



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xvi.

An Act for making and maintaining a Road from the Town of *Cheltenham* to join the present Turnpike Road from *Cheltenham* to *Painswick*, at or near to *Prinknash* Park Wall, in the County of *Gloucester*.
[22d June 1820.]

WHEREAS the present Road from the Town of *Cheltenham* towards the City of *Bath* is very hilly, inconvenient, and dangerous for Passengers: And whereas the making a new Road from the said Town of *Cheltenham*, to join the Turnpike Road from *Cheltenham* to *Painswick*, at or near to *Prinknash* Park Wall in the County of *Gloucester*, will afford a much more easy and convenient Communication, and be a considerable Accommodation, not only to the Towns of *Cheltenham* and *Painswick*, and to the populous manufacturing Districts of the County of *Gloucester*, but also to Travellers passing between the said Town of *Cheltenham* and the City of *Bath* aforesaid: But such new Road cannot be made and maintained without the Aid and Authority of Parliament: 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 acting Magistrates for the County of *Gloucester*, the Honourable *Henry Edward Somersct*, commonly called Lord *Henry Edward Somerset*, the Honourable *Henry Bathurst*, commonly called Lord *Apsley*, the
[Local.] 4 I Honourable Trustees,

Honourable *John Dutton*, Sir *William Hicks* Baronet, Sir *Berkeley William Guise* Baronet, *Edward Webb*, *Robert Barnsby Cooper*, *Joseph Cripps*, the Dean and Prebendaries of the Cathedral Church of the Holy and Indivisible Trinity in *Gloucester*, the Mayor, Aldermen, and Common Council of the City of *Gloucester*, *John Adams*, *Richard Adey*, *Edward Aldridge*, *Charles Baker*, *William Baylis*, *William Baylis junior*, *Edward Baylis*, *Joseph Baylis*, *William Fitzhardinge Berkeley*, *Joseph Blisset*, *Edward Braynsford*, *James Buchanan*, *Nathaniel Burdock*, *Anthony Bubb*, *Henry Burgh*, *James Hodge Byles*, *Christopher Capel*, *Edward Palling Caruthers*, *John Chadborn*, *Henry Clift*, *William Codrington*, *Philip Combault*, *Thomas Commeline*, *John Cook*, *Henry Cook*, *Thomas Cossens*, *John Cox*, *William Cox*, *George Cox*, *Charles Thomas Cox*, *Joseph Davis*, *William Davis*, *Thomas Davis*, *Jeremiah Day*, *William Drew*, *Nathan Driver*, *Nathan Driver junior*, *Henry Eycott*, *John Fearon*, *John Fletcher*, *Charles Fletcher*, *Ralph Fletcher*, *George Garlick*, *Samuel Goddard*, *Samuel Goddard junior*, *Thomas Gray*, *Thomas Griffiths*, *William Griffith*, *Charles Griffith*, *Theodore Gwinnett*, *William Gyde*, *Charles Gyde*, *William Halliday*, *Charles Hardwick*, *Henry William Harris*, *Peter Hawker*, *John Hawker*, *George Hayward*, *Thomas Heague*, *James Helps*, *Richard Helps*, *John Heath*, *Weston Hickers*, *Heathfield Weston Hickers*, *William Hicks*, *William Hinton*, *William Hodges*, *Thomas Holbrow*, *John Holbrow*, *Charles Horlick*, *Thomas Jones Howell*, *John Humpage*, *William Henry Hyett*, *William James*, *Edward Jerningham*, *John Jones*, *Edward Jones*, *Henry Yates Jones*, *Baynham Jones*, *Nathaniel Jones*, *John King*, *William Lawrence*, *John Little*, *John Loveday*, *William Loveday*, *Thomas Loveday*, *William Martin*, *Charles Matthias*, *Daniel Merrell*, *Thomas Minster*, *William Montague*, *Robert Morris*, *William Morris*, *Charles Edward Neville*, *Henry Newman*, *Charles Newman*, *Charles Newmarch*, *John Hervey Olney*, *John Palling*, *Charles Palmer*, *William Parker*, *James Parsons*, *John Partridge*, *James Phelps*, *Thomas Phillips*, *John Phillpotts*, *John Phillpotts junior*, *William Powis*, *Richard Pruen*, *Thomas Rudge*, *Samuel Saunders*, *Vyner Snell*, *Samuel Snowden*, *John Snowden*, *William Stanton*, *William Syms*, *Thomas Smith*, *Joseph Cooper Straford*, *Henry Thompson*, *Robert Lawrence Townsend*, *Henry Norwood Trye*, *Joseph Ellis Viner*, *Edmund Wick Viner*, *Thomas Walker*, *John Clarke Wallop*, *David Walters*, *James Woodbridge Walters*, *Jonathan Wane*, *Thomas Rushworth Ward*, *George Wathen*, *Nathaniel Watts*, *Joseph Watts*, *Peter Watts*, *David Whatley*, *John Aubrey Whitcombe*, *Jacob Wilkinson*, *John Wight*, *Joseph Wight*, *Robert Wight*, *Edward Wight*, *Stephen John Welch*, *Fletcher Welch*, and *Edward Wood*, together with such Number of Persons not exceeding Ten, as they or any Five or more of them shall at their First Meeting nominate and appoint, shall be and they and their Successors, to be elected in the Manner herein-after mentioned, are hereby appointed Trustees for making and maintaining the said Road, and otherwise carrying this Act into Execution.

