



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 45.

An Act for making and maintaining a Turnpike Road from a Place called *The Crown Hill*, in the Town of *Newent*, in the County of *Gloucester*; to join the Turnpike Road leading from the City of *Hereford* towards *Newnham*, in the County of *Gloucester*; and also another Road leading from the Bottom of *Kilcott Hill*, in the Parish of *Newent* aforesaid, towards the Town and Forest of *Deane*, in the County of *Gloucester*, with a Branch from the same towards *Ledbury*, in the County of *Hereford*.

[4th May 1802.]

WHEREAS the Road from the Town of *Newent*, in the County of *Gloucester*, to the Turnpike Road leading from the City of *Hereford* towards *Newnham*, in the said County of *Gloucester*, is much out of Repair, narrow, and circuitous; and it would be of great Benefit and Advantage to the Neighbourhood, and of publick Utility, if a new Road was made, instead thereof, from a Place called *The Crown Hill*,

[Loc. & Per.]

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Hill,

Hill, in the said Town of *Newent*, through the several Parishes of *Newent* aforesaid, *Linton*, and *Upton Bishop*, in the County of *Hereford*, to join the said Turnpike Road leading from *Hereford* towards *Newnham*, at a Place called *The Crow Hill*, in the Parish of *Upton Bishop* aforesaid: And whereas the Road leading from the Bottom of *Wickott Hill*, near a Place called *Phillip's Cottage*, in the Parish of *Newent* aforesaid, to the Lea Line in the Hamlet of *Newland*, in the said County of *Gloucester*, and also the Road branching out of the said last mentioned Road near a Place called *Perrin's Wood*, in the Parish of *Aston Ingham*, in the said County of *Hereford*, and passing through a Place called *The Groose Green*, and joining the Road leading from the said Town of *Newent* to the said City of *Hereford*, near the Great Pool on *Gorsley Common*, are in a very ruinous and dangerous State, and cannot be amended, widened, improved, and kept in Repair 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 most Honourable *Henry Charles Marquis of Worcester*, the Honourable *George Cranfield Berkeley*, the Honourable *Henry Howard*, the Right Honourable *Thomas Harley*, the Honourable *Edward Foley*, the Honourable *Andrew Foley*, the Honourable *John Somers Cocks*, Sir *George Cornwall*, Sir *Berkeley William Guise*, Sir *Hungerford Hoskyns*, Baronets; *John Napleton* Doctor in Divinity, *William Parry* Doctor in Divinity, *Henry Gorges Dobbys* *Yate* Doctor of Laws, *John Matthews* Doctor of Physic, *Whaley Armitage*, *Thomas Apperley*, *Charles Aycrigg*, *Benjamin Aycrigg*, *Miles Astman*, *Philip Rogers Bearcroft*, *John Bower*, *Robert Biddulph*, *Samuel Beale*, *Anthony Burgum*, *Charles Bonner*, *Richard Cocks*, *John Carless*, *William Cooke*, *William Deykes*, *Samuel Draper*, *William Dew*, *Henry Fowke*, *Richard Garold*, *James Hereford*, *Thomas Harvey*, *Thomas Hullett*, *John Hill of Stardings*, *Francis Havard*, *Edward Hartland*, *Thomas Hankins*, *Joseph Hankins*, *John Hardwick*, *Thomas Jefferys*, *John Jefferys*, *Francis Lawson*, *Richard Loveridge*, *John Moggridge*, *John Hodder Moggridge*, *John Matthews*, *Charles Matthews of Belmont*, *James Money*, *John Nourse Morse*, *John Morse*, *Henry Matthews*, *John Nourse*, *Josiah Newman*, *Henry Sharpe Pocklington*, *Robert Philips*, *Nathaniel Purchas*, *Richard Perkins*, *Richard Perkins the younger*, *Thomas Perkins*, *Thomas Perkins of the Hay*, *John Pitt*, *Thomas Richardson*, *John Scudamore*, *Thomas Powell Symonds*, *Joseph Swayne*, *James de Visme*, *Thomas Westfaling*, *John Wood of the Ford House*, *Simon Woodall*, *William Beale Clerk*, *James Commeline Clerk*, *John Foley of Newent, Clerk*, *Richard Foley Clerk*, *Jenkin Jenkins Clerk*, *James Roberts Clerk*, *James Roberts Clerk*, *Thomas Stillingfleet Clerk*, *Robert Strong Clerk*, *Robert D'Squire Clerk*, and *Charles Whatley Clerk*, shall be, and they and their Successors (to be elected in Manner herein-after mentioned) shall be and they are hereby appointed Trustees for making, maintaining, altering, and keeping in Repair the said respective Roads, and for otherwise putting this Act in Execution.

On Death or Refusal of Trustees to act, others to be chosen.

II. And be it further enacted, That when and as often as any Trustee or Trustees shall die, or by Notice in Writing signify his or their Refusal to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect and appoint One or more Person or Persons to be a Trustee or Trustees in the Room

Room of such Trustee or Trustees so dying or refusing to act: Provided always, that the Time and Place of Meeting for every such Election shall be appointed by the said Trustees at some Meeting held under this Act, and Notice thereof shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpike Gates then erected and set up, or by Advertisement in some publick Newspaper or Newspapers circulating in the Neighbourhood of *Newent* aforesaid, at least Fourteen Days before every such Meeting; and all Persons so to be elected shall, on taking and subscribing the Oath required by this Act, be, and they are hereby vested with the same Powers for putting this Act in Execution, as the Trustees in whose Places they shall be respectively chosen were vested with.

