Anno nono

Georgii III. Regis.

An Act for repairing the Road from the Town of *Cirenceſter*, in the County of *Glouceſter*, to the Tenth Mile Stone from *Cirenceſter* at or near the Eaſt End of the Town of *Tetbury*, and from the Weſt End of the Churchyard in the ſaid Town of *Tetbury* to a Gate in the ſaid County near *The Monument* upon *Lanſdown*.



WHEREAS an Act of Parliament was made in the Sixteenth Year of His late Majeſty, intituled, An Act for repairing the Road leading from the Town of *Cirenceſter*, in the County of *Glouceſter*, to a Place called *The Monument* upon *Lanſdown*, in the ſame County; for the Term of Twenty one Years from the Firſt Day of May, One thouſand ſeven hundred and Forty three; and by an Act made in the Twenty eighth Year of the Reign of His ſaid late Majeſty, the ſaid Term was continued until the Firſt Day of May, One thouſand ſeven hundred and ſixty nine: And Preamble.

whereas there is now owing, upon the Credit of the said first mentioned Act, a considerable Sum of Money, which cannot be repaid, and the said Road kept in good Repair, unless some further Provision be made by Parliament for those Purposes; 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, instead of the said first recited Act, and the Powers and Authorities therein contained, this present Act, and the several Powers and Authorities herein contained, shall, from and after the Thirtieth Day of March, One thousand seven hundred and sixty nine, be put in Execution for the Purpose of amending and keeping in Repair the said Road from the Town of Cirencester, in the County of Gloucester, to the Tenth Mile Stone from Cirencester at or near the East End of the Town of Tetbury, and from the West End of the Church-yard in the said Town of Tetbury to a Gate in the said County of Gloucester near The Monument upon Lansdown, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Instead of the first recited Act, and the Powers given therein; this Act to be carried into Execution from and after 31 *March*, 1769,

for the Term of 21 Years.

Trustees Names.

And be it further enacted, That John Andrews, Robert Andrews, Benjamin Adamson, D. Ady of Wooton, Master Justice Bathurst, the honourable John Bathurst, Cl. Bagot of King Stanley Clerk, Robert Bigland, John Brown of Saperton, Jonathan Byam, Joseph Butler, William Blathwaite, Samuel Blackwell, John Bosworth D. D. Thomas Brooke, Thomas Brown, William Bush, John Bush, George Bush, Thomas Bush, Guy Bryan, Lewis Bryan, William Bryant, George Bennett, Henry Courtney Clerk, Lord Coleraine, Sir William Codrington Baronet, William Codrington, John Codrington of Cromhall, Robert Coates Clerk, Charles Cox of Kemble, Thomas Chamberlayne Cox Clerk, John Cox Clerk, John Cox of Lypiat, Thomas Estcourt Creswell, Henry Creswell, James Clutterbuck, Giles Clutterbuck, John Cripps junior, Joseph Cripps, Jasper Clutterbuck, Willet Clutterbuck, Edmund Chap, Thomas Coker Clerk, Samuel Casswell Clerk, William Clarke, James Clarke, David Clarke, Robert Clarke, Potter Cole Clerk, Joseph Chapman Clerk, Paul Castleman of Horsley, Thomas Cox of North Cerney, John Chandler, John Copson, John Curtis, John Cook, Edmund Chapp, Robert Croucher,

Croucher, James Clark, David Clark, John Day, Edward Dorney of Uley, Thomas Daunt of Owlpen, William Davis, Albert Eyles, John Eycott, Mathew Eſtcourt of Cam, Thomas Eſtcourt, William Rawlinſon Erle of Eſtcourt, Francis Evans, Richard Edgell, Seal Emerſon, John Fortune Clerk, William Fiſher, Richard Francombe, Berkeley Freeman, Humphry Fitzherbert, Sir John Guiſe Baronet, John Guiſe, William Guiſe, Peter Grand Clerk, John Gunning, Timothy Gyde of Uley, Thomas Gunning, Henry Gardner, John Hilman, Richard Hagues, the Honourable John Hanger, the Honourable William Hanger, Robert Hall, Richard Hillier, John Hungerford, the Honourable and Reverend William Harley, Robert Saliſbury Heaton Clerk, How Hicks of Beverſtone, Matthew Hale, Gabriel Hale, George Hardwicke, Thomas Hedges of Alderton, John Holbrow, Nathaniel Hicks, Winchcomb Henry Hartley, William Hockley, Joſiah Higgs ſenior, John Harford, Charles Hopkins, Jeremiah Hopkins, Edward Hulbert, Samuel Johnſon Clerk, John Jones, Thomas Jones, Sir Robert Banks Jenkinſon, John Jenkins, Jacob of the Rocks, Francis Jobbins, Thomas Ingram, Samuel Ingram, Nigil Kingſcote, Samuel King, Sir James Long Baronet, Joſ. Langton, Daniel Ludlow, William Lartis, Joſeph Lampard, William Lewis, Thomas Maſter, Thomas Maſter junior, Launcelot Mitchell Clerk, John Mabot, Joſeph Mathews of Weſt End, Daniel Mills of Nettleton Clerk, Thomas Miller, William Noel Clerk, Michael Neal, Daniel Oatridge, John Oatridge, Thomas Oatridge, Miles Oatridge, John Oſborne, Thomas Oſborne, John Oſborne of Monk's Mill, Thomas Oſborn, Charles Oſborne, Charles Oſborne junior, William Oland, Sir Oneſiphorus Paul Baronet, Pettyner of Dunſbourne Clerk, Joſhua Parry, Stephen Phillips Clerk, Samuel Phillimore of Cam, John Purnell, John Pettat Clerk, Thomas Pettat, Thomas Pavey, Robert Peny Clerk, Clement Paſton, William Olliefworth Purnell, John Paul, Robert Powell, Robert Powell junior, William Parry of Eſton Gray, Nathaniel Peach of Rodborough, Samuel Philimore of Durſley, William Purnell of Durſley, John Pinfold of Stinchcomb, Thomas Palmer, Lewen Palmer, William Richword, Ford Richardſon, John Saunders, Richard Stokes, Samuel Stokes, William Springet, Mathew Sloper, George Savage, Francis Savage, William Southwell, Edward Southwell, Henry Shute Clerk, Jaſper Selwyn Clerk, John Savage Clerk, Henry Skey Clerk, Henry Still Clerk, Joſeph Small, John Small,