Power to
elect other
Trustees.

II. And be it further enacted, That when and so often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein mentioned, shall die, or by Writing under their Hands decline, or for the Space of Two Years at any one Time shall

shall neglect to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One or more fit and proper Person or Persons to be a Trustee or Trustees, in the Room of every Trustee or Trustees dying, declining, or neglecting to act as aforesaid, provided that public Notice of the Time and Place of meeting of the said Trustees for every such Election be given by any Two or more of the said Trustees, or the Clerk to the said Trustees, by affixing the same in Writing upon all the Toll Gates then erected upon the said Road, and by inserting such Notice in one or more of the Newspapers published within the County of Gloucester, Ten Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees, pursuant to the Directions of this Act, shall and may act with the surviving and continuing Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seized of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previously 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.

IV. And be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath herein-after mentioned), shall take and subscribe an Oath before Two or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following, (that is to say),

“ I A. B. do swear, That I am in my own Right (or, in the Right of my Wife), truly and *bonâ fide* seized or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear

Qualification
of Trustees.

Trustees to
take an Oath.

clear yearly Value of One hundred Pounds above Reprizes; or am Heir Apparent of a Person truly and *bonâ fide* seized or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments; of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or am truly and *bonâ fide* possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act of Parliament passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act.*] So help me GOD.

Trustees holding Places of Profit not to act.

V. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit or be interested or concerned in any Contract or Contracts under this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall be on that Account deemed unqualified to act as a Trustee in the Execution of this Act, nor shall any Justice of the Peace be disqualified from acting as such by reason of his being a Trustee under this Act (except only in such Cases wherein he may be personally interested).

Victuallers not to be Officers, or act as Trustees.

VI. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of Public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls granted by this Act, during such Time as he, she, or they, shall keep such Victualling House, Ale-house, or other Place of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

General Meetings of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at the *Falcon Inn* in *Painswick*, in the County of *Gloucester*, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at such Time as they shall from Time to Time order and direct, provided that no Adjournment shall be made for any longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees, at any Meeting assembled, shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on the Toll Gates then erected in, upon, across, or on the Sides of the said Road, and to be inserted in one or more of the Newspapers published within the City or County of *Gloucester*,
at

at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which such last Meeting was appointed; provided always, that no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be holden under this Act, before the Hour of Eleven in the Forenoon, nor shall any Adjournment be made at any Meeting appointed to be held at any later Hour than Three in the Afternoon of the Day on which such Meeting is appointed to be held; and all such Meetings, whether by Adjournment or Notice, shall be holden within the Town of *Painswick* aforesaid.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk to the said Trustees, upon an Order in Writing, signed by Three or more of the said Trustees, to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in the Manner before directed, (such Meeting not being less than Seven Days after such Notice) and such earlier Meeting shall and may be held accordingly, and all the Orders and Determinations of the said Trustees, at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

IX. And be it further enacted, That all Acts, Proceedings, Matters and Things relative to the Execution of this Act, may be done and executed by the Majority of the Trustees present at their respective Meetings, the whole Number present not being less than Five; and all Acts, Matters, and Things so done by any such Five or more Trustees, shall be as good, valid, and effectual as if the same had been done by all the Trustees herein named or to be appointed, except only in Cases herein particularly directed to be done and executed by any greater Number of Trustees, or the Majority of them; and such Trustees or the Majority of them, at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements for carrying this Act into Execution, and no such Order, Agreement, or Determination shall be made unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Twenty-one Days before, in some public Newspaper usually circulated within the said County of *Gloucester*, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Agreement, or Determination; and the said Trustees, at all their Meetings, shall defray their own Expences; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when

Meetings on Emergencies.