Notice of
such Election
to be adver-
tised.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act whilst he holds any Place of Profit under the same, nor in any Case wherein he shall be personally interested, other than as a Creditor; nor shall any Person be qualified to act as a Trustee unless he shall, at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Sixty Pounds above Reprizes; or possessed of or entitled unto a personal Estate alone, or of a Real and Personal Estate together, of the Value of One thousand five hundred Pounds more than sufficient to pay his Debts; or shall be an Heir Apparent of or to a Person actually seised in Possession of Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, or seised of an Estate of Inheritance in Reversion or Remainder immediately expectant on the Determination of One or more Estates for Life only, of or in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, nor (except in administering the Oath or Affirmation following, and giving Notice of the First Meeting of the Trustees herein-after mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees, who are hereby authorized to administer the same, an Oath or Affirmation in the Words or to the Effect following, as the Case may require; (that is to say),

Qualification
of Trustees.

‘ I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm] that I am in my own Right [*or*, in the Right of my 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*, possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Value of One thousand five hundred Pounds more than sufficient to pay my Debts, *or*, am Heir Apparent of or to a Person actually seised in Possession of Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, *or*, am seised of an Estate of Inheritance in Reversion or Remainder immediately expectant on the Determination of One or more Estate or Estates for Life only, of or in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds.

‘ So help me GOD.’

And if any Person disqualified by any of the Causes aforesaid, or not being so qualified, shall nevertheless presume to act, contrary to the true Intent and

and

and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or elsewhere, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or 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 Penalty, 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: Provided always, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts of Trustees before Conviction to be valid.

Mortgagees may act.

IV. Provided always, and be it further enacted, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Trustees being Justices may act as such.

V. And be it further enacted, That all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Time and Place of First Meeting.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at some House in the Parish of *Newent*, in the said County of *Gloucester*, within One Calendar Month after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act; and shall then and from Time to Time afterwards adjourn themselves to meet at such Time, and at such House or Place within the Parish of *Newent*, the Parishes of *Aston Ingham*, or *Upton Bishop*, or *Linton* aforesaid, as the said Trustees, or any Five or more of them, shall think most convenient; and if at any such subsequent Meeting there shall not be Five Trustees present to transact Business and to adjourn such Meeting, or in case the Trustees at any Time assembled shall not adjourn themselves, then One or more Trustee or Trustees, or if no Trustees shall be present, then the Treasurer or Treasurers, Clerk or Clerks to the said Trustees, or any One of them, shall, and they and he are and is hereby respectively authorized to adjourn such Meeting to the Place where the last Meeting was appointed to have been held or was held, as the Case may be, and to such Time as he or they shall think fit, not exceeding Thirty Days, nor less than Seven Days from the Day on which such last Meeting was held or was appointed to be held as aforesaid; and Notice thereof in Writing shall be affixed on all the Turnpikes to be erected under and by virtue of this Act; and the said Trustees at all their Meetings shall defray their own Expences.

Notice to be given of another Meeting.

Trustees to pay their own Expences.

Orders to be made at Meetings, and not to be revoked unless

VII. And be it further enacted, That no Act, Order, or Proceeding of the Trustees shall be deemed to be valid, unless done, made, or had at a Meeting held in pursuance of this Act (except in Cases herein particularly

particularly provided for); and that no such Act, Order, or Proceeding shall be done, made, or had, unless the Majority of the Trustees present shall concur therein; nor shall any Order or Appointment made at a Meeting of the said Trustees be revoked or altered at any subsequent Meeting; unless Notice in Writing, specifying the Revocation or Alteration intended to be made, be affixed upon all the Toll Gates or Turnpikes then erected by virtue of this Act, and also inserted in some Newspaper circulated in either of the said Counties at least Fourteen Days before such subsequent Meeting, nor unless a greater Number of Trustees shall be present at such Meeting than were present when such Order was made; and that all Acts, Orders, and Proceedings of the said Trustees in the Execution of this Act, shall be entered in some Book or Books to be kept for that Purpose, and signed by the Trustees present at any Meeting; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, shall be admitted as Evidence in all Courts and Places whatsoever.

at a Meeting whereat a greater Number of Trustees shall be present than when made.

VIII. And be it further enacted, That, if after any Adjournment of the said Trustees, it shall at any Time be thought necessary, by any Five or more of the said Trustees, that an earlier Day of Meeting should be appointed than that Day to which such Meeting shall have been adjourned, the Clerk to the said Trustees, by an Order in Writing signed by Five or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed; such Time not being less than Seven Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Meetings on Emergencies.

IX. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by or by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the Trustees, or any Seven or more of them, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action or Suit, or Bill of Indictment: Provided always, that every such Treasurer or Clerk, in whose Name any Action or Suit, or Bill of Indictment shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or other Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant, or Prosecutor as aforesaid.

Trustees may sue and be sued in the Name of their Treasurer or Clerk.

Treasurer or Clerk to be reimbursed their Expences.

X. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, 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

Trustees to appoint Officers,

[Loc. & Per.]