Samuel Saunders, Thomas Smith of Pucklechurch, John Shapland, Edward Shapland, Richard Smart, John Sandford D. D. John Self, Robert Sandford of Stratton, Richard Stephens of Chavenage, Henry Stephens of Leighterton, John Savage, Samuel Sheppard of Hampton, John Savage of Weſton Birt Clerk, Robert Stephens of Chavenage Clerk, Thomas Saunders of Tetbury, Francis Savage of Tetbury, Richard Stokes, Henry Still Clerk, Henry Stephens of Boxwell, Charles Snell, Thomas Smith, Thomas Tracy, Richard Tyndall Clerk, Thomas Tyndall, Thomas Tanner, John Turner, Thomas Trotman, Edward Tugwell of Tetbury, Joſeph Tiley, Moſes Toghill, George Toghill, John Tiley, John Tiley junior, William Veal of Simonds Hall, Doctor Worthington, John Wallis, Tobias Walker, John Woodroſe Clerk, John Wight Clerk, Thomas Wickes, George White, James Whitſhed, Henry White, George White, John Waterford, Andrew Waterford, Joſeph Wicks of Tetbury, Arthur Walter, Walter Woodward, Ferdinando Woodward, Robert Whittington, Thomas Yeates, Thomas Yeats of Minchin Hampton, Goode Clerk, and their Succeſſors, to be elected in Manner herein after mentioned, are hereby declared to be Truſtees for amending and keeping in Repair the ſaid Road, and for putting in Execution all the Powers by this Act granted.

Qualification of Truſtees.

Provided always, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of his acting as ſuch he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, or be Heir Apparent of a Perſon ſeiſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount or Value of One thouſand five hundred Pounds: And every Perſon, not being ſo qualified, who ſhall preſume to act in the Truſts aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds to any Perſon who will ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as before directed,

Penalty on acting, if not qualified.

or

or shall pay the said Sum of One hundred Pounds, without any other Evidence on the Part of the Prosecutor than that he hath acted as a Trustee in the Execution of this Act.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause to be erected One or more Turnpike or Turnpikes, Toll-house or Toll-houses, across any Part or Parts of the said Road, and upon the Sides thereof, and also across any Lane or Way leading into the said Road; and the respective Tolls following shall be demanded and taken at each Turnpike 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, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through any such Turnpike or Gate; that is to say,

and take Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, 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, Swine, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any greater or less Number.

For all Carriages, or any other Thing whatsoever, which shall be drawn with no greater Number of Horses or other Beasts of Draught than Two, the Sum of Three Pence for each and every such Horse or other Beast of Draught so drawing; and if drawn by any greater Number of Horses or other Beasts of Draught than Two, then the Sum of Four Pence for each and every Horse or other Beast of Draught so drawing.

Provided always nevertheless, That between the Thirty first Day of October and the Thirty first Day of March, during the Continuance of this Act, there shall be paid for every Horse or other Beast of Draught which shall draw any Waggon, Wain, Cart, or Carriage of the like Sort, the Sum of Six Pence for each and every such Horse or other Beast of Draught so drawing:

Which said respective Sums shall be demanded and taken as a Toll: And if any Person, subject to the Payment of any of the said Tolls, shall, after Demand made, neglect or refuse to pay the same or any Part thereof,

Tolls may be levied by Distress and Sale.

it

it shall be lawful for the Person appointed to collect the said Tolls, to levy the same by Distress and Sale of any Horse or other Cattle, or of any Carriage, upon which any Toll is by this Act imposed, or by Distress, of any of the Goods and Chattles of such Person; and if such Tolls, and reasonable Charges of such Distress shall not be paid within Four Days, the Person distraining may sell or cause to be sold the Horse, Cattle, Carriage, or Goods so distrained, returning the Overplus, upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges of distraining, keeping, and selling the same, shall be deducted; and all the Tolls and Money so to be collected or levied, and the Monies borrowed on the Credit of the said former Act or this Act, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of, in amending and keeping in Repair the said Road, and all other the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

Money vested in the Trustees.