All Acts may be done by the Majority of Trustees, unless otherwise directed.

How Orders of Trustees are to be made and revoked.

Trustees to pay their own Expences at Meetings,

[Local.]

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and

Chairman to
have a casting
Vote.

and so often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful for the Chairman to give the decisive or casting Vote.

Orders to be
entered in a
Book.

X. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by the Chairman at such Meeting; which Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatever.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XI. And be it further enacted, That the said Trustees 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 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 granted by the said Acts, 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 shall refuse to 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 shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after directed.

Appointing
Officers, Sa-
laries, &c.

XII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint a Clerk and Treasurer, and one or more Collector or Collectors of the said Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they shall think necessary, and from Time to Time to remove such Clerk, Treasurer, Collectors, Surveyors, and other Officers, or any of them, and on such Removal, or on Death or Resignation, to appoint others in their Stead; and that it shall and may be lawful for the said Trustees, out of any of the Monies arising by virtue of this Act, to allow and pay to the Clerk, Treasurer, Collectors, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose

Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any one Justice of the Peace for the County of *Gloucester*, upon Complaint made to him by any Five or more of the said Trustees, and such Justice is hereby required by Warrant under his Hand and Seal to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon 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 Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been 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 on 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 and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments 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 his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Road; then and in either of the Cases aforesaid, such Justice may and he is hereby authorized and required by a Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons to the Common Gaol or House of Correction of the same County, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall

shall appoint (which Composition the said Trustees are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Treasurer,
&c. to give
Security.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer, Receiver, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and that no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Trustees may
appoint tem-
porary Col-
lectors, &c.
in certain
Cases.

XIV. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Five or more of the said Trustees, though not assembled at any Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; 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 die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the said County of *Gloucester*, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, 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 any of their Officers, in the Possession thereof.

Obtaining
Possession of
Toll Houses.

Clerk re-
strained from
acting as
Treasurer,
and vice
versa.

XV. And be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if
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any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, 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 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 Essoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

XVI. 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 Clerk or Treasurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees; but that the Clerk or Treasurer 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; provided always, that every such Clerk and Treasurer in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended, in pursuance of the said Acts and 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 Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

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

XVII. And, for the Purpose of collecting and receiving the Tolls herein-after granted and made payable, be it enacted, That the said Trustees, or such other Person or Persons as they shall direct and appoint, shall and may erect or cause to be erected such and so many Toll Gates or Toll Bars, in, upon, or across such Parts and in such Places of the said Road; and also such and so many Toll Gates or Toll Bars on the Sides of the said Road, and in, upon, or across any Street, Lane, or Bye-way, that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House with suitable Buildings, a Garden, and other Conveniences, not exceeding Twenty Perches of Land, at or near to each of such Toll Gates or Toll Bars.

Power to erect Toll Gates.

XVIII. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences which shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Road, shall be vested in the said Trustees for the Time being,

Toll Houses, &c. vested in Trustees.

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and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit; and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid, or shall interrupt them the said Trustees or any of their Officers in the Possession thereof, and it shall be sufficient to state generally the Property therein to be in their Clerk for the Time being.

Power to remove Toll Gates.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, as they shall think proper, to cause any of the Toll Gates or Toll Bars which are or shall be erected in, upon, or across or on the Side or Sides of the said Road to be removed, and placed upon such other Part or Parts of the said Road, or the Side or Sides thereof, as the said Trustees shall from Time to Time order and direct, provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same shall have been given in one or more of the Newspapers published within the County of *Gloucester* aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Road.

Power to take Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at the Toll Gates or Toll Bars which shall be erected in, upon, across, or on the Side or Sides of the said Road by this Act directed to be made, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the said Road, once in every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), the several Tolls and Duties following; (that is to say),

Tolls.