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Surveyors

and to re-
move them,
and appoint
others,

and allow
Salaries :

Taking Secu-
rity.

No Victual-
lers, *etc.* shall
hold any
Place of Pro-
fit.

Officers to
account on
Oath.

Surveyors of the Roads intended by this Act to be made and repaired as aforesaid, and such other Officers and Persons as they shall think proper; and from Time to Time to remove such Officer or Officers, and Persons, and on the Death or Deaths, Removal or Removals of such Officer or Officers, Person or Persons, to appoint another or others in his or their Stead; 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 in Manner aforesaid; and by and out of the Monies arising by virtue of this Act, the said Trustees may and are hereby empowered to appoint and pay such Salaries, Allowances, and other Rewards to such Officers and Persons by them employed, for their Services in making, repairing, widening, altering, improving, and keeping in Repair the said Roads, or otherwise in putting this Act 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 Roads, 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.

XI. And be it further enacted, That all such Officers, and all other Persons, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purposes the same, and every Part thereof, hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath (which Oath any One of the said Trustees is hereby empowered to administer); and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons on their Behalf, such Justice may, and is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him, and upon his

his or their appearing, or not appearing, without sufficient Excuse, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some reasonable Excuse), or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof, upon Oath as aforesaid; or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the common Gaol of the County where he or they shall live and reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto; and shall have paid the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby in such Case empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person, who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And be it further enacted, That upon the Death, Incapacity, absconding, Misbehaviour, or Absence of any Collector or Receiver of the Tolls, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may discharge such Collector or Receiver who shall become incapable, abscond, misbehave, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying, or being discharged

Trustees to
appoint tem-
porary Col-
lectors.

as

as aforesaid, and to continue until the next Meeting of the Trustees; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the Tolls who shall at any Time be discharged from his said Office by the Trustees, or any Five or more of them, by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, become incapable, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act for the Space of Two Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose by or under the Hands of any Five or more of the said Trustees, or their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer within the said County, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person and Persons who shall be found therein, and the Occupier or Occupiers thereof, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or their Clerk, or their new appointed Officer, into the Possession thereof, with the Appurtenances.

For erecting
Turnpikes.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected and set up any Turnpike or Turnpikes, Gate or Gates, in, upon, or across any Part of the said respective Roads by this Act directed to be made, repaired, widened, altered, improved, and kept in Repair as aforesaid; and also upon the Side or Sides of any Part of the said Roads, and across any Lane or Way leading into the same respectively; and also erect or provide, or cause to be erected or provided, a Toll House or Toll Houses, with suitable Outbuildings and Conveniencies, at or near each Turnpike or Turnpikes, Gate or Gates, and may from Time to Time remove or alter the same as they the said Trustees, or any Five or more of them, shall think proper; and the Tolls following shall be demanded and taken at every such Turnpike or Turnpikes, Gate or Gates, 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 by the Person or Persons to whom the same shall be let or leased in Manner hereinafter mentioned, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Coach, Berlin, Landau, Sociable, Chariot, Curricle, Hearse, Calash, Chaise, or Chair, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or other Beast of Draught, the Sum of Four-pence Halfpenny:

For every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, Wain, Cart, Tax Cart, Car, or other Carriage, the Sum of Four-pence :

For every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, Wain, Cart, Tax Cart, Car, or other Carriage employed in carrying Lime, solely for manuring or improving of Land, from the First Day of *April* to the last Day of *September* inclusive in every Year, the Sum of Two-pence ; but at all other Times whatever the Sum of Four-pence :

For every Ox or other Neat Cattle drawing any Waggon, Wain, Cart, Tax Cart, or other Carriage, the Sum of Three-pence :

For every Ox or other Neat Cattle drawing any Waggon, Wain, Cart, Tax Cart, Car, or other Carriage employed in carrying Lime, solely for manuring or improving of Land, from the First Day of *April* to the last Day of *September* inclusive in every Year, the Sum of One Penny Half-penny ; but at all other Times whatever the Sum of Three-pence :

For every Horse, Mare, Gelding, Mule, or Afs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score ; and so in Proportion for any greater or less Number : And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score ; and so in Proportion for any greater or less Number :

For all Coaches, Berlins, Landaus, Sociables, Chariots, Curricles, Hearfes, Calashes, Chaifes, Chairs, Waggon, Wains, Carts, Tax Carts, Cars, and other Carriages whatsoever, and all Horses and other Cattle whatsoever, passing through any of the Turnpikes or Gates to be erected or continued under Authority of this Act, between the Hours of One in the Morning and Twelve at Night on every *Sunday*, shall pay, and are hereby charged with Double the Tolls authorized to be taken at every such Turnpike Gate, for any such like Carriage or Carriages, Horse or Horses, or other Cattle whatsoever as aforesaid, on any other Day : *Sunday Tolls.*

All which said respective Sums of Money shall be demanded and taken in the Name of or as 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 to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Goods upon which such Toll is by this Act imposed ; 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 the Horse or Horses, or any Part of the Harness or Accoutrements, or Cattle so seized and distrained, or a sufficient Part thereof, 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 to be collected or levied by virtue of this Act, shall be, and are hereby respectively vested in the said Trustees, and shall be applied or may be assigned in such Manner as is herein-after mentioned, subject to the Repayment of all and every the Sum and Sums of Money

Tolls may be levied.