Provided always, That no Toll whatsoever shall be demanded or taken from any Inhabitant of the Parish of Great Badmington, or the Hamlet or Tything of Little Badmington, in the Parish of Hawkesbury, at any Side-gate erected within the said Parish of Hawkesbury, except for Horses or other Cattle drawing any Waggon, Wain, Cart, or Carriage, loaden with Coal.

Inhabitants of *Great* and *Little Badmington* exempted from particular Tolls.

And be it further enacted and declared, That no Person shall be subject to pay any of the Tolls hereby granted more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for or in respect of any Horse, Mare, Gelding, or other Cattle, not drawing, or drawing an empty Waggon, Cart, or Carriage, for passing through all or any Turnpike or Turnpikes erected upon the District of Road, or on the Sides thereof, between Cirencester and Tetbury aforesaid; nor more than Twice in any One Day, to be computed as aforesaid, for or in respect of any Horse, Mare, or Gelding, not drawing, or drawing an empty Carriage, for passing through all the Turnpikes erected upon the District of Road, or on the Sides thereof, between the Town of Tetbury and a Gate near The Monument upon Lansdown aforesaid; such Person producing a Ticket denoting that such Toll hath been paid on that Day within the District of Road where such Tolls ought to be paid; all which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of such Toll.

Tolls to be paid at each Gate.

And

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And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken at any of the Turnpikes erected upon the said Road, or on the Sides thereof, for any Horses or other Cattle drawing Carriages laden only with Stones, Gravel, or other Materials to be used for repairing the said Road, or any other Road in any of the Parishes through which any Part of the Road hereby directed to be repaired doth lead, or any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for manuring of Land; or Hay or Corn in the Straw not for Sale, but to be laid up in the Houses, Out-houses, or Barns, of the respective Inhabitants of the several Parishes, Liberties, and Divisions, through which the Road hereby intended to be repaired, or any Part thereof, doth lead, being Owners or Occupiers of the Land whereon such Hay, Corn, or Straw, shall be produced (except Hay, Corn, or Straw, sold or carrying to be disposed of); nor for any Horses or other Cattle drawing Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatsoever used or employed in Husbandry, or in manuring or stocking of Land, in any of the Parishes through which the said Road doth lead; or for any Horses or Cattle going to or from Water or Pasture; or for any Post-horses carrying the Mail or Packquet; or for the Horses of Soldiers upon their March, or Carts, Carriages, or Waggons attending them; any thing herein before to the contrary in any wise notwithstanding: And in case any Person shall have paid the Tolls hereby granted for any Horses or other Cattle drawing Carts or other Carriages, which shall be going empty for, or laden only with, Pit Coal, all such Carriages shall, upon their Return, either empty or laden with Pit Coal only, be permitted to pass Toll-free through the Turnpikes where such Toll shall have been paid; provided they return within the Space of Twenty four Hours from the time such Toll was so paid. Exemptions from Toll.

Provided always, That in case any Person shall claim and take the Benefit of any of the Exemptions aforesaid, who shall not be intitled thereto, every such Person so offending shall, for every such Offence, forfeit a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted. Penalty on making illegal Claims.

And be it further enacted, That if any Person shall pass with any Horse, Cattle, Boat, or Carriage, through

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

through any Land or Ground lying near any Turnpike erected upon the ſaid Road (the ſame not being a publick Highway) or if the Owner or Occupier of any ſuch Ground or Land ſhall knowingly permit or ſuffer any Perſon to paſs with any Horſe, Cattle, Beaſt, or Carriage whatſoever through the ſame; or if any Perſon ſhall give to, or receive from, any Perſon or Perſons, any Ticket, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be evaded; or if any Perſon or Perſons ſhall forcibly or wilfully paſs through any ſuch Turnpike with any Horſe or other Cattle or Beaſt; or ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage, before the ſame comes to any Turnpike, or ſhall add any Horſe or other Cattle to any Carriage after the ſame ſhall have paſſed through any Turnpike, or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Horſe, Cattle, Beaſt, or Carriage, with an Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof, or with ſuch Intent ſhall unload any Goods from any Carriage, or ſecrete any Goods chargeable with Tolls; every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds.

or taking off Horſes, &c.

Truſtees may leſſen the Tolls,

And be it further enacted, That the ſaid Truſtees, or any Thirteen or more of them, at their Firſt or any other ſubſequent Meeting to be held for that Purpoſe, whereof Ten Days Notice ſhall be given by Advertiſement in the Glouceſter Journal, or in ſome other publick News-paper circulated in the ſaid County, and by Notice in Writing affixed to the Toll-gates, may and they are hereby impowered from time to time to reduce all or any of the Tolls hereby granted, and to order ſuch Tolls ſo reduced to be collected and received in ſuch Manner, Parts, and Proportions, as they ſhall think fit; and may alſo raiſe the ſame again, or any Part thereof, ſo as the ſame do not exceed the reſpective Rates herein before granted.

and raiſe them again.

Tolls to be a Security, &c.

Provided always, That the Tolls granted by virtue of this Act ſhall be a Security, as well for the Repayment of all Money now due upon the Credit of the ſaid former Act, as for the Money which ſhall be borrowed upon the Credit of this Act.

Property of Turnpikes and Toll-houſes veſted in Truſtees.