For every Horse, Mare, Mule, Ass, Ox, or other Beast or Cattle drawing any Carriage, the Sum of Eight-pence:

For every Horse, Mare, Mule, or Ass, not drawing, the Sum of Two-pence:

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

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

Tolls vested in the Trustees.

And such Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle be permitted to pass through any such Toll Gate or Toll Bar; and all and every Sum and Sums of Money which shall arise and be produced therefrom shall be vested in the said Trustees for the Time being, and the same and every

every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made by the Person or Persons authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse or Cattle, Beast or Carriage, upon which any Toll is by this Act imposed, or any of the Loading, Harness, or Accoutrements thereof respectively, (save and except the Bridle or Bridles thereof, without the Horse or other Beast,) or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same, shall not be paid within the Space of Three Days after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, or a sufficient Part of such Goods and Chattels, and out of the Money which shall arise by such Sale pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof.

XXI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County of *Gloucester*, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

For settling
Disputes con-
cerning the
Tolls.

XXII. And be it further enacted, That no Person having paid the said Toll at any one Gate shall be liable to pay Toll at any other Gate upon the said Road on the same Day within the Distance of Four Miles from the Toll Gate at which such Toll shall have been first paid, for or in respect of the same Horse, Cattle, or other Beast drawing or not drawing, and that in no case shall any Person be subject to pay the Tolls hereby granted at more than Two Gates on the same Day, for the same Cattle, Horse, or other Beast, but that in each such Case the Collector or Collectors of the Tolls shall on

Number of
Tolls limited.

Receipt

Receipt of such Toll deliver *gratis* to every Person requiring the same, a Ticket or Tickets denoting such Payment or respective Payments, which Ticket or Tickets shall be sufficient Evidence to all other Collectors on the said Road of such Payment or respective Payments, and the Party or Parties shall be allowed to pass and repass any Number of Times in the same Day, without any further Demand of Toll on that Account; and on the Tickets so to be delivered there shall be printed and specified the Names of such Gates as are freed by the Payment or Payments so to be made as aforesaid.

To prevent
Evasion of
Tolls.

XXIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, drawing or not drawing, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar, to be erected by virtue of this Act (except the Owner or Occupier of any such Land or Ground, or any of his, her, or their Family or Servants); or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (except as aforesaid) with any Horse, Cattle, or Beast to pass through the same, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, or Beast, without Payment of Toll, or shall take off any Horse, Beast, or other Cattle from any Carriage, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Exemptions
of Toll.

XXIV. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or for any Horse or Cattle which shall not pass more than One hundred Yards on the said Road; nor for any Horse or Cattle drawing any Carriage, passing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the said Road, employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Road, or for repairing any of the Highways or Bridges in the Parishes, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said Road; nor for any Horse or Cattle drawing any Carriage employed in carrying or conveying Hay, not having been stacked, Straw, or Corn in the Straw, only going to be laid up in the Houses, Out-Houses, Barns, or Yards of the Owners thereof, or drawing, carrying, or conveying any
Plough,

Plough, Harrow, or other Implement of Husbandry, to be used in the Cultivation of Lands, carried from one Part to another of Lands occupied by the same Person or Persons, or in carrying or conveying Mould, Dung, Ashes, Soil, or Compost, for the manuring of Lands, or on their Way to or on their Return after having been so employed; nor from any Rector, Vicar, or Curate, going to or returning from performing his Duty at any Church or Chapel, or to or from visiting any of his sick Parishioners; nor of or from any other Person or Persons for passing through any of the said Toll Gates or Toll Bars, to or from his, her, or their proper parochial Church or Chapel or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts, or Places; nor for any Horse, Mare, Gelding, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work, in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod or farried; nor for any Horse or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching; or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers and Soldiers on their March or on Duty; nor for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officers, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption and not otherwise; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight of the Shire, to serve in Parliament for the said 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; and if any Person shall claim and take the Benefit of the Exemptions aforesaid, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

XXV. 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 Waggon, Wain, Cart, or other Carriage, while so employed, 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 Cattle; 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 of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXVI. Provided always, and be it further enacted, That every Waggon, Wain, Cart, or other such Carriage, having the Wheels of the Width and Description, and the Axle-trees, fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to and have and enjoy the Privileges and Exemptions granted by the said Act.

Collectors declared not to be incompetent as Witnesses.