Tolls vested in the Trustees.

[*Loc. & Per.*]

§ F

that

that shall be borrowed upon the Credit of this Act, and the Discharge of all Interest to grow due on the same respectively.

Property of
the Turnpikes
and Toll-
houses, etc.
vested in the
Trustees.

XIV. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses to be by virtue of this Act erected upon the said Roads, with their Appurtenances, and the Right and Property of the Materials provided for building or repairing the same, and of all Materials which shall be actually got or collected for repairing the said Roads, shall be, and the same are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to sell and dispose of the same or any Part thereof as they shall think proper, and 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 Treasurer or Treasurers, Clerk or Clerks, or to prefer or order the preferring of Indictments against any Person or Persons who shall injure the same or any Part thereof, or disturb them in the Possession thereof, or take, or retain or hold Possession thereof, after being required by the said Trustees, or any Five or more of them, to deliver up the same.

For erecting a
Crane or
Weighing
Engine.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any publick Meeting to be held in pursuance of this Act, if they shall think proper, at any Gate or Gates to be erected on the said Roads, and at such Distance from any Toll Gate or Toll Bar as they shall think requisite or expedient, to order and cause to be built or erected a Crane Machine, or Engine proper for the weighing of Carts, Waggon, or Carriages, carrying or conveying any Goods, Wares, or Merchandize whatsoever; which said Crane, Machine, or Engine, shall be subject and liable, and the Person or Persons attending the same shall conform in all Respects whatever to the Rules and Regulations contained in an Act passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England.*

Expences of
passing the
Act; how to be
paid.

XVI. And be it further enacted, That out of the Money that shall be raised by virtue of this Act, all the Charges and Expences of obtaining and passing this Act, and other the necessary and reasonable Charges incident thereto, shall be first satisfied and paid, in the Proportions following; that is to say, One Moiety thereof out of the Tolls which shall be collected and paid upon the Road leading from the *Crown Hill*, in *Newent*, to *Crow Hill*, in the Parish of *Upton Bishop* aforesaid, and out of the Monies to be borrowed on the Credit thereof; and the other Moiety thereof out of the Tolls which shall be collected and paid upon the Road leading from the Bottom of *Kilcott Hill*, in the Parish of *Newent*, to the *Lea Line*, and from *Perrin's Wood*, to the Great Pool on *Gorsley Common* aforesaid, and out of the Monies to be borrowed on the Credit thereof.

Application of
the Tolls.

XVII. And be it further enacted, That the Tolls arising or to be collected and paid at any Turnpike Gate or Turnpike Gates to be erected upon or on the Side or Sides, or across any Part of the said Road leading from the *Crown Hill* in *Newent* to *Crow Hill* in the Parish of *Upton Bishop* aforesaid, and the Monies borrowed or to be borrowed on the Credit thereof,

thereof, shall be applied in paying the Principal and Interest of the Money so borrowed or to be borrowed, and in amending the said Road, in such Manner as the said Trustees, or any Five or more of them, shall think fit; and that the Tolls arising or to be collected and paid at any Turnpike Gate or Turnpike Gates to be erected upon or on the Side or Sides thereof, or across any Part of the said Road leading from the Bottom of *Kilcott Hill*, in the Parish of *Newent*, to the Lea Line, and from *Perrin's Wood* to the Great Pool on *Gorsley Common*, and the Monies borrowed or to be borrowed on the Credit thereof, shall be applied in paying the Principal and Interest of the Money so borrowed or to be borrowed, and in amending the said last mentioned Road, in such Manner as the said Trustees, or any Five or more of them, shall think fit, and to and for no other Use or Purpose whatsoever.

XVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and they are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to lessen, vary, or alter all or any Part or Parts of the several Tolls granted by this Act, and to raise the same again; so that the same do not exceed the Tolls by this Act granted, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Two Third Parts at least of the Money then due and owing upon the Credit of the said Tolls, or who at the Time of such Reduction shall have Money secured thereon; but such Reduction shall not be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said respective Roads, at least Fourteen Days before making such Reduction; and such Tolls so lessened, varied, or altered, shall be recovered, collected, and applied, in the same Manner as the Tolls hereby granted are directed to be recovered, collected, and applied.

Trustees may vary the Tolls.

XIX. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once for passing or re-passing at any Time or Times in any One Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, with the same Horse, Cattle, Beast, or Carriage, through all or any of the Turnpike or Turnpikes to be erected upon or on the Sides of, or across the Road leading from the *Crown Hill* in *Newent* to *Crow Hill* in the Parish of *Upton Bishop*, nor more than Once in the same Day at any Turnpike Gate or Turnpike Gates to be erected upon or on the Side of, or across the Road leading from the Bottom of *Kilcott Hill*, in the Parish of *Newent*, to the Lea Line, and from *Perrin's Wood* to the Great Pool in *Gorsley Common*, such Person or Persons producing a Ticket, denoting that the respective Tolls hath been paid on that Day; which Ticket the Collectors of the Tolls are hereby required to deliver *gratis*, if demanded, on Receipt of such Toll.

Tolls to be paid but Once a Day.

