



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. cxxiv.

An Act for enlarging the Term and Powers of an Act passed the Thirty-fourth Year of the Reign of His present Majesty, for repairing the Roads leading from the Town of *Tewkesbury* in the County of *Gloucester*, and other Roads therein mentioned, so far as such Act relates to the Road from *Stump Cross* in the Parish of *Didbrook* to *Stow-on-the-Wold*, in the County of *Gloucester*. [2d July 1819.]

WHEREAS, an Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for more effectually amending, widening, and keeping in Repair the Roads leading from the Town of Tewkesbury, in the County of Gloucester, to the several Places therein mentioned, being the First District of Roads described in Two Acts of Parliament, passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, and the Fourth Year of the Reign of His present Majesty, and for altering the Course of Part of the said Roads; and also for making and keeping in Repair a Road from Simmond's Ford Brook to the Turnpike Road leading to Evesham in the County of Worcester, at or near Beckford Inn in the said County of Gloucester, and from Gotherington to the Turnpike Road leading from Cheltenham to Stow-on-the-Wold, at or near Sireford Inn, in the said County of Gloucester, and from Stump Cross in the Parish of Didbrook, to the Town of Stow-on-the-Wold, in the County of Gloucester aforesaid: And whereas the several Roads mentioned and comprized in* 34G. 3.c. 135.

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the said Act passed in the Thirty-fourth of the Reign of His present Majesty were thereby divided into Two separate and distinct Districts, called the First and Second Districts, and separate Trustees were appointed for making, amending, widening, and keeping in Repair such Roads, and for otherwise putting the said Act in Execution within their respective Districts: And whereas the Trustees appointed for making and repairing the Road constituting the Second District of Road described in the Act passed in the Thirty-fourth Year of the Reign of His said Majesty have completed the said Road, and proceeded to put such Act in Execution so far as relates to such District of Road, and a considerable Sum of Money is now due and owing on the Credit of the said Act, and of the Tolls authorized to be taken on such District of Road, which Money cannot be repaid, nor can such District of Road be properly amended, improved, and kept in Repair, unless some of the Powers and Provisions of the said Act, so far as the same relate to such District of Road, be altered, amended and enlarged: 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 said recited Act, and all the Tolls, Powers, Provisions, Exemptions, Penalties, Clauses, Matters, and Things therein contained, (except such as are varied, altered, or repealed) shall so far as the same relate to the said Road leading from *Stump Cross* in the Parish of *Didbrook* to *Stow-on-the-Wold* in the County of *Gloucester*, being the Second District of Road mentioned in the said Act, be and remain in full Force, and shall be executed for and during the Term herein-after mentioned in like Manner and as fully and effectually as if the same were herein particularly repeated and re-enacted.

Recited Act continued.

For repealing so much of former Act as authorizes Trustees to administer Oaths to Accountants.

H. And be it further enacted, That so much of the said Act passed in the Thirty-fourth Year of the Reign of His present Majesty, as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed so far as the same relates to the said Second District of Road in the said Act mentioned.

Qualification of Trustees by former Act repealed:

New Qualification.

III. And be it further enacted, That so much of the said recited Act as relates to the Qualification of Trustees acting for the said District of Road shall be and is hereby repealed; and from and after the passing of this Act no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act for the said District of Road, unless at the Time of his acting therein, he shall be in his own Right or in the Right of his Wife in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation

therein-

herein-after mentioned), until he shall have taken and subscribed before One or more of the said Trustees an Oath, or (being one of the People called *Quakers*) an Affirmation in the Words or to the Effect following; that is to say),

I *A. B.* do swear, [or, being one of the People called *Quakers*, do solemnly affirm], That I am truly and *bona fide*, in my own Right or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or am the Heir Apparent of *A. B.* who to the best of my Knowledge is entitled to a Real Estate of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or that I am possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds. So help me GOD.

Oath or Affirmation.

And if any Person not being qualified as above mentioned shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Act and this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said recited Act and this Act, as far as relates to the said District of Road previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Penalty on acting if not qualified.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by or in pursuance of the said Act for the said Second District of Road, or any Five or more of them, at a Meeting to be holden for that Purpose (of which Meeting and of the Purpose thereof Notice shall be given as is directed by the said recited Act respecting the Appointment of future Trustees on Vacancies), to elect, nominate, and appoint any Number of other fit and proper Persons not exceeding Ten, to be Trustees for the Purposes of the said recited Act and this Act, as far as respects the said Second District of Road, in addition to the Trustees nominated or appointed by or in pursuance of the said recited Act, for the Second District of Road therein mentioned.

