sum of Two hundred Pounds has been borrowed upon the Credit of the Proportion of Tolls allotted to and for the Repair of the Road leading from Higham Gate, at or near Highnam Pool aforesaid, through the Parishes of Minsterworth and Westbury, to the Place called Hawkins Pill, in the Road to Newnham: And whereas, from the great Extention of the said respective Roads, the Tolls to be collected thereon will not be sufficient effectually to amend the said Roads, and pay off the said respective Sums of Money so borrowed as aforesaid; be it therefore further enacted, That the Tolls to be collected at any Turnpike or Turnpikes erected, or to be erected, upon the Road from the City of Gloucester leading over Overs Bridge to the End of the Parish of Churcham, at or near the Six Mile Stone, in the Road to Mitchell Dean and Hereford; and on the Road leading from Highnam Pool to the Beginning of the Parish of Newent, at or near the Five Mile Stone; and on the Road leading from Highnam Gate, near Highnam Pool aforesaid, to a certain Place called The Flatt, in the Tything of Lay, in the Parish of Westbury, where the Six Mile Stone now stands, or at any Turnpike or Turnpikes erected, or to be erected, on the Side or Sides of the said Roads, or either of them, and also the Monies to be raised on the Credit of the several Proportions of the said Tolls respectively, shall be paid, applied, and disposed of, in manner following, videlicet, One Moiety or Half-part of such Tolls, and the Sums of Money to be borrowed on the Proportion thereof, in repaying the said Sum of Nine hundred Pounds and Interest thereon, and in amending the said Road from the City of Gloucester, leading over Overs Bridge, to the End of the Parish of Churcham aforesaid; One Quarter-part of the said Tolls, and the

Particular Application of the Monies.

Sums

Sums of Money to be borrowed thereon, in repaying the said Sum of Six hundred Pounds, and all Interest thereon, and in amending the said Road leading from Highnam Pool, to the Beginning of the Parish of Newent, at or near the Five Mile Stone; and the other Quarter-part thereof, in repaying the said Sum of Two hundred Pounds, and all Interest thereon, and in amending the said Road from Highnam Gate, near Highnam Pool, to a Place called The Flatt aforesaid, where the Six Mile Stone now stands, in the Road to Newnham.

Further Application.

And be it further enacted, That the Tolls arising or to be collected at any Turnpike or Turnpikes, upon or on the Side or Sides of the Roads leading from or near Overs Bridge, in the Road from the City of Gloucester, to the Parish of Staunton, in the Road towards Ledbury, and to the Parish of Eldersfield, in the great Road to the City of Worcester; and the Monies to be borrowed on the Credit thereof, shall be applied in amending the said Roads only, in such Manner as the said Trustees, or any Five or more of them, shall think fit, except as is herein after excepted; that is to say, Whereas the said last mentioned Tolls may at some future Time be more than sufficient to keep the said Roads in Repair; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, after the said Roads shall be first well and sufficiently repaired, to pay over any Sum or Sums of Money, not exceeding the Sum of Forty Pounds per Annum, from time to time, as they shall think fit, out of the Tolls collected upon the said Road leading from Gloucester to the Parishes of Staunton and Eldersfield, to the Trustees for putting in Execution the Act of Parliament for repairing and amending the several Roads leading from the West End of Upton Bridge, in the County of Worcester, to the Parish of Tirley, in the County of Gloucester, and to other Places therein mentioned; to be applied, and which shall be applied by them, to the Repair of the Two Miles of the said Road next adjoining to the End of the said Road from Gloucester, in the great Road to Worcester, directed by this Act to be repaired.

Trustees may apply 40 *l. per Ann.* towards Two Miles of *Upton Bridge* Road, next the Road in this Act.

Other particular Applications.

And be it further enacted by the Authority aforesaid, That the Tolls to be collected upon the Road from Wood End Farm, and through the Lea, in the County of Gloucester, in the Road to Hereford, shall be applied to the Repair of the Road from the Parish of Churcham, at or near the Place where the Six Mile Stone now stands,

