



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xx.

An Act to enlarge the Term and Powers of an Act of His late Majesty, for making and maintaining the Road from near *Lightpill Gate*, in the Parish of *Rodborough*, to near *Birdlip*, in the Parishes of *Brimpsfield* and *Cowley*, or one of them, all in the County of *Gloucester*. [22d June 1820.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His late Majesty, intituled *An Act for making and maintaining a Road from or from near Lightpill Gate, on the Road leading from Bath to Dudbridge, in the Parish of Rodborough, to join the Turnpike Road from Painswick to Cheltenham, at or near to Birdlip, in the Parishes of Brimpsfield and Cowley, or one of them, all in the County of Gloucester*: And whereas a considerable Sum of Money has been borrowed on the Credit of the said recited Act, and charged on the Tolls arising upon the said Road, which still remains due and owing, and cannot be repaid, nor can the said Road be properly amended and kept in repair, unless the Term of the said Act be extended, and some of the Powers and Provisions thereof be altered, amended, and enlarged: May it therefore

[Local.] 5 M fore

Recited Act
continued.

fore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and the Tolls thereby granted, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Directions, Rules, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever therein contained (except such Parts thereof as are repealed, varied, or altered), shall be, continue, and remain in full Force and Effect, and the same are hereby further continued, and, together with the present Act, shall be executed for and during the Term herein-after mentioned, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and that this Act, and the additional Term hereby granted, shall be and is hereby made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on account of the said recited Act, or hereafter to be borrowed on the Credit of the said recited Act and this Act, and of all Interest due or to grow due for the same respectively.

Appoint-
ment of new
Trustees.

II. And be it further enacted, That the surviving Trustees nominated in and appointed by virtue of the said recited Act, together with all His Majesty's Justices of the Peace acting for the County of Gloucester, together also with *Benjamin Hayward Browne M. D. Henry Croft Burgh, William Baylis, Edward Archer Norris Burgh, Edward Palling Carruthers, Thomas Croome, Charles Glover, Robert Hughes, John Holbrow, Robert Helme, William Helme, John Humpage, Edward Humpage the younger, Edward Jerningham, Edwin Kendrick, George Macintosh the elder, George Macintosh the younger, Nathaniel Miles, John Mills of Miserdine, John Mills the younger, Thomas Mills, Mercer, Edward Mansfield Clerk, Charles Henry Morgan Clerk, Daniel Mills, Charles Newman, Henry Newman, Thomas Preston, Richard Sandys, Roger Smith, Peter Smith, John Williams D. D. Robert Wight, Henry Wyatt, George Wathen, Samuel Weddell, Thomas Wall, Robert Lawrence Townsend the younger, and Theyer Lawrence Townsend*, shall be and are hereby appointed Trustees for carrying this Act and the said recited Act into Execution; and the said Trustees herein named, being respectively duly qualified, and their Successors respectively, to be elected in Manner directed by the said recited Act for the Election of new Trustees, and being respectively duly qualified, shall in all respects whatsoever have the like Powers and Authorities to act in the Execution of the said recited Act and this Act, as if they had been appointed Trustees in or by virtue of the said recited Act.

Power to
appoint
additional
Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees for carrying this Act and the said recited Act into Execution, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of the

the said recited Act or this Act, to elect any Number of Persons, not exceeding Ten in the Whole; to be Trustees for carrying this Act and the said recited Act into Execution, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers, and Authorities for executing this Act and the said recited Act as if they had been herein named.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, or the said recited Act, unless he shall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Five or more of the said Trustees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation the said Trustees, or any or either of them, at any of their Meetings to be holden in pursuance of the said recited Act or this Act, are or is hereby authorized to administer;

Qualification of Trustees.

So help me GOD.

I do swear, [or, being One of the People called Quakers, do solemnly affirm,] That I truly and bona fide am, in my own Right [or, in the Right of my Wife], in the actual Possession or Enjoyment of [or, in the Receipt of Rents and Profits issuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [or, am Heir Apparent of] who, to the best of my Knowledge, is seised of a Real Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, [or, am possessed of Personal Estate alone,] [or, or Real and Personal Estate together to the Amount or Value of Four thousand Pounds,] [as the Case may be.] So help me GOD. [or, being a Quaker, omit the Words, "So help me GOD."]

V. Provided also, and be it further enacted, That no Person (appointed or to be appointed a Trustee by virtue of this Act or the said recited Act), shall be capable of acting as a Trustee in the Execution of this Act or the said recited Act, in any Case where he shall be personally interested, nor whilst he holds any Place or Employment of Profit under the said Trustees, or this Act; and that no Person shall be capable of being appointed a Trustee, or of acting as such during the Time he shall keep a Victualling House or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale

Trustees interested, or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

Ale, or Spirituous or other strong Liquors by Retail, or who shall be interested or concerned in any Contract or Contracts under the said recited Act or this Act, or who shall be Lessee or Farmer of the Tolls, or of any Part or Parts thereof; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act or the said recited Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impar lance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act or the said recited Act.