XXVII. 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 under the Authority of the said Trustees, shall not be incompetent on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

Tolls may be reduced.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and so often as they shall think proper, to lessen or reduce any of the Tolls which shall be payable at all or any of the Toll Gates to be erected by virtue of this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days Notice thereof be affixed on the Toll Gates then erected across the said Road, and also inserted in one or more of the Newspapers published or generally circulated in the County of Gloucester.

Trustees may compound for Tolls.

XXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which the said intended Road may lead or pass, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Gates to be erected on the said Road or

on the Sides thereof, which Composition shall be paid yearly in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by an Act of Parliament passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, 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, and for other Purposes*, from Time to Time to lease and demise the said Tolls granted by this Act, and arising upon the said Road intended to be made, repaired, and amended by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit, they the said Trustees taking a Counterpart of all such Lease and Leases, and taking sufficient Security from the Person or Persons to whom such Tolls shall be leased and demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees shall think fit.

Power to
lease the
Tolls.

XXXI. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed; and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees of
Tolls may
appoint Per-
sons to re-
ceive the
same.

XXXII. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls at any Toll Gate or Toll Bar to be erected upon the said Road, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition, by the Year or otherwise, with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for and in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the said Road, for or in respect of the Over-weight thereof; and in case any Lessee or Farmer, or Deputy or Agent shall offend herein, every such Lessee or Farmer, or Deputy or Agent, shall

Penalty on
Renters of
Tolls com-
pounding for
Overweight.

on

on Conviction thereof, by Confession or upon the Oath of One Witness, before any One of His Majesty's Justices of the Peace for the County of *Gloucester*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Five Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Road, to be applied towards the Repair thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

Punishing
Collectors
misbehaving.

XXXIII. And be it further enacted, That every Toll Collector, whether appointed by the said Trustees, or by any Lessee or Lessees under them, 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 upon his 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 in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said 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 or Persons than he shall be authorized to do by virtue of the Powers of this Act, 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 in anywise 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 give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

For borrow-
ing Money
on the Secu-
rity of the
Tolls.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees at any Meeting to borrow and take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they shall think fit; and for securing the Re-payment of all such Sum and Sums, with Interest, they the
said

said Trustees are hereby empowered from Time to Time by any Writing or Writings under their Hands to demise or mortgage the said Tolls, or any Part or Parcel thereof, and the Toll Gates and the Toll Houses for collecting the same during the Continuance of this Act, (the Charges of such Mortgages to be paid out of such Tolls) as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced with Interest for the same, which Writing or Writings may be made in the form Following; (that is to say),

BY virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act,*] We _____ of the Trustees for putting the said Act into Execution, in Consideration of the Sum of _____ in hand advanced and paid by *A. B.* of _____ to the Treasurer of the said Road, do hereby grant, bargain, sell, and demise unto the said *A. B.* his Executors, Administrators, and Assigns, for and during the Continuance of the said Act, such Proportion of the Tolls to arise upon the said Road, and the Toll Gates and Toll Houses already or hereafter to be made and erected for collecting the same as the said Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to be had and holden from the Day of the Date hereof for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate of _____ *per Centum per Annum* shall be sooner repaid and satisfied. Given under our Hands, this _____ Day of _____

Form of Mortgage.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign or transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

Copies to be entered.

Power to assign.

I *A. B.* or *I C. D.* Assignee, Executor, or Administrator of *A. B.* [*as the Case may happen*] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.* of _____ his Executors, Administrators, and Assigns. Dated this _____ Day of _____ Witness to the signing hereof, _____

Form of Transfer.

Which Transfer shall be produced and notified to the Clerk or Treasurer of the said Trustees within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book

Transfers to be entered.

[*Local.*]

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or

or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted; and on the said Toll Gates and Toll Houses in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees at the Time of the Advance of their respective Shares.

Allowing an Action of Ejectment may be supported by one Mortgagee.

XXXV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by this Act shall seek to obtain the Possession of the Toll Gates, Toll Houses, and Buildings erected on the said Road, 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 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 the Money.