ſtands, through the Pariſhes of Huntley, Longhope, and the Lea aforeſaid, in the Road to Hereford; and the Tolls to be collected upon the Road between Wood End Farm and Mitchell Dean, and through Mitchell Dean to the Top of the Stenders, and from Mitchell Dean to Guns Mills, and through Mitchell Dean to the Place called Caſtle End, and through Mitchell Dean to the Place called Lea Line aforeſaid, ſhall be applied to the Repair of the reſpective Roads whereon the ſame ſhall be collected; and the Tolls to be collected upon the Road leading from the Beginning of the Pariſh of Newent, at or near the Five Mile Stone aforeſaid, to and through the Town and Pariſh of Newent, and the Pariſhes of Pauntley, Oxenhall, Dymock, and Donington, to the Ledbury Turnpike Road, at or near a Place called Dinichill, in the ſaid Pariſh of Donington, ſhall be applied to the repairing and amending of that Road only; and the Tolls to be collected upon the Road from the Place called the Flatt, at or near the Place where the Six Mile Stone now ſtands, to Hawkins Pill, in the Road to Newnham, and upon the Road leading out of the ſaid Road, at Jordan's Hill, to Guns Mills aforeſaid, and upon the Road leading out of the ſaid Road, in the Tything of Elton, to the Croſs in the Town of Little Dean, ſhall be applied to the repairing and amending of the ſaid Roads only.

Exemptions from erecting Turnpikes.

Provided always nevertheleſs, and be it enacted, That no Gate or Gates, Turnpike or Turnpikes, ſhall be erected or ſet up, nor any Toll or Tolls collected, upon the Road leading from the Pariſh of Churcham, at or near the Place where the Six Mile Stone now ſtands, to the Place at or near Wood End Farm, where the reſpective Roads to Mitchell Dean, and through the Lea, in the Road to Hereford, are ſeparated and divided; and that no Gate or Gates, Turnpike or Turnpikes, ſhall be erected or ſet up, nor any Toll or Tolls be collected, at the reſpective Places called Caſtle End and Lea Line aforeſaid, or on the Side or Sides of the Road there, leading from Glouceſter, through the Lea, and to the Town of Roſs, in the Road to Hereford; any thing herein, or in any other Act or Acts of Parliament whatſoever, contained to the contrary in any wiſe notwithſtanding.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once for paſſing or repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Cattle or Carriage, through

through all or any of the Gates or Turnpikes erected, or to be erected, upon or on the Sides of each of the said respective Roads to which the said Toll is hereby directed to be applied, or cross any Lane or Way leading into the same respectively; but that all and every Person and Persons, after having paid Toll Once as aforesaid, shall, during the Remainder of such Day, pass Toll-free with the same Cattle or Carriages through the Gates or Turnpikes at which any such Toll was paid; and also through all other Gates or Turnpikes across or on the Sides of such respective Roads as aforesaid, or cross any Lane or Way leading into the same whereon such Toll shall be respectively paid, upon producing a Note or Ticket, denoting the Payment of such respective Toll; which Notes or Tickets the Collectors of the respective Tolls are hereby required to give gratis on Receipt of the Toll.

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, 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 for Sale, 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 for any Horses, Cattle, or Carriages, going to or from the Mill situate at Over aforesaid, called Overs Mill, or the Lands called Dockham, to the said Mill belonging; nor for any Horse, or other Cattle, or Beast, going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of Gloucester, or of a Citizen or Citizens, Burgess or

Burgeſſes, to ſerve in Parliament for the ſaid City of Glouceſter, during the Time of ſuch Election reſpectively, or on the Day before or Day after ſuch reſpective Election ſhall begin, or be concluded; nor ſhall any Toll be demanded or taken for any Horſes, Cattle, or Carriages, belonging to any of the Inhabitants of Maiſemore, going or paſſing between the ſaid Pariſh of Maiſemore, and the ſaid City of Glouceſter, and not travelling for Hire, for and during the Term of Seven Years only from and after the Commencement of this Act: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Forty Shillings.

Penalty on making illegal Claims.

Penalty on permitting, or going thro' private Paſſage, &c.

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 willingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, or Carriage, through

or taking off Horſes, &c.

through or over such Land, Ground, or Place, in order or with Intent that the Payment of the said Tolls, or either of them, or any Part thereof, should be avoided; such Persons, and every of them so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law: And it shall and may be lawful for the said Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Beast or Beasts, or Goods belonging to, or in the Possession, or under the Care of, any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to examine the Nature of the Offence or Offences so complained of, and by the Confession of the Party or Parties complained of, or upon the Oath or Oaths of One or more Witness or Witnesses, if the said Justice shall see Cause, to convict the Party or Parties complained of, if he, she, or they, shall or shall not appear before him, in the respective Penalties aforesaid; and for 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 Seizure, Distress, and Sale, if any there shall be, to the Owner or Owners of the said Horse or Horses, Beast or Beasts, or Goods, or to the Person or Persons under whose Care, or in whose Possession, they respectively was or were when so seized and distrained as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties, Forfeitures, and Tolls, shall be levied and recovered by such Means, and in such Manner, as are herein after-mentioned and provided for the levying and recovering of the Penalties and Forfeitures imposed by this Act,

And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby impowered, at their First or any subsequent Meeting, to borrow and take up at legal or lower Interest, any Sum or Sums of Money upon the Credit of the respective Tolls,

Trustees may borrow Money on the Credit of the Tolls.