Power to appoint Ten additional Trustees.

V. And be it further enacted, That every Person acting as a Justice of the Peace for the said County of *Gloucester*, shall be and is hereby appointed a Trustee, and may act as such for the said District of Road in the Execution of the said recited Act and this Act.

Justices of the Peace may act as Trustees.

VI. Provided always, and be it further enacted, That it shall not be lawful for the Trustees for executing this Act, to appoint or continue the Person

Offices of Clerk and Treasurer

not to be held by the same Person.

Person who has been or shall be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act; or to appoint or continue the Person who has been or shall be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Accounts to be kept of Receipts and Disbursements.

VII. And be it further enacted, That the Trustees acting in the Execution of the said recited Act and this Act, shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Second District of Road, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls to be collected by virtue of the said recited Act or this Act on the said Second District of Road, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit or shall not permit the said Trustees or such Creditors or any of them to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds.

Tickets to be printed.

VIII. And be it further enacted, That upon Payment of any of the Tolls authorized to be collected by virtue of the said recited Act or this Act, on the said Second District of Road, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and all such Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which, under the Provisions of the said recited Act, are allowed to be passed free for Payment of such Toll.

Disputes about Tolls to be settled by a Justice.

IX. Provided always, and be it further enacted, That if any Dispute or Difference shall arise concerning the Amount of any Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining, to retain such Distress, or the Money arising from the Sale

Sale thereof, as the Case may happen, until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping, and selling the same, (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the County of *Gloucester*, who upon Application to him or them made for that Purpose, is and are hereby authorized and required to examine the Matter upon Oath of the Parties or other Witnesses or Witnesses, and to determine the Amount of the Tolls due; and it shall be lawful for such Justice or Justices to assess and award such Costs and Charges to be paid by either of the Parties to the other of them as he or they shall think reasonable; and in case of Non-payment of the Tolls, and Costs and Charges so ascertained, upon Demand, the same shall and may by virtue of a Warrant under the Hand and Seal of such Justice or Justices be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same.

X. And be it further enacted, That all and every the Toll Collectors being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Gate to be continued or erected by virtue of the said recited Act or this Act, on the said Second District of Road, shall and he is hereby required to place his Christian and Surname painted on a board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in Black Letters on a White Ground, or White Letters on a Black Ground; and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying thereon the several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied.

Punishing
Toll Collec-
tors misbe-
having.

XI. And be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for passing and repassing

Limitation
of Tolls.

[Local.]

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repassing the same Day with the same Horses, Cattle, Sheep, Beast, or Carriage through all or any of the Toll Gate or Toll Gates erected or to be erected upon the said Second District of Road, by virtue of the said recited Act or this Act.

General Ex-
emptions
from Toll.

XII. And be it further enacted, That none of the Tolls authorized to be taken by virtue of the said recited Act shall be demanded, taken, or received at any of the Toll Gates erected or to be erected or continued upon the said Second District of Road, for any Horses or Carriages belonging to or conveying or attending His Majesty or any of the Royal Family; or for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post-master General, either when employed in conveying, fetching, or guarding such Mails or Expresses or in returning therefrom; or for the Horses belonging to any Officers or Soldiers on their March or on 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, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for any Horse, Mule, or Ass used or employed by any Rector, Vicar, or Curate in going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, or in the Discharge of his Ministerial Duties; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place, through which any Part of the said Second District of Road lies; or for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of or to vote for a Knight or Knights of the Shire to serve in Parliament for the County of *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw for the Use of the Owner and not for Sale, or purchased or going empty for that Purpose, or returning empty after having been so employed; or of carrying or conveying any Dung, Lime, Mould, Manure, or Compost to be used only for manuring of Lands, or going empty for that Purpose, or returning empty after having been so employed; or for any Horses, Beasts, Cattle, or Carriages of any Description employed in carrying or conveying or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture; or for any Horse, Beast, or other Cattle, when going to or returning from being shod

shod or farried; or for any Horse, Beast, Cattle or Carriage used, or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or public Road within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building or repairing any present or future Bridge or Bridges on the said Second District of Road; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases, the Proof of Exemption shall lie upon the Person claiming the same.

XIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XIV. Provided always, and be it further enacted, That the said Trustees in diverting, altering, or improving any Part of the said Second District of Road under the Powers of the said recited Act and this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Deviation not to exceed 100 Yards from the present Road.

XV. And be it further enacted, That if any Mortgagee or Mortgagees of the Toll Gates, Bars, Chains, Toll Houses, and Buildings erected or to be erected by virtue of the said recited Act or this Act, on the said Second District of Road, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, or of the Tolls authorized to be collected thereat, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received

An Action of Ejectment may be supported by one Mortgagee.

received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application
of Compen-
sation if
amounting to
200l.

XVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act and this Act for the said Second District of Road, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Act 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 of the said Second District of Road, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, without Fee or Reward, to the Intent that such Money may 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 the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts; or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Monies 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, Tenements, 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 Messuages, Lands, Tenements, 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 the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be vested 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 meantime, and until such 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, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less
than 200l.,
and exceeding
20l.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to

to any Corporation, or to any Person or Persons under any 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 at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, 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 Five or more of the Trustees of the said Second District of Road, (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 said Court of Chancery.

XVIII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before-mentioned, shall not exceed 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 Five 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.

Application where not more than 20l.

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments so to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

XX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Work.

XXII. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Work on the said Second District of Road, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Second District of Road, or any Part thereof, shall still remain liable thereto in like Manner

as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Gloucester*, and they are hereby required and empowered, upon Application made to them by the Trustees for the said Second District of Road, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Second District of Road by the Inhabitants of the respective Parishes, Hamlets, or Places, in which the said Second District of Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Five Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Hamlet, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of 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 paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices 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 shall think proper to the Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof by any such Surveyor or Surveyors, 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 the said recited Act authorized or directed to be recovered; and each and every Person who shall refuse or neglect 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 last or 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 Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road shall

shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, 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.

For getting
Materials to
repair the
Road.

XXIII. And be it further enacted, That so much of the said recited Act as authorizes the said Surveyors, by Order of the said Trustees, to get Materials for repairing the said Second District of Road, shall be and the same is hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, Chalk, Furze, Heath, or other Materials for making or repairing the said Road out of any Waste or Common Ground, Common River or Common Brook in any Parish, Town, or Place adjoining the said Road without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks from whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River, or Common Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid may by Order of any Two Justices of the Peace for the County in which the Land may be situated, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Walks, or Avenue to a House or a Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Road shall be carried, as the said Justices shall adjudge reasonable.

Notice to be
given before
Materials
taken.

XXIV. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Act, to dig, gather, get, take, or carry away any Materials for repairing the said Second District of Road, out of or from any inclosed Lands or Grounds, without the Consent, in Writing, of the Owners or Occupiers thereof first had and obtained for that Purpose; and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Road, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at
the

the House or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace, acting in and for the County in which such Lands or Grounds shall be situate, to show Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials in such Manner and at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) 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 Agent had attended.

XXV. And be it further enacted, That if any Person or Persons shall take and carry away any Materials which shall have been dug or gathered for the Purpose of repairing or amending the said Second District of Road; or if any Person or Persons 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 said Road, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Twenty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), all and every such Person and Persons so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyor.

XXVI. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Second District of Road, or be suffered to continue so to open, except the hanging Post thereof shall be Thirty Feet at least from the Centre of such Parts of the said Road, and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening contrary to the Directions of this Act, shall within Fourteen Days after Notice to him, her, or them, given either personally or in Writing from the Surveyor of the said Road, cause such Gate to be hung in the Manner hereby directed, whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Road is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County of *Gloucester*, and upon Conviction thereof upon the Oath of One credible Witness pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration, and hanging such Gates; and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

Gates to open inwards.

Penalty on
committing
Nuisances,
&c. on Road.

XXVII. And be it further enacted, That if any Person shall ride upon any Footway or Causeway formed upon or on the Side of or adjoining to the said Second District of Road, or shall drive any Horses or other Cattle, or any Swine or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footway or Causeway, or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber, Stone, or other Thing, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber, Stone, or other Thing which shall be carried upon Wheel Carriages to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the same or any Part thereof, or the Fences on either Side thereof; or if any Person shall turn or suffer any Horse, Ass, Beast, or Swine to be turned on or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or Meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care upon the said Road; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Ten Yards from the Centre of any Part of the said Road; or play at Football on any Part of the said Road; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) in, upon, or on the Side of any Part of the said Road longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, and then such Carriage shall be placed as near to the Side of the said Road as conveniently may be; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road, or on the Side or Sides thereof, between the said Road and the Fences now standing or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof; or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying on his own Ground, and be carried away without being brought over any Part of the said Road, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied.

For paying
the Expences
of this Act.

XXVIII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with

lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised upon the said Second District of Road by virtue of the said recited Act, or out of the First Monies which shall be raised or borrowed upon the Credit of the said recited Act and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

XXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

XXX. And be it further enacted, That this Act shall commence and have Effect upon the passing thereof, and the said recited Act (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall be put in force, and be executed with respect to the said Second District of Road, for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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