XXXVI. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents and Purposes, and in the Order and Manner following; that is to say, in the first Place, in Payment of all the Costs, Charges, and Expences which have been incurred or incidental to or attending the applying for and obtaining and passing of this Act; in the second Place, in defraying the Expences of purchasing Land which may be necessary for the making and widening of the said intended Road, and erecting and keeping in repair the necessary Toll Gates and Toll Houses thereon; in the third Place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act, either rateably or in such Order as shall be stipulated and agreed upon with the Parties advancing the same; in the fourth Place, in keeping the said Road in Repair; and lastly, in discharging the several

several Principal Sums of Money which shall be secured in pursuance of this Act.

XXXVII. And whereas a Map or Plan, describing the Line of the Road intended to be made, and the Lands through which such Line is to be carried, together with a Book of Reference containing the List of the Names of the Owners and Occupiers of such Lands, hath been deposited with the Clerk of the Peace for the County of *Gloucester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that the said Trustees, in making such Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Road to be made according to Plan.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners of Lands or Premises over which the same or any Part thereof is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Gloucester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyors or Surveyor, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made, or any Alteration thereof, is intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, Planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a Public Highway, whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject

Power to enter Lands to make Road.

subject or liable 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 Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is hereinafter directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XL. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Map or Plan and Book of Reference; any thing herein contained to the contrary in anywise notwithstanding.

Trustees to fence the new Road.

XLI. And be it further enacted, That in all Cases where the said Trustees shall by virtue of this Act make any Part of the said Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make or cause to be made proper Fences or Stone Walls on both Sides of such new-made Road, or on the Side upon which any such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of One Year from the Time that such Fences shall have been made or set up.

Trustees may purchase Lands.

XLII. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any private Lands or Grounds through which the said Road shall be set out, for the Purchase of so much of such Lands or Grounds as shall be required for the making of such Road, or for the Loss or Damage which such Owners or Persons interested, or any of them, shall or may sustain by such making, forming, widening, turning, or diverting any Part or Parts of the said Road by this Act authorized to be made; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, Cestuique Trust, and for all and every Person and Persons whomsoever, who are or shall be

Corporations, &c. empowered to sell.

seized,

seized, possessed of, or interested in any such Lands or Grounds either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, and to sell and convey to them all such Lands and Grounds as shall be required for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and if any such Owner, Proprietor, Occupier, Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so intended to be taken or used for the Purposes of this Act, shall, by the Space of Forty Days after such Notice given or left as aforesaid, 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 shall cause it to be inquired into and ascertained by and on the Oath of a Jury of Twelve indifferent Men of the County of *Gloucester* (which Oath any Two or more of the said Trustees are hereby empowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of the taking or using of such Lands or Grounds for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer); and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, in Fee, or in Tail, General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever; and for summoning or returning of such Jury or Juries, the said Trustees are

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hereby

hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Gloucester*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service to 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, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn, refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premises shall refuse or neglect to appear, without sufficient Excuse, or appearing, shall refuse to be sworn and give Evidence, having been paid or tendered his reasonable Costs, Charges, and Expences, and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any one Offence.

Sheriff, &c.
to be fined
on Neglect
of Duty.

How Ex-
pences of
Jury, &c. are
to be paid.

XLIII. 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 what shall have been offered by the said Trustees before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in every such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money then raised or to arise by virtue of this Act; but if such Jury shall give in, and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, 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 Differences, 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 County of *Gloucester*, 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 or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where, by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matter aforesaid, the Whole of such Costs and Expences shall in all such Cases be paid by the said Trustees.

XLIV. And be it further enacted, That upon Payment of the Sum of Money or Recompence to be agreed for or assessed as aforesaid by the said Trustees to the Parties respectively entitled thereto, or his, her, or their Agent or Agents; or on depositing the same in the Bank of *England*, in Manner herein-after directed, and after Ten Days Notice given to such Parties, or their, his, or her Agents or Agent, or left at their, his, or her Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so agreed for or purchased as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purpose of this Act, in such Manner as the said Trustees shall direct, and shall be fenced out and deemed as Part of the said Road, and shall to all Intents and Purposes be treated as a Common Highway, and repaired accordingly, and from thenceforth all Parties shall be divested of all Right and Title to such Lands and Hereditaments.

Upon Payment of Purchase Money Land may be used.

XLV. And whereas the said Trustees may be possessed of some Piece or Pieces of Ground over and above what may be wanted for the Purposes of this Act, be it therefore further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees may sell Overplus Ground.