Tolls, or respective Shares or Proportions of Tolls, to be taken or paid, or payable, at the Turnpikes to be set up or continued by virtue of this Act in or cross each of the respective 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 respective Tolls, or Shares, or Proportions of Tolls, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees, but no Money shall be borrowed on the Credit of the said Tolls, after such first Meeting, unless Notice be for that Purpose given in the Gloucester Journal, or fixed in Writing upon all the said Turnpikes, at least Fourteen Days before the borrowing of such Money; and all and every Person and Persons, to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their, Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over, or transfer, his, her, or their Right, to the Principal or Interest-money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, 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 intitle such Assignee, his and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon;

Entries to be made of all Assignments.

Notice to be given of borrowing Money.

Assignments may be transferred.

Clerk's Fee.

and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

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

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

Trustees not subject to Debts contracted under this Act.

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

Trustees may lease, &c. the Tolls.

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

or for Monies had and received by any Person or Persons, and unaccounted for, or unpaid, and for the levying and recovering the same, upon and of them.

Trustees to appoint Officers,

And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby impowered, by Writing under their Hands, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and Surveyor or Surveyors of the Roads by this Act intended to be repaired, and such other Officers for the due Execution of this Act, and the Powers hereby given, as they shall think proper, and from time to time to remove such Officer or Officers; and on the Death or Deaths, Removal or Removals of such Officer or Officers, to appoint others in their Steads; but Seven Days Notice shall be given of every Meeting, where any such Appointment or Removal shall be made after the First Meeting of the said Trustees, upon all the said Turnpikes; and by and out of the Monies that shall be raised on or for the Repairs of each of the said respective Roads, may and are hereby impowered to appoint and make such Salaries and Allowances to such Officers and other Persons, by them the said Trustees employed, for their Services in repairing, widening, or altering, the said Roads respectively, and otherwise putting the Powers by this Act given in Execution, as they shall think reasonable; provided that no Person or Persons shall be appointed a Collector or Collectors of the said Tolls, or a Treasurer or Treasurers of the said Turnpikes, or either of them, or a Receiver or Receivers of any Money that shall belong to the said Roads, or either of them, without giving such Security or Securities for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; and that no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Treasurer, &c. to give Security.

No Victualler to hold a Place of Profit.

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 respective Roads, shall, when and as often as he or they shall by the said Trustees, or any Five or more of them, be required so to do, deliver to, and set-

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ke with such Trustees, full and fair Accounts on his or their respective Oath or Oaths, of all Sums of Money by him and them respectively received, and of whom, when, and on what Accounts, such Sums of Money, and every of them, were and was so received, and of all Sums of Money by him and them respectively paid, and to whom, when, and on what Accounts, the said Sums, and every of them, were and was so paid; and shall produce proper Vouchers for, or make other Proof of such Payments to the Satisfaction of the Trustees, and verify the Items of such Accounts upon and by his and their respective Oaths if required; and all such Sums of Money as, on the Balances of such Accounts, or otherwise, shall appear to be due, or in his or their respective Hands, shall forthwith pay over to the said Trustees, or to such other Person or Persons, at such Times and in such Manner as the said Trustees, or any Five or more of them, shall for those Purposes direct or appoint; and if any or either of the said Officers or other Persons shall refuse or neglect to deliver, settle, or verify his or their Account or Accounts in the Manner aforesaid, he or they having been required so to do, or if any or either of the said Officers or other Persons shall have so accounted as aforesaid, and shall refuse or neglect to pay the Money appearing to be due, or in his or their Hands as the Balance or Balances of such Account or Accounts, to the Persons and in the Manner aforesaid, then, and in either of the Cases aforesaid, and on Complaint and Proof thereof, and of any Money being had or received by any such Officer or Officers, Person or Persons, as aforesaid, to or before any Justice of the Peace of the County where such Officer or Officers, Person or Persons, shall be or reside, by and on Oath of One or more credible Witness or Witnesses, such Justice may and is hereby required to issue a Warrant or Warrants under his Hand and Seal, to levy by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons, the Sum or Sums of Money which shall appear to be due and owing upon Balance of Accounts, if settled and verified as aforesaid, or as shall appear to have been otherwise had and received, and neglected or refused to be accounted for (returning the Overplus of the Money that arises by such Distress and 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 or Distresses cannot be had

Officers refusing to account,

Complaint may be made to Justices.