And be it further enacted, That the Right and Property of all the ſaid Turnpikes and Toll-houſes, and of the Materials for building the ſame, and for repairing the

the said Road, and all other Materials made use of for the Purposes of this Act, or collected to be made use of, shall be vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Clerk, or to prefer, or cause to be preferred, any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage any such Turnpikes, Toll houses, Mile-stones, Posts, Rails, or other Materials, or disturb them in the Possession thereof.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered at any Time or Times, Twenty one Days Notice whereof shall be given by Advertisement to be published in the Gloucester Journal, to lease or farm, for any Term of Years not exceeding Three Years at any one Time, all the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at or for the largest yearly Sum or Sums that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Assignments be in Writing, and signed by the Person or Persons taking or farming the same, and by Nine of the said Trustees; and that the Money which shall be so agreed to be paid for the same, shall be made payable, and shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing under their Hands and Seals, authorize and impower to receive the same, by Quarterly Payments; and that the Person or Persons to whom the same shall be let, shall always pay down One Quarter's Rent in Advance, or give Security to the said Trustees, or any Five or more of them, for the due Payment thereof: And in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act; or if any Default shall be made in paying the full Money agreed to be paid for the said Tolls, or any Part or Parts thereof, contrary to the true Intent and Meaning of this Act; that then, and in either of the Cases aforesaid, every such Agreement shall be void; and the Person or Persons, to whom the said Tolls shall have been letten or farmed as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or

more of them; and the same shall be levied and recovered upon and from him and them, by the same Ways and Means, and in such Manner, as the Tolls granted by this Act are herein directed to be levied and recovered from the Collectors thereof.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, at any Meeting to be held for that Purpose, may, and they are hereby impowered from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and levied at the said Turnpikes already erected by virtue of the said Act, or to be erected by virtue of this Act (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money now due and owing, or hereafter to be borrowed by the said Trustees, or any Eleven or more of them, upon the Credit of this Act, to such Person or Persons, or his, her or their Trustee or Trustees, who shall advance and lend the same; which Assignments or Mortgages shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry to be made of such Assignments or Mortgages, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Assignments; for which the said Clerk or Treasurer shall be paid Two Shillings and Six Pence, and no more; which Book or Books may at all Times be inspected without Fee or Reward; and after such Entries made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties; which said Money, so borrowed, shall be applied and disposed of for the Purposes of this Act, according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

Entries to be made of all Assignments.

Trustees to appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at the First Meeting which shall be held upon the Thursday Fortnight after passing of this Act, may appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and Collector or Collectors of the said Tolls, with

with such Salaries as they, or any Five or more of them, shall think reasonable; and also at any subsequent Meeting or Meetings, when necessary (Ten Days Notice whereof shall be given in Writing, to be published in the Gloucester Journal, or in some other publick News-paper circulated in the said County, and upon the Toll-gates) appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and Collector or Collectors of the said Tolls, taking such sufficient Security for the due Execution of their respective Offices as they the said Trustees, or any Five or more of them, shall approve of; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of this Act; and shall have Power from time to time to remove such Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Tolls shall be paid after the Rates aforesaid to such Person or Persons as shall from time to time be so appointed to receive the same; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Wine, or Spirituous Liquors, by Retail: And the said Treasurers, Surveyors, Receivers, Collectors, Clerks, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from time to time yearly, or as often as they or any of them shall be thereunto required by the said Trustees, or any Five or more of them, give unto such Trustees true and perfect Accounts in Writing under their respective Hands of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall immediately pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees is hereby impowered to administer): And if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner

and remove them, and appoint others.

No Victualler, &c. to hold a Place of Profit.

Officers to account upon Oath.

Officers refusing to account,

ner as aforesaid, or shall refuse to deliver up all Books, Accounts, Papers, or Writings, which shall be in their Custody or Power, belonging to the said Trustees, within Seven Days after being served with a Copy of an Order signed by Five or more of the said Trustees, requiring the same, the said Trustees, or any Five or more of them, are hereby required to make or cause Application to be made to any Two Justices of the Peace for the County, Division, or Place, where such Officer or other Person shall reside; which Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if any such Person shall be thereof convicted, such Justices shall commit him to some Common Gaol or House of Correction within the said County, there to remain until he shall give and make a true and perfect Account, and verify the same in Manner as aforesaid, or give Security to the Satisfaction of the said Justices or Trustees to make and verify such Account within some reasonable Time to be allowed and approved of by the said Justices or Trustees, and till he has delivered up all such Books, Accounts, Papers, or Writings, to the said Trustees or to their Order: And in case any of the said Officers or other Persons, shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Division where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Person or Persons, upon Demand; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices of the Peace, shall commit such Person or Persons to some Common Gaol or House of Correction within the said County, there to remain without Bail or Mainprize, until he or they shall have paid over such Monies in Manner as aforesaid, or shall have

Complaint may be made to Justices.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

have given Security to be approved by the said Justices or Trustees, or have compounded for the same; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby impowered to make.

On Death or Refusal, others to be chosen.