XX. Provided always, and it is hereby declared and enacted, That no Toll shall be demanded or taken (except on *Sundays*), for any Cattle, Horse, or Farming Stock going to or from Lands or Grounds lying within any or either of the Parishes, Townships, Hamlets, Divisions, or Places into or through which any Part of the said respective Roads lead; nor for any Cattle or Horse going from or to the Curtilage, Outhouse, or Place

Exemptions from Tolls.

Place where usually kept, or to or from Pasture, in order to be cued, shoed, or farried, and for no other Purpose; nor for any Carriage, Horse, or Cattle, drawing, carrying, or laden with Corn in the Straw, or Hay, Potatoes, or Turnips, and grown on Lands situate within any or either of the Parishes, Hamlets, Divisions, Townships, or Places into or through which any Part of the said Roads lead, and being taken from off the Lands where the same shall be grown, into the Barns, Outhouses, Rick Yards, or Rick Bartons of the Occupiers of such Lands respectively, within any or either of such Parishes or Places as aforesaid; nor for Dung made in or upon the Outhouses, Folds, Yards, Curtilages, or Bartons of any Person or Persons situate within such Parishes or Places as aforesaid, when drawn out for the immediate Purpose of being spread, and actually used in and upon any Lands in the actual Occupation of such Person or Persons, within any or either of such Parishes or Places as aforesaid, in Carriages having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards; nor for Horses or Cattle going from or to the Curtilage, Outhouse, or Place where usually kept, to or from Water only; nor for Milch Kine going from their Places of Pasture to the Milking Yard or Place where usually milked, or returning to their Pasture therefrom; nor for Cattle or Carriages employed in conveying Vagrants sent by legal Passes; nor for Carriages or Horses carrying any Person or Persons to or from Elections for any Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester* and *Hereford* respectively, during the Time of such Elections, or on the Day before or Day after such Elections shall begin or be concluded; nor from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor for the Cattle or Carriages of any Person or Persons residing in any Parish, Township, or Hamlet in which the said respective Roads lie, who shall pass through any Turnpike or Toll Gate to or from their own Parish Church, Chapel, or other nearest Place of religious Worship on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and was resident in the Parish, Township, or Hamlet at the Time of his Death, and to be buried within any Parish, Township, or Hamlet into or through which any Part of the said respective Roads lie; nor for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; nor for any Horses belonging to Officers or Soldiers on their March or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers.

Penalty on Persons taking the Benefit of any Exemption not being entitled thereto.

XVI. And be it further enacted, That if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other Exemption under any Act or Acts of Parliament for regulating Turnpike Roads in that Part of the United Kingdom called *England*, not being entitled to the same, or shall, under Pretence of any Exemption or otherwise, pass through any Turnpike Gate to be erected or continued under the Authority of this Act, without paying the Toll thereat authorized to be taken, every such Person shall, for every such Offence, forfeit and

and pay any Sum not exceeding Three Pounds nor less than Twenty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Toll due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by Sale thereof, as the Case may happen, until the Quantity of Toll due, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the County or Place where such Toll shall be incurred, or such Distress taken; who, upon Application made to him for that Purpose, shall examine the Matter, on Oath of the Parties or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such Distress, Keeping, and Sale, and also of the Collectors Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

XXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors of Tolls competent Witnesses.

XXIV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads; or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a publick Highway, shall knowingly or willingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given by the Collector of the Tolls; 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 Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, every such Person so offending in any of the Cases aforesaid, shall for each Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To prevent evading the Tolls,

or taking off Cattle from any Carriage to avoid Payment of Toll.

XXV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or other Person or Persons by them or any of them, or by the said Trustees, or any Five or more of them, employed in the Execu-

Penalty on obstructing the Execution of the Act.

tion of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings.

For borrow-
ing Money.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, to borrow and take up at Interest such Sum or Sums of Money as they shall think fit, upon the Credit of the Tolls to be collected by virtue of this Act, and to mortgage, demise, and assign over the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, the Costs and Charges of such Mortgages to be paid out of such Tolls respectively, to any Person or Persons who shall advance or lend their Monies thereon, for any Time during the Continuance of this Act, as a Security or Securities for the Money that shall be so borrowed, and the Interest thereof as aforesaid, by the following Words under their Hands, or by any other Words to the like Effect; (*videlicet*),

Form of Mort-
gage.

‘ BY virtue of an Act, made in the Forty-second Year of the Reign of
 ‘ His Majesty King George the Third, intituled, *An Act* [*here insert*
 ‘ *the Title of this Act*] we _____ of the Trustees for the said respec-
 ‘ tive Roads, in consideration of the Sum of _____
 ‘ to the Treasurer of the said respective Roads in Hand paid, do
 ‘ grant, bargain, sell, and demise unto
 ‘ his Executors, Administrators, and Assigns, such Proportion of
 ‘ the Tolls arising from the said Roads, and of the Turnpikes and Toll
 ‘ Houses for collecting the same, as the said Sum of _____
 ‘ doth or shall bear to the whole Sum due and owing on
 ‘ the Credit thereof, or charged upon the Term of the said Act, to be
 ‘ had and holden from this _____ Day of _____ in the Year of
 ‘ our Lord _____ for and during the Continu-
 ‘ ance of the said Act, unless the Sum of _____ with Interest at
 ‘ the Rate of _____ *per Centum per Annum*, shall be sooner paid
 ‘ and satisfied.’