Balance may be levied by Distress and Sale.

For want of Distress, the Offender to be committed,

had or found for Payment of the said Money and Charges, then the said Justice may, and is hereby required to issue his like Warrant or Warrants for the apprehending of such Officer or Officers, Person or Persons, and shall commit him or them to the common Gaol of the said County, there to remain without Bail or Mainprize until the said Money and Charges, or the Arrears thereof, shall be paid, or until such Officer or Officers, Person or Persons, shall have compounded for the same with, and paid such Compositions to, the said Trustees, and which said Compositions the said Trustees, or any Nine or more of them, are hereby impowered to make and receive, and, on Receipt thereof, to give Discharges for all the Monies in respect whereof such Compositions were so respectively made, provided that Notices thereof, and of the Person 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.

until Payment or Composition made.

Trustees may appoint Collectors though not at a public Meeting.

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.

And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the respective Roads by virtue of this Act to be appointed, or for any other Person or Persons by them, or either of them, or by the said Trustees, or any Five or more of them, for that Purpose employed, to cut, dig, gather, take, and carry away, any Furze, Heath, Sand, Gravel, Stones, Earth, Soil, or other Materials, proper for the repairing, raising, or amending, 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, Yard, Paddock, Park, planted Walk or Walks, Nursery for Trees, Lawn, 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

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

without paying for the same;

levelling the Pits, &c.

making Satisfaction to the Owners.

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

Huntley not reputed Waste or Common.

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

Surveyors may make Causeways, &c.

erect Bridges, &c.

making Satisfaction to the Owners.

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

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 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 to throw up on the Lands adjoining, or carry away the Soil thereof, and to cut up, take, and carry away, all Hedges and Bushes, and remove all Annoyances, Nuisances, and Obstructions, that shall lie, stand, or be in any Part or Parts of the Roads by this Act intended to be repaired; and may, and are and is hereby impowered, by and with the Orders of the said Trustees, or any Five or more of them, to top, lop, fell, or cut down, or cause to be topped, lopped, felled, or cut down, any Tree or Trees, and cut, or cause to be cut, the Overhangings of any Hedge or Hedges, that shall stand, or be in or by the Side or Sides of any Part or Parts of the said Roads, and cleanse or scour, or cause to be cleansed or scoured, any Ditches, Drains, or Watercourses, lying in, or leading into, from, or towards the said Roads, or either of them, and which ought to be cleansed or scoured by any other Person or Persons, and the said Trees, Lops and Tops, and the said Overhangings, to take and carry away, without paying any Thing for the same, if the Owner or Owners of such Trees or Hedges, or 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

Surveyors may remove Annoyances, &c.

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice.

next after Notice to him given, or left by 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 Soil thereof to be carried away; 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, and carry away the Soil thereof, or remove such Annoyances, Nuisances, or Obstructions, such Sums of Money for doing the same, as the said Trustees, or any Five or more them, shall allow, and order to be paid to him or them respectively, on those Accounts; and if Default shall be made in Payment of the said Money so ordered, on Demand, the same shall be levied and recovered of the Person or Persons who shall be ordered to pay the same, in such Manner, and by such Ways and Means, as the Forfeitures by this Act imposed are directed to be levied and recovered.

Charges to be reimbursed to the Surveyors.

Penalty on obstructing Surveyors, &c. 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 respective Roads by this Act intended to be repaired; or in topping, lopping, cutting, or carrying of any Tree, Top, Lop, or Overhangings, or digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, or doing any other Act in or for the repairing, widening, or altering the said respective Roads, or otherwise in or for the Execution of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

And

Persons liable to the Repair of the Roads, &c. to continue so.

And be it further enacted, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Persons whosoever, who by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the Roads by this Act intended to be repaired, or either of them, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

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

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

either of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do any or either of the said Three Days Work or Duty on the said Roads, at such Times and Places, and in such Manner, as, according to the Powers by this Act given, he shall be directed to do, or shall not work full Eight Hours in each of the said Days, or shall be negligent of or in such Work, every such Person, for every such Neglect or Offence, shall forfeit the several and respective Sums herein after mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings, and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Six Pence, or pay the Composition directed by Law; 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 Inhabitants neglecting to do Statute-work,

and on Parish Officers neglecting to deliver in Lists.

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

Statute-work to be performed by the Parish of *Newent*, &c.

And be it further enacted, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the Roads by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way or any other Ways, then it shall and may be lawful for the said Trustees, or any Nine or more of them, from time to time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments

Trustees may contract for the Purchase of Lands, &c.

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

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

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

Where Persons refuse to treat, &c.