Provided always, That as often as any Collector of the said Tolls, or other Officer, shall die, or shall become incapable of performing his or their Duty, it shall be lawful for any Three or more of the said Trustees, though not assembled at a publick Meeting in pursuance of this Act, by any Writing under their Hands, to displace such Collectors and other Officers, and appoint others in the Stead of such Person so dying or displaced; and all such Collectors and other Officers so appointed, shall have the same Authority to act in the Execution of their respective Offices, as the Person or Persons they shall succeed was or were vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector or other Officer as aforesaid.

Gatekeepers to deliver up Possession of Gates, &c. if required.

And be it further enacted, That if any Collector or Person appointed by the said Trustees shall at any Time or Times neglect or refuse to quit his or her Employment, conformable to the Orders of the said Trustees, or any Seven or more of them, and to deliver up the Possession of the Turnpike or Toll-gate and Toll-house to the said Trustees, or to such Person or Persons as they, or any Seven or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before any Justice of the Peace of the County or Place where the Matter shall arise, either upon Confession of the Party, or by the Oath of One or more Witness or Witnesses; then it shall and may be lawful to and for such Justice, and he is hereby required to issue his Warrant to some Constable, Tythingman, or other Officer of the Peace of the said County or Place, to turn such Collector or Person out of the Possession of the said Turnpike or Toll-gate and Toll house, and to take and deliver the Possession thereof to such Person or Persons as the said Trustees, or any Seven or more of them, shall have directed or appointed in Manner aforesaid, and also to bring the Collector or Collectors, or other Persons, before such Justice, who is hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Months.

Securing transient Offenders.

And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, without any Warrant or any other Authority, to seize and detain any such Person or Persons who shall commit any such Offence or Offences, and to carry him, her, or them, before any Justice of the Peace for the County or Place where any Offence shall be committed; and such Justices are hereby impowered and directed to proceed immediately to the hearing the Complaint made against such Offender, and oblige such Person so offending to give Security for his, her, or their appearing at the next Petty Sessions to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for want of such sufficient Security, to commit such Offender to the Common Gaol for the County or Place where the Offence shall be committed, until he, she, or they, shall pay the respective Penalties by him, her, or them, incurred for such Offence.

Collectors suffering Persons to pass without paying full Toll to forfeit not exceeding 5*l.* nor less than 40*s.*

And be it further enacted, That if any Collector or Collectors of the said Tolls, shall permit or suffer any Person or Persons to pass with any Carriage through any Turnpike erected upon the said Road, with any greater Number of Horses or Beasts of Draught than are allowed by Law to draw such Carriage; every such Collector shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Surveyors may dig Gravel, &c.

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and all such Persons as he or they shall appoint, to search for, dig, gather, and take away, any Materials for repairing the said Road out of any Waste or Common in or near which any Part of the said Road doth lie, without paying any thing for such Materials, the Surveyor or Surveyors causing to be levelled all such Holes, Quarries, and Pits, or to be fenced in such Manner that the same shall not be dangerous to Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for or with such Materials, the Damages to be ascertained as hereafter mentioned; and also that it shall and may be lawful to and for the said

without paying for the same;

levelling the Pits, &c.

said Surveyor or Surveyors and such Persons as he or they shall appoint, such Surveyor or Surveyors first having an Order from any Seven or more of the said Trustees for that Purpose, to search for, dig, gather, and take away, such Materials in and out of the Grounds of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees) making such Satisfaction for the Damage done to the Owners or Occupiers of such Grounds where and from whence the same shall be digged, gathered, and carried away, or over which the same or any other Materials for repairing the said Road shall be carried, as the said Trustees, or any Seven or more of them, at a Meeting, shall adjudge reasonable.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from any Seven or more of the said Trustees for that Purpose) to remove and prevent all Annoyances on any Part of the said Road, by filthy Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, to the Prejudice thereof; and to open, scour, or cleanse, any such Watercourses, Sinks, or Drains, or any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper, and may throw the Earth on the Land adjoining; and to cut down, lop, and top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto (not growing in a Park, Avenue, Lawn, Plantation, or Garden) and to take and carry away such Trees (not being Timber Trees) or Bushes as aforesaid, in case the Owners or Occupiers of the Premisses shall neglect to cut down, lop, or top, such Trees or Bushes, or to open, scour, or cleanse, such Watercourses or Ditches, or remove such other Annoyances, for the Space of Six Days next after Notice in Writing given to them or their Agent for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof, to be settled by the said Trustees, or any Seven or more of them, shall be reimbursed the said Surveyor or Surveyors by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and

Surveyors may remove Annoyances in the Roads, &c.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