And that Copies of all such Mortgages or Assignments, and of any new Mortgages or Assignments that may be made in lieu of any Mortgage or Assignment, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after the Second Meeting, unless Fourteen Days previous Notice shall have been given in some publick Newspaper, published or circulated in the said Counties of *Gloucester* or *Hereford*, and affixed in Writing on all the Turnpikes which shall be then standing upon the said respective Roads, of the Time and Place of Meeting for the borrowing thereof; and all Mortgages or Assignments so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes; and the several Persons to whom such Mortgages or Assignments shall be made, and their respective Executors, Administrators, or Assigns, may from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any Person or Persons, signing an Instrument to be annexed to such Security, or by Indorsement on the same in the following Words, or Words to the like Effect; (*videlicet*),

‘ I A. B.

I *A. B.* do transfer the within Mortgage [*if by Indorsement; or by a separate Instrument*], a certain Mortgage, bearing Date the
 Day of _____] of the Tolls arising on the Roads to be made, amended, and kept in Repair by virtue of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled; *An Act* [*here insert the Title of this Act*] and all my Right and Title to the Principal Money and Interest thereby secured, unto his Executors, Administrators, or Assigns.
 Dated this _____ Day of _____

Form of Transfer.

And every such Transfer shall be produced and shewn to the said Clerk or Clerks before any Interest shall be paid thereon, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names, and Places of Abode of the Parties, and the Sum of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence and no more, by the Person or Persons to whom such Transfer shall be made; which Book or Books shall and may be inspected at all seasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his or her Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignees may in like Manner assign the same again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

XXVII. And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the Tolls granted by this Act, his, her, or their Assignee or Assigns, in respect to Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee or Assignees, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors on this Act in equal Degree One with another.

All Creditors to be deemed equal in Degree.

XXVIII. And be it further enacted, That out of the first Monies that shall be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall pay and discharge all the Expences and Costs relative to the procuring and passing this Act, in Preference to any other Payment whatever; and after Payment thereof, all such Money which shall come to the Hands of the said Trustees by virtue of this Act, shall be from Time to Time applied in the Execution of this Act, and to no other Use or Purpose whatsoever.

For Payment of the Expences of passing this Act.

Further Application of Money.

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, upon Fourteen Days Notice at least being given in some Newspaper usually circulated in the Counties of *Hereford* and *Gloucester*, and in Writing to be affixed on the several Turnpikes to be erected upon the said respective Roads, from Time to Time to let or farm by the Year, or for any Term not exceeding Three Years, all or any Part of the Tolls granted by this Act, to any Person

Trustees may lease Tolls.

Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Rent or Sum 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 giving such Security for the same as shall be approved of by the said Trustees, or any Five or more of them, who shall let the same; 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 let or leased shall always pay down One Quarter in Advance.

Surveyors may
get Materials
for repairing
Roads out of
any Waste
Lands.

XXX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed under or by virtue of this Act, and for any other Person or Persons by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, to be for that Purpose employed, to cut, dig, get, take, and carry away any Furze, Heath, Sand, Gravel, Stones, Earth, Soil, or other Materials, for the making, repairing, widening, or amending of the said Roads, in, upon, out of, or from any Ditch, Brook, River, Common, or Waste Ground, lying in any Parish, Township, Hamlet, Division, or Place, into or through which any Part of the said respective Roads lead, or in any other Parish, Hamlet, Township, Division, or Place adjoining, without making any Satisfaction for the same; but so as not to divert or interrupt the Course of any such River or Brook, or to prejudice or damage any Building, Highway, Bridge, Dam, Weir, or Ford; and so that all Holes and Pits where any such Materials as aforesaid shall be digged, gathered, and taken, be fenced or stopped up, so as to prevent any Danger or Accident to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Ditch, Brook, River, Common, or Waste Ground, then and in such Case it shall be lawful for such Surveyor or Surveyors, or other Person or Persons as aforesaid, by Order of the said Trustees, or any Five or more of them, in Writing under their Hands, to enter into and upon any Lands, Fields, Closes, or Inclosures of any Person or Persons, Bodies Politick or Corporate, in such Order to be specified (such Lands not being the Ground whereon any Dwelling House stands, or the Curtilage thereof, nor any Garden or Orchard immediately adjoining the same, nor any Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Walks, or Avenue to any House), and to search for, dig, get, gather, and take away, any such Materials as aforesaid, for the Repair of the said Roads, and from Time to Time to carry away the same upon or through the private Lands or Grounds of any Person or Persons whomsoever, paying such Sum or Sums of Money, as a Satisfaction for the Damage done to the Owners and Occupiers of the Closes, Lands, and Grounds where and from whence the same shall be dug, got, gathered, or carried away, or upon, over, or through which the same, or any other Materials for improving or repairing the said Roads, shall be carried or drawn, and in carrying away the same as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Payments and Damages, any One or more Justice or Justices of the Peace acting for the County wherein such Closes, Lands, and Grounds shall lie, shall and may, on Four Days
Notice

Notice thereof being given in Writing by the said Surveyor or Surveyors, to the Owner or Owners, Occupier or Occupiers, or by them to the said Surveyor or Surveyors, or to be left at their respective usual or last known Places of Abode, hear, settle, and determine the Matter of such Payment and Damages, and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for the Purposes of this Act, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner, or his Agent, or to the Occupier of the Premises from whence such Materials are intended to be taken, or left at the House, or last or usual Place of Abode of such Occupier, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting for the County wherein such Premises shall lie, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Land Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justice or Justices, shall, if they think proper, authorize such Surveyor or other Persons, to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Trustees, or to such Justice or Justices, shall seem proper; and if such Land Owner or Occupier shall (except for some reasonable Excuse) neglect or refuse to appear by himself or herself, or Agent, the said Trustees, or any Five or more of them, or such Justice or Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given to Occupiers of Lands before Materials are taken therefrom.