Witnesses may be summoned, and examined upon Oath, &c.

of the County of Glouceſter, for the time being, or his Deputy, to impanel, ſummon, and return, a Jury of Twenty four honeſt and diſintereſted Men of the ſaid County, to be and appear before the ſaid Truſtees, at a certain Time and Place to be ſpecified in the ſaid Warrant or Warrants, Precept or Precepts, the ſame Time being at leaſt Ten clear Days next after the Date and Delivery of the ſaid Warrant or Warrants, Precept or Precepts, reſpectively, to the ſaid Sheriff or his Deputy, then and there to aſſeſs and aſcertain the Prices and Values of the Lands and Hereditaments intended to be purchaſed; and the ſaid Sheriff or his Deputy is hereby required to impannel, 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 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,

Jury to ſettle the Damages and Recompence.

Jurors may be challenged.

formed, shall, by their Verdict, assess and ascertain the Values of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons intitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be finally binding and conclusive to all Bodies 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 therupon 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.

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

Fine 5 *l.*

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

Lands, &c. purchased to be deemed Part of the Roads,

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 add or turn into a Highway; and the said Lands and Hereditamenis shall from thenceforth for ever afterwards be deemed, taken, and used, as a Publick Highway or Publick Highways, and shall be repaired and kept in Repair in the same Manner and by the same Means and Powers as the Roads by this Act intended to be repaired are hereby directed 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.

and deemed a publick Highway.

Old Road may be sold.

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

Buildings, &c. not to be injured.

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 or be taken or drawn, any Timber or Tree through, along, or over, any or either of the Roads by this Act intended to be repaired, or any Part thereof, any otherwise than upon Wheels or Drays; such Person and Persons shall, for every such Act or Offence, forfeit the Sum of Twenty Shillings.

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

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

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones.

face 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 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 applied.

And be it further enacted, That when any Penalty or Forfeiture by this Act imposed shall be incurred, except such as are by this Act otherwise particularly directed to be recovered; then upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required to issue his Warrant or Warrants under his Hand and Seal for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints, and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot easily be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice, which he is hereby in such Case required to issue, at the last or usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three clear Days before the Time appointed for such Appearance; such Justice, even if the said Person or Persons being so summoned shall not appear, may, and is hereby required to inquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and, either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses on Oath, as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects, and for Non-payment 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 Offender or Offenders respectively, if demanded; and for want of sufficient Distress or Distresses for those Purposes, shall issue a Warrant or Warrants under his Hand and Seal, for the apprehending and taking such Offender or Offenders, and for committing him and them to the Common Gaol of the County or Place where he, she, or they, shall be so apprehended, there to remain without Bail or Mainprize, until the said Penalties or Forfeitures and Charges or the Arrears thereof, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Compositions to them; and which said Compositions the said Trustees, or any Nine or more of them, are hereby impowered to make and receive, and upon Receipt thereof, to discharge the said Offender or Offenders from the said Penalties or Forfeitures and Charges.

Application of the Penalties.

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

Persons aggrieved may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

ments,

ments, 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 the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied and recovered by Distress and Sale of the Goods and Chatties, 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 quashed for want of Form,

nor removeable by *Certiorari*.

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.

Proceedings to be entered in Books.

And be it further enacted, That all the Acts, Orders, Accounts, and Proceedings, of the Trustees, to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and that no Act or Order shall be done or made by any of the said Trustees, except at a publick Meeting of them the said Trustees, to be held in pursuance of this Act (except as is herein before excepted) and that at any 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

Books may be read in Evidence.

to

to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

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 to be revoked, unless Nine Trustees are 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 aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be present at a Meeting to be held for that Purpose; of which Meeting, and the Intent thereof, Fourteen Days previous Notice shall be given in the Gloucester Journal, or affixed in Writing upon all the Turnpikes erected or continued by virtue of this Act.

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 so brought within the Space of Six Calendar Months next after the respective Cause or Causes thereof shall arise, and shall be laid and tried in the respective Counties where the Cause or Causes of such Action or Actions respectively shall arise; and the Defendant or Defendants therein may plead the General Issue thereto, and give this Act, and the Special Matter in Evidence, and that the same were done by virtue hereof: And if on the Trial or Trials of such Action or Actions, it shall appear that the same Action or Actions was or were brought before the Expiration of Eight clear Days next after such Notice or Notices thereof shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause or Causes thereof respectively shall arise; or if such Action or Actions shall be brought

General Issue.

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 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.

Treble Costs.

Distress not unlawful for want of Form,

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

nor the Parties distraining deemed Trespassers *ab initio*.

Publick Act.

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

FINIS.