ſt, after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees, or their Treaſurer for the time being, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Surveyors may make Cauſeways, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Seven or more of them, under their Hands and Seals, to make or cauſe to be made Cauſeways and Drains in and upon the ſaid Road, and to erect Arches and Bridges over the ſame, and alſo to make Ditches and Drains through any Lands lying contiguous thereto, making ſuch reaſonable Satisfaction for the Damages done to the Owners or Occupiers of ſuch Lands reſpectively, through or over which any ſuch Ditches and Drains ſhall be made, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Seven or more of them: And alſo it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Seven or more of them, under their Hands and Seals, to widen any of the narrow Parts of the ſaid Road, by opening and laying into the ſame any Lands belonging to any Perſon or Perſons lying contiguous to any Part or Parts of the ſaid Road; and alſo to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the ſaid Road, or upon any Lands of any Perſon or Perſons lying contiguous thereto (ſo as ſuch Lands be not Lands whereon any Houſe ſtands, nor any Garden, Orchard, Park, Walk, or Avenue to a Houſe already planted) in ſuch Manner as the Surveyor or Surveyors to the ſaid Truſtees ſhall adjudge neceſſary for the better amending and keeping the ſaid Road in good Repair, making ſuch reaſonable Satisfaction to the Owner or Occupier of ſuch Lands through which any ſuch Ditches or Drains ſhall be cut, or which ſhall be laid into the ſaid Road, or on which any ſuch Arch or Arches, Bridge or Bridges, ſhall be made, for the Damages which he, ſhe, or they, ſhall or may thereby ſuſtain, as the ſaid Truſtees, or any Seven or more of them, at a publick Meeting ſhall adjudge reaſonable: And in caſe of any Difference concerning the ſame between ſuch Owner or Occupier and the ſaid Truſtees, touching the Damage aforeſaid, the Juſtices of the Peace, or the major Part of them, at the next General or Quarter Seſſions, or the Second General Quarter Seſſions of the Peace to be holden for

and make a temporary Road,

making Satisfaction to the Owners, &c.

Juſtices to determine Differences.

for the County wherein such Lands shall lie, or through or over which any such Ditches, Drains, or Bridges, shall be cut or made, shall and may settle, adjudge, assess, and finally determine, the same.

No Money shall be paid on account of any Contract, till the Contract is completed.

Provided always, and be it further enacted, That no Money shall be paid for or on account of any Contract, Bargain, or Agreement, already entered into, or to be entered into, by the said Trustees, or any of them, and any Person whatsoever, for any Repairs to be done to the said Road, or any other Works relative to the Execution of this Act, until such Time that it shall appear to the said Trustees, or any Nine or more of them, at a Meeting, that such Repairs shall be completed, or such other Works done, agreeable to the Terms of such Contract.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, or in any other Case whatsoever, where he shall be personally interested, on Pain of forfeiting Fifty Pounds.

Bargains and Sales to be inrolled.

And be it further enacted, That a Bargain and Sale, inrolled by the Clerk of the Peace at the General Quarter Sessions of the said County of Gloucester, shall be sufficient and effectual for conveying all such Lands and Premisses, and the Interest of all such Persons therein, to the said Trustees and their Successors, without any Fine or Recovery; notwithstanding any Coverture, Title of Dower, Settlement, or Limitation of such Lands and Premisses in Jointure, Tail, Reversion, Remainder, or otherwise howsoever.

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

And be it further enacted by the Authority aforesaid, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act; and all other Persons liable to perform the Work commonly called Statute-work, upon the said Road, shall remain subject to the Performance of such Work; and that the respective Surveyors of the Highways for the several Townships, Parishes, and Places, in which any Part of the said Road doth lie, or in case no Surveyors are appointed, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall Once in every Year, within Ten Days after Demand made to them respectively, in Writing, by any Surveyor

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

Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under their Hands, of the Christian and Surname of every Person who, within their respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists what Statute-work each of the said Persons is liable to do and perform: And the Statute-work shall be done by all such Persons on such Part of the Road hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall direct, so that no more than Three Days Work shall be done by any One Person, or with any Team, Plough, or Draught, on the said Road, in any One Year; and the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect to do as he is hereby required; every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds: And every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner, as shall be appointed by the said respective Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors; every such Person shall forfeit and pay the respective Sums herein after-mentioned; that is to say, Every Person who shall keep a Team, Draught, or Plough, or, by virtue of any Act of Parliament, shall be deemed to keep a Team, Draught, or Plough, for every Day's Default for each Team, Draught, or Plough, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by Law not deemed to keep, a Team, Draught, or Plough, for every Day's Default, the Sum of One Shilling and Six Pence: And every Person who shall, according to such Notice as aforesaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors

Penalty on Surveyors, &c. neglecting to deliver in such Lists.

where

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where the Work is to be done, such Surveyor and Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, Draught, or Plough, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the Road aforesaid, shall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it further enacted, That all Persons liable to perform Statute-duty, with Teams, Draughts, or Ploughs, upon the said Road, may, if they think fit, pay to the Surveyor to the said Trustees, at least Two Days before the First Day on which such Duty shall be required to be performed, such Sum of Money as the said Trustees, or any Five or more of them, shall think reasonable, not exceeding Six Shillings, nor less than Three Shillings, for each Day's Duty; and all Persons liable to send Labourers to perform Statute-work upon the said Road, in respect of occupying Lands, or Tenements, or Hereditaments, of the yearly Value of Ten Pounds, may compound for the Sum of Eight Pence for every Ten Pounds so by him or them occupied as aforesaid; and all Householders or other Persons occupying Lands, Tenements, or Hereditaments, under the yearly Value of Ten Pounds, and above the Value of Three Pounds, may compound for the same for the Sum of Six Pence; and every other Inhabitant liable to perform Statute-work as aforesaid may compound for the same for the Sum of Four Pence in lieu of every such Day's Labour respectively; such Payments to be made at least Two Days before the First Day on which such Labour shall be required to be performed.

Justices to determine the Statute-work to be done on the Roads.