XXXII. And be it further enacted, That if any Person shall take away any Materials which have been dug, got, or gathered in any Lands, Fields, Grounds, Wastes, or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the making, repairing, and improving the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Calendar Months, without having previously obtained the Consent in Writing of Five Trustees (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Penalty on taking away Materials.

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Person as he or they shall appoint, from Time to Time to remove all Annoyances made on any Part of the said Roads, by Timber, Stones, Carriages, Saw Pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Roads; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper any

For removing Annoyances,

[Loc. & Per.]

8 H

Water-

Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same respectively, and dispose thereof for the Benefit of the said Roads; and to cut and reduce all such Hedges to the Height of Four Feet, from the Bank whereon the same shall grow or stand, in case the Persons occasioning such Annoyances shall neglect to remove the same, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes, or Lops, or reduce such Hedges, in such Manner as the said Surveyor or Surveyors, or such Person as aforesaid shall require, for the Space of Fourteen Days, or to cut down such Trees within the Space of Twelve Calendar Months next after Notice in Writing given for those respective Purposes under the Hand of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers; and in case of Refusal to pay the same by such Owners or Occupiers, the same shall be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and such Owners or Occupiers so neglecting to open, deepen, and cleanse such Watercourses or Ditches, or to cut and reduce such Hedges within the Time aforesaid, after such Notice given, shall likewise forfeit, for every Foot in Length, any Sum not exceeding Two Pence nor less than One Penny, over and besides the Charges to be settled as aforesaid; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall, for every such subsequent Offence, forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Against drawing Timber, except on Wheel Carriages.

XXXIV. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Dung, &c. not to be laid on the Sides of the Roads.

XXXV. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded or laid down from any Carriage within Forty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Roads within Twenty Feet of the Centre of such Roads, upon Pain that the Owner or Owners of every Carriage so employed, or the Driver or Drivers thereof, shall forfeit, for each and every Offence, any Sum not exceeding Forty Shillings nor less than Ten Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To make Causeways, &c. and build or repair Bridges.

XXXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose

Purpose from the said Trustees, or any Five or more of them) to make or cause to be made Causeways, and also covered or open Drains and Ditches, in and upon or on the Sides of the said Roads, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains, so as effectually to carry off the Water from any Part of the said Roads; and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is forming, making, repairing, or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground; and also by Order of any Five or more of the said Trustees, to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto; Notice of such Intention to build, erect, or repair any Bridge being first given by affixing the same on all the Turnpikes that shall be then erected upon the said Roads by virtue of this Act, at least Fourteen Days before any Meeting of the said Trustees at which such Order to build, erect, or repair any Bridge shall be made.

XXXVII. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Turnpike Surveyor, or any other Person or Persons by him or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, or carrying away any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in making, amending, widening, turning, altering, improving, or repairing the said Roads, or in topping, lopping, cutting, or carrying away any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring any new or other Ditch, Drain, or Water-course as aforesaid, or in doing any other Act in or for the Execution of this Act, by virtue of the Powers by this Act given, or any of them, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings.

For punishing Persons that obstruct Surveyors in their Duty.

XXXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Roads; and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or other Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to treat, contract,

Trustees may contract for Purchase of Lands to be taken into Roads.

Incapacitated
Persons may
treat.

Where Per-
sons neglect
or refuse to
treat,

Damage and
Recompence
to be settled
by a Jury.

Witnesses to
be examined
on Oath.

Verdict of
Enquiry is to
be final.

contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments; and that it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infant Wards, Cestuique Trusts, Lunaticks, or Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seised or possessed of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of, or interested in any such Lands or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell or convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they, or any of them, shall do by virtue or in pursuance of this Act; and if any such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of the said Roads is to be made, widened, diverted, turned, or altered, for the Space of Fourteen Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein the Premises lie; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time as Occasion shall be, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Judgement

ment or Inquisition, Order or Determination thereupon, shall be final and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands or Hereditaments shall lie, requiring him to impanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear (except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so as no such Fine be more than Forty Shillings nor less than Ten Shillings on any One Person for One Offence.

For impanel-
nelling a Jury.

Jurors may be
challenged.

XXXIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or of any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury (as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid), that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses as aforesaid shall be borne and paid by the Treasurer to the said Trustees, out of any Money to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by

How Expences
of Jury, etc.
shall be paid.

[Loc. & Per.]

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the

the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in Question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise, such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Upon the Payment of the Purchase Money, the Lands to be laid into the Roads.