XLVI. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or any old Road to be stopped up or discontinued by virtue of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Land shall

First Offer of Land to be sold to whom to be made.

then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit), by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner by this Act directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application
of Money
awarded
above 200l.

XLVII. 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 this Act, for the Purposes thereof, which shall belong to any Corporation, Tenant for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or any Feme Covert, Infant, Lunatic, or other Person or Persons, under any Disability or Incapacity, 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, 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, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court, in the Purchase of shall adjoin thereto, and if such Person or Persons respectively shall
other

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 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 such Conveyance or 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 High 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 meantime, 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 said Lands, Tenements, or Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

XLVIII. 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 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 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 of *England*, 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 said Trustees for executing this Act; (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 therefrom, may be applied in Manner herein-before directed, so far as the case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

XLIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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,

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or

Where less than 200l. and above 20l.

Where not more than 20l.

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.

In case of
not making
out a good
Title, &c.

L. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of 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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul and Disposition of the said High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or otherwise applied 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 meet, 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 Sum or Sums of Money into the Bank as aforesaid.

In case of a
disputed
Title.

LI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of 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 of this Act, 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest

of the 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.

LII. 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 this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences to be paid by Trustees.

LIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to dig, gather, and carry away any Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials, out of any Common, River, or Brook, or out of or from any Waste or Common, proper and convenient for making, repairing, and amending the Road aforesaid, without paying any Thing for the same, such Surveyor or Surveyors or other Persons levelling or causing to be levelled all the Holes and Pits occasioned thereby, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, or Common, for repairing and amending the Road, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Justices of the Peace for the County in which such Materials are to be gotten; to be made upon the Application of the said Trustees, to dig and gather such Materials in, and carry the same out of and from the Lands and Grounds of any Person or Persons, not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees, where such Materials are or may be found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, and from Time to Time to carry away the same, or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered or carried away, or over which the same shall be carried, as also the Damage done to the Owners and Occupiers of any private Lands or Grounds

Getting Materials;

Grounds over which such Materials, gotten in any River, Brook, or Waste Ground, shall be carried or conveyed, as the said Trustees shall judge reasonable; and in case of Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Payment and Damages as aforesaid, then any Two or more Justices of the Peace for the County of Gloucester, after Ten Days Notice in Writing given by either Party to the other, shall hear, settle, and finally determine the Matter of such Payment and Damages, and award such Costs to be paid by either Party as they shall think proper.

Notice to be given of taking Materials.

LIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors; or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away such Materials for repairing such Road, out of or from any inclosed Land or Ground, until Fourteen Days Notice in Writing, signed by such Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Abode, to appear before any Two or more Justices of the Peace, acting in and for the said County, to shew Cause why such Materials ought not to be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for such Justices, by their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Justices may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Punishing Persons taking away Materials.

LV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall be 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-one Days, (except the Owner or Occupier of any private Ground, and any Person or 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 Five Pounds.

Surveyors may make Causeways, &c.

LVI. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Road or any Part thereof, and to cut or make Drains or Watercourses, upon and through any Lands lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Fences in such Places and in such Manner as such Surveyor and Surveyors by
Order.

Order of the said Trustees shall judge necessary, and make sufficient Fences and Barriers, and other Erections, on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the said County of *Gloucester*.

LVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors who shall be nominated under this Act, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stones, Carriages, Saw Pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof, and also to cut down or lop, at proper Seasons of the Year, any Branches of Trees, Shrubs, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, (the same not being in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, and not being an Ornament or Shelter to a House,) so as to reduce such Hedges to any Height not less than Four Feet, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Seven Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Branches of Trees, Shrubs or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as any Forfeiture or Penalty is herein-after directed to be levied and recovered; and, if after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such Offence, or other repeated Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors
may remove
Annoyances.

LVIII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time to cause the said Road to be measured, and Stones or Posts to be placed, in or near the Sides of the said Road, with Inscriptions thereon denoting the Number of Miles and Distance of Places from any Town or Place, and also cause to be erected at their Discretion Guide Posts at such Places where the said Road shall be crossed or joined by other Roads; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed or to be erected

Road to be
measured,
Mile Stones
erected, and
Nuisances
prevented.