And, for preventing of Differences between the said Trustees and the Surveyors of the Highways for the time being of the several Parishes through which the said Road hereby directed to be repaired doth lead, touching what Part of the Statute-work in any Parish ought to be done on the said Road; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more of the Justices of the Peace for the Counties of Gloucester or Wilts, at any Petty Sessions of the Peace to be holden for the Division where such Part of the said Road doth lie, upon Application made to them for that Purpose by the said Trustees, or any Seven or more of them, to adjudge

and determine what Part or Proportion of the Statute-work shall be done on the said Road, by and in each and every of the Parishes aforesaid.

To indemnify Parishes from Indictments.

Provided always, and be it further enacted by the Authority aforesaid, That the Trustees appointed or to be appointed to put this Act in Execution, shall and they are hereby impowered and required, during the Continuance of this Act, to keep the Inhabitants of the several Parishes through which the said Road doth lead, indemnified, freed, and discharged, of and from all Presentments, Indictments, Amerciaments, and Fines, which shall be brought against or laid upon the Inhabitants of any of the said Parishes, for or upon account of any Defect or Want of Repairs of such Part of the said Road as lies within the said several Parishes; and in case any of the said Parishes shall, during the Continuance of this Act, be presented, indicted, amerced, or fined, for or upon account of any such Defects or Wants of Repairs as aforesaid, the Receiver or Receivers, Treasurer or Treasurers, of the Tolls by this Act granted, shall and he and they is and are hereby obliged, having had Twenty Days Notice of the said Presentment or Indictment given to him by the said Surveyor or Surveyors of the Highways for such respective Parish, after the first Process shall be served on the said Inhabitants of any such Parish, or any of them, on account of such Presentment or Indictment which shall be brought as aforesaid, to reimburse all such Charges and Expences as the Inhabitants of any of the said Parishes shall be put unto, for or upon account of any such Presentment, Indictment, Amerciament, and Fine as aforesaid; and the said Surveyor or Surveyors shall be, and is and are hereby directed (if required by the said respective Trustees, or any Five or more of them) to appear to such Presentments and Indictments, and to make such Defence as such Trustees, or any Five or more of them, shall direct; and if such Receiver or Treasurer, Receivers or Treasurers, having had such Notice given him or them as aforesaid, shall not pay and discharge such Charges and Expences to such Surveyor or Surveyors as aforesaid, then it shall and may be lawful for Two or more Justices of the Peace for the said County, upon Application to them made by such Surveyor or Surveyors, to settle and ascertain such Charges and Expences; and if such Receiver or Treasurer, Receivers or Treasurers, shall, after Twenty Days Notice given him or them of such Charges and Expences being so ascertained, refuse

or neglect to pay the same to such Surveyor or Surveyors, for the Use of such respective Parishes, the said Justices are hereby impowered and required, by Warrant or Warrants under their Hands and Seals, to levy the same for the Use of such respective Parish, by Distress and Sale of the Goods and Chattles of such Receiver or Treasurer, rendering the Overplus (if any be) upon Demand, after all Charges are paid and satisfied.

Justices may appoint Surveyors.

And be it further enacted, That it shall and may be lawful to and for the Justices of the Peace, at any of their General Quarter Sessions to be holden for the said Counties of Gloucester or Wilts, if they think fit, yearly and every Year after the said Thirtieth Day of March, to appoint One or more Person or Persons to survey and view the said Road, and to inquire of and concerning the Tolls or Duties taken and received in pursuance of this Act: And in case such Person or Persons so appointed shall find any Misapplication of the Monies collected and levied by this Act, or any other Abuses of the Powers and Authorities hereby given; such Person or Persons shall thereupon certify the same to the Justices of the Peace at their then next General Quarter Sessions to be holden for the County where such Misapplications or Abuses shall happen, who are hereby authorized, impowered, and required, to hear, examine, and finally determine, the same, without any further or other Appeal; and all such Sum and Sums of Money, or other Satisfaction, as the said Justices at any of their Quarter Sessions to be holden as aforesaid, or the major Part of them then present, shall thereupon think fit to order or direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, be paid to the Treasurer of the Turnpike or Turnpikes for the time being, within Ten Days after such Determination; and in Default thereof, it shall be lawful for the said Justices at their next General Quarter Sessions, or the major Part of them then present, after such Determination made, by Warrant to levy the same by Distress and Sale of the Offender's Goods, returning the Overplus (if any be and demanded) after Deduction of all Costs and Charges thereupon, to the Person or Persons so neglecting to make such Payment or Satisfaction; and for want of sufficient Distress to be found, to commit the Person or Persons to the Common Gaol of the County where he shall reside, there to remain without Bail or Mainprize, till Payment and Satisfaction shall be made as aforesaid.