XL. And be it further enacted, That every Sum of Money, or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls or other Money arising by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or, as the Case may be, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon leaving the same in the Hands of the Treasurer or Treasurers of the said Roads for the Use of such Parties or Persons, and after Fourteen Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual or last known Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes, from thenceforth for ever become and be deemed and considered a common Highway, and as Part of the Roads by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, but no Part of the said Roads shall be made of any greater Width than Forty Feet; and after such new Road shall be completed, the Land comprized in, or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up or left unrepaired, unless the same may be wanted for any publick Use, or for the particular Convenience of the Occupancy of any Lands or Hereditaments to which the same may lead, or shall be by them the said Trustees, or any Five or more of them, sold for the best Price or Prices that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by any Five or more of the said Trustees, and enrolled with the Clerk of the Peace for the County wherein such Lands shall

Former Roads may be sold.

shall lie, shall be good and effectual to all Intents and Purposes whatsoever: Provided always, that this Act shall not extend or give Power to the Trustees acting in the Execution thereof, to the taking down of any Dwelling House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part thereof.

XLI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of
Compensation
when amount-
ing to 200 £

XLII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall,

Application
where the
Compensation
is less than
200 £. and ex-
ceeds 20 £.

at

at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

XLIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Trustees may enter Lands to make the Roads.

XLIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any of them, and for the Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon any Road shall be thought proper to be made, widened, altered, or turned, and to stake out, alter, and turn the same, in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act; making Satisfaction to the Occupiers of such Lands or Grounds, for the Damage that shall be done to the Land or Ground on the Side of any new Road, whilst the same shall be making, widening, turning, or altering, in case such Damage shall exceed the Sum of Twenty Shillings; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out, making, altering, or turning any such Road, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds nor less than Forty Shillings.

Trustees to fence off new Roads

XLV. And be it further enacted, That in all Places where the Course of any Part of the present Roads shall be diverted from the old Line of Road, or a new Road shall be made (except any Open Common Field Land or Common, or Waste Ground), or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any

Five or more of them, shall and are hereby required to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted, or sufficient Stone Walls to be built in an husbandlike Manner, on both Sides of such new Road, where, the same is necessary, and shall support such Mounds, Walls, Rails and Fences for and during the Term of Seven Years from the first making thereof.

XLVI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby empowered from Time to Time to treat, contract, and agree with any Person or Persons, for the repairing, widening, altering, turning, or amending the said Roads, or any Part or Parts thereof, and for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Seven or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting by such Trustees, or any Seven or more of them, shall be binding to the said Trustees and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Roads.

XLVII. And be it further enacted, 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 for or are liable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge or Bridges thereon, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Persons liable to repair the Roads to continue so.

XLVIII. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Gloucester* and *Hereford*, or either of them, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money, received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices in their respective Jurisdictions, from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices respectively, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within every such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of

Persons chargeable to Statute Work to continue so.

Justices to determine Differences touching Statute Work.

[*Loc. & Per.*]

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any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices respectively shall and may allot, appoint, and order, such and so many of the Persons, who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices respectively shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices respectively shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices respectively shall think proper, to the said Trustees, or their Treasurer or Treasurers, at such Time or Times as they the said Justices respectively shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound for
Statute Work.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also
with

with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Roads shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance, on or before the First Day of *February* in each and every Year.

L. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles and Distance of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts erected upon or near any Part of the said Roads, or shall obliterate or deface any Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the County or Place wherein such Offence shall be committed, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for every such Offence, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted, shall not be able, or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the County or Place wherein such Offence shall be committed, by Warrant under his Hand and Seal, to commit such Person or Persons to the common Gaol or House of Correction of such County or Place, there to remain for any Time not exceeding Three Calendar Months, and the Person or Persons shall not be discharged until he, she, or they shall have paid the said Penalty, or until the Expiration of the said Term.

Mile Stones
and Direc-
tion Posts.

LI. And be it further enacted, That the Person, or several Persons, who have subscribed any Money for or towards defraying the Expences of executing this Act, shall, and they are hereby required, to pay such Money within such Times, and to such Person or Persons as the said Trustees, or any Five or more of them, shall order and direct; and in Default of such Payment, such Money shall be recovered by Action of Debt, or on the Case, to be brought by any Five or more of the said Trustees, or by their Clerk, in any of His Majesty's Courts of Record at *Westminster*.

To compel
Payment of
Subscrip-
tions.

LII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the same shall be committed, or wherein the Offender shall be or reside, either by Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, be levied by
Distress

For Recovery
of Forfeitures
and Penalties.

and Place, when and where the same was committed, as the Case shall be].

Given under my Hand and Seal the Day and Year first above mentioned.

LV. Provided always, and be it further enacted, That if 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 appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, and the Determination of the Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same; and for Want of sufficient Distress, may commit such Person or Persons to the common Gaol or House of Correction of or for the respective County, for any Time not exceeding Six Calendar Months or until Payment of such Costs.

Allowing Parties aggrieved to appeal.

LVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, 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*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage, (if any), in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Proceedings not to be quashed for Want of Form.

LVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance

Limitation of Actions.

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fuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved; nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County where the Fact shall be committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may, at his and their Election, plead specially, or 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 the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

Term of the Act.

Publick Act.

LVIII. And be it further enacted, That this Act shall commence upon and have Continuance from the passing thereof for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; and that this Act shall be deemed, adjudged, 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.

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