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or

or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining to the said Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to be and remain loose on the said Road, or any Part thereof; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages) or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon 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 and damage the said Road, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage in his or her Left or near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework, whatsoever on any Part of the said Road, or within Sixty Feet of the Centre thereof, or play at Football or any other Game on any Part of the said Road, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not, during such Time be drawn up to the Side of the said Road; as near as conveniently may be; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof; or if any Person, after having blocked any Carriage whatsoever in going up any Hill, or rising Ground, shall leave on the said Turnpike Road the Stone or other Thing used in such blocking, or shall plough up, dig up, or break up any of the Soil between 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 in his own Ground, and be carried away without being brought over any Part of the said Road; or that the same may 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 Forty Shillings, to be recovered and applied as is herein-after directed.

LIX. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field or Ground, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Gates to
Fields, &c.
to open in-
wards.

LX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work in either of the Parishes or Places through which the said Road will pass shall be liable to perform a due Proportion of such Statute Work on the said Road; and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the said County of Gloucester, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by the Treasurer, Clerk, or Surveyor, or by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places, in which the said Road, or any Part thereof lies, except as aforesaid, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Parish, Township, 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 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, Township, or Place, except as aforesaid, to bring in Lists before such Justices, 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 such Parish, Township, or Place respectively, 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 or effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many 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 Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime 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 may also order and direct the Persons who

Statute La-
bour and
Composition
Money how
to be per-
formed and
apportioned.

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 such Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to be by him paid over to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall or 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his 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 or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject and 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 shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists, or to collect or pay over such Composition, or any Part thereof, in Manner 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 to
compound
for Statute
Work.

LXI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, in all or any of the Parishes or Places in which the said Road is 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 done by all or any of the said Inhabitants and Occupiers of the said Road, which Composition Money shall always be paid to the Surveyor or Surveyors of the Highways, or other Officers of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in Advance, on or before the Tenth Day of *October* in each and every Year, or otherwise

otherwise the Inhabitants and the Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

LXII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls or Gatekeeper employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for assaulting Collectors, or obstructing the Execution of this Act.

LXIII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed.

For securing transient Offenders.

LXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed) shall upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Gloucester*, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted; shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid, One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made for such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, not being more than Four Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then such Offender or Offenders shall be committed by such Justice to the Common Gaol or House

Penalties and Forfeitures, how to be recovered and applied.

of Correction for such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, as such Justice shall fix and appoint, and unless such Penalties, Forfeitures, or Fines, and all reasonable Charges shall be sooner paid and satisfied.

Conviction of Offenders.

LXV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen) or in any other Form of Words to the same Effect; (that is to say),

Form of Conviction.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord A. B.
is convicted before me, One of His Majesty's Justices of the Peace
for the said County, by virtue of an Act of the First Year of the
Reign of King George the Fourth, intituled [*here set forth the Title*
of this Act, and specify the Offence and when and where committed].
Given under my Hand and Seal the Day and Year above written.

Subscribers compellable to pay their Subscriptions.

LXVI. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any One or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall after Ten Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought in the Name of their Clerk or Treasurer any Action of Debt or on the Case, Bill, Complaint, or Suit against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanse shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiff in all such Action or Actions, and Execution shall issue thereupon as the Case may require.

Persons aggrieved may appeal to the Quarter Sessions.

LXVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done or omitted to be done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County of *Gloucester*, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least

least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, or other the Person or Persons against whose Act or Acts such Appeal shall be made, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been 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 such Quarter Sessions shall be final, binding and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also 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 or neglect to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or any House of Correction for the said County, there to remain for any Time not exceeding Three Calendar Months; or until Payment of such Costs.

LXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings 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 when 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 Proceedings 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 committed 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 on 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.

LXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-eight Days Notice thereof shall have been given to the Clerk of the said Trustees, nor after a sufficient

Limitation
of Actions.

Satisfaction

Satisfaction or Tender of Damages shall have been made to the Party or Parties aggrieved, nor after Two Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen and not elsewhere, and the Defendant or Defendants in every such Action, shall or may at his or their Election plead specially; or the General Issue Not Guilty, 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 have been so done, or that such Action or Suit shall have been brought before Twenty-eight Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after Two Calendar Months after the Fact committed, 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 Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

Public Act.

LXX. 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.

Commence-
ment and
Continuance
of this Act.

LXXI. And be it further enacted, That this Act shall commence upon and have Continuance from the Third *Tuesday* after 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.

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