And

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

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, over and above the Charge of Prosecution.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of Gloucester or Wilts (which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant upon the Information of One or more Witness or Witnesses upon Oath; which Oath such Justice or Justices is and are hereby impowered to administer without Fee or Reward); and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be, when demanded) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid (if not otherwise directed to be applied by this Act) One Half to the Informer or Informers, and the other Half to the Treasurer or Surveyor, to be applied towards the Repair of the said Road: And if sufficient Distress shall not be found, it shall be lawful for such Justice or Justices to commit every such Offender to the Common Gaol or House of Correction of the County where he shall reside, there to remain without Bail or Mainprize for any Time not exceeding Three Months, nor less than Six Days, unless such Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the said Counties of Gloucester or Wilts; or in case the said Cause of Complaint shall arise within Six Days next

next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way, and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, and award such Costs to the Parties appealing or appealed against as to them shall seem just and reasonable, and to make such Judgements and Orders in regard to the Premisses as they shall think fit; but the Person so appealing shall enter into a Recognizance before some Justice of the Peace of the Division, with sufficient Sureties to prosecute such Appeal, and shall give Notice in Writing of the Time of entering into such Recognizance, and also of his or her Intention of bringing such Appeal, and of the Cause or Matter thereof, to the Treasurer or Treasurers to the said Trustees, at least Six Days before the said Quarter Sessions.

Notice of Appeal to be given.

Provided also, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any Form of Words to the same Effect:

Form of Conviction.

BE it remembered, That on the Day of in the of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the Counties of *Glouceſter* or *Wilts (as the Caſe ſhall be) (ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be)*

Given under our Hands and Seals the Day and Year aforesaid.

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

And, for the continuing a ſufficient Number of Truſtees to put this Act in Execution, be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die, or ſhall neglect to act as a Truſtee for the Space of One Year, or ſhall ſignify his Intention not to act by Writing under his Hand; it ſhall and may be lawful for the ſurviving Truſtees, or any Seven or more of them, from time to time, to elect, nominate, and appoint, One other fit Perſon, qualified as aforeſaid, in the Room of ſuch Truſtee dying, or neglecting or refuſing to act as aforeſaid; but Notice in Writing of the Time and Place of Meeting for the Election of all ſuch new Truſtees ſhall be fixed on the Turnpikes which ſhall be then erected upon the ſaid Road, at leaſt Ten Days before the Meeting for ſuch Election, and Notice given in ſome Publick Paper; and all and every ſuch Perſon and Perſons as ſhall, from time to time, be ſo choſen and appointed, ſhall be joined with ſuch ſurviving or other Truſtees; and they are hereby impowered to act to all Intents and Purpoſes in as full, large, and ample Manner, as if ſuch Perſon or Perſons had been particularly named and appointed a Truſtee or Truſtees by this Act.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall meet at the Sign of the King's Arms at Didmarton, in the ſaid County of Glouceſter, upon the Thurſday Fortnight after the Paſſing of this Act, and proceed to the Execution of this Act, and adjourn themſelves from time to time, and afterwards meet there, or at any other Place in or near the ſaid Road, as the ſaid Truſtees, or any Seven or more of them, at ſuch laſt Meeting, ſhall think moſt convenient, as often as it ſhall be neceſſary for putting this Act in Execution.

Five Truſtees ſufficient for Adjournment.

Provided always, That Five Truſtees ſhall be ſufficient for the Purpoſe of Adjournment; and if it ſhall happen that there ſhall not appear at any Meeting a ſufficient Number of Truſtees to act, and to adjourn to another Day, any Two or more of the ſaid Truſtees, or their Clerk or Clerks, ſhall, by Publick Notice in Writing to be affixed on the Turnpikes then erected, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the ſame Houſe or Place where ſuch laſt Meeting was appointed to have been held, on ſome Day not exceeding One Month from the Date of the ſaid Notice.

And

And be it further enacted by the Authority aforesaid, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, the Clerk, upon an Order in Writing signed by Five or more of the acting Trustees, mentioning the Time, and Place, and Purpose of such Meeting, shall forthwith give Notice thereof, in Manner before directed, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice) and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment. Meetings may be called upon an Emergency.

And be it further enacted, That in case any Trustee shall accept of any Place of Profit under this Act, or shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by reason of this Act; such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall likewise forfeit and pay the Sum of Twenty Pounds. Trustee not to accept a Place of Profit.

And be it further enacted, That all Orders, Proceedings, and Accounts, of the said Trustees shall be entered in a Book or Books to be kept for those Purposes; and such Orders and Proceedings so entered shall be signed by the said Trustees at any Meeting of Five or more of them; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done in pursuance of this Act; and all such Books shall at all Times be open to the Inspection and Perusal of any Person whatsoever, such Person paying One Shilling and no more for such Inspection and Perusal. Proceedings to be entered in a Book. Books may be read in Evidence.

Provided also, and be it further enacted, That no Mortgage or Assignment of the Tolls hereby granted, or any Transfer thereof, or any Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in the Execution of any Power or Authority hereby granted, Writings to be without Stamps.

granted, shall be charged or chargeable with any Stamp Duty whatsoever.

Order made by 5 Trustees not liable to be revoked, but at a Meeting of 12 of them, 9 of whom are to concur;

Provided always, and be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered, unless Twelve Trustees at the least shall be then present, and Nine or more of them shall concur therein, and unless Notice shall have been given of the Intention to revoke or alter such Order, by affixing the same in Writing upon all the Turnpikes then standing upon the said Road Ten Days before the Meeting for that Purpose; and also unless Notice in Writing shall be given to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order.

and after due Notice.

Limitation of Actions.

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

General Issue.

Treble Costs.

Publick Act.

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

FINIS.