Offices of Clerk and Treasurer not to be held by one Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been, or who by virtue of the said recited Act or of this Act has been or may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act or the said recited Act, or to continue or appoint the Person who has been or may be appointed their Treasurer, by virtue of the said recited Act or of this Act, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act or 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 the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance, shall be allowed.

Repealing so much of former Act as requires Officers to verify their Accounts on Oath.

VII. And be it further enacted, That so much of the said recited Act as enacts that all Officers and Persons accounting as therein mentioned shall verify the Accounts upon Oath, and also so much thereof as enacts, that if any such Officer or Person shall refuse to verify the Articles of any such Account upon Oath, he shall be subject to the Punishment therein mentioned, shall be and the same is hereby repealed.

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the In-

VIII. 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,

received, paid, laid out and expended, for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid, which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, 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 or either of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in Manner provided by the said recited Act for the levying, recovering, and Application of Penalties.

Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

IX. Provided always, and be it further enacted, That all Waggon, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses drawing the same, the Tolls granted by the said recited Act are made payable), having the Wheels of the Width and Description, and the Axletrees 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 the Privileges and Exemptions granted by the said Act.

Waggon, &c. allowed Privileges and Exemptions granted by Act 55G.3.c.119.

X. And be it further enacted, That upon Payment of any of the Tolls by the said recited Act of the Fortieth Year of the Reign of His late Majesty, or this Act, authorized to be taken on the said Road, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, which Notes or Tickets shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which such Ticket shall free.

Tickets to be printed.

XI. And be it further enacted, That the Exemptions from Toll granted by the said recited Act of the Fortieth Year of the Reign of His late Majesty shall be, remain, and continue in Force or Effect; and also that no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family; nor for any Horses, Cattle, or Carriages employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; nor for

General Exemptions from Toll.

[Local.]

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the Horses belonging to or used by any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty, or belonging to or furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry respectively, and rode by them, or drawing any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Persons be dressed 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); nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, in the same Parish, Township, or Place, or going to or returning from the Funeral of any Person who shall die and be buried in any such same Parish, Township, or Place; nor for any Horse, Beast, or Cattle going to or returning from ploughing or harrowing; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in Manner by the said recited Act provided for the Recovery and Application of Penalties and Forfeitures; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on fraudulently taking Benefit of Exemptions.

Carriages for His Majesty's Service not to be weighed.

XII. Provided always, 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, Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses or other Cattle drawing the same, while so employed, be stopped or detained by reason of any Weight in or upon any such Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Allowing Exemptions from a Second Toll in certain Cases.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting to be held under and by virtue of this Act, to order and direct that any Person or Persons who shall have paid Toll at any Gate upon the said Road for any Horse or Horses drawing any Carriage or Carriages, may be exempted from paying Toll at any other Gate upon such Road for and in respect of any fresh or other Horse or Horses, Carriage

Carriage or Carriages, which such Person or Persons may change or take from any Inn or Inns at *Stroud*, in the said County of *Gloucester*, for his, her, or their Conveyance upon the said Road.

XIV. And be it further enacted, That in case any Dispute or Difference shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due, and other Matters in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same; by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Disputes concerning Tolls to be settled by a Justice.

XV. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the Tolls on the said Road, or appointed or to be appointed, either under the said recited Act or this Act, or by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls or Duties payable at any Turnpike or Toll Gate on the said Road, shall and he is hereby required, on each and every Day, previous to his entering on Duty for the Collection of the said Tolls, 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, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in 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 same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, 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 in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a printed Note or Ticket denoting the Payment of such Tolls, and having named and specified thereon the Gate or Gates freed by such Payment, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder, or prevent any Passenger, Horse, Beast, Carriage, or Cattle from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language.

For preventing Toll Collectors from misbehaving, &c.

Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered, levied, and applied in manner by the said recited Act provided for the Recovery and Application of Forfeitures and Penalties; provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue of or in the Execution of the said recited Act or this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in the same Manner as such last-mentioned Penalty.

Deviation not to exceed One hundred Yards from the present Line, without Consent.

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

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of Chancery, on Petition.

XVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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, Control, 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, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying

ing 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.

XVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act or this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said 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.

In case of
disputed
Titles.

XIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of the said recited Act or 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 the said recited Act or this Act, or so much of such Expences as to the said Court shall seem reasonable, to be paid by the said Trustees or any Five or more of them, out of the Monies to be received by virtue of the said recited Act or 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 reason-
ableExpences
to be paid by
the Trustees.

XX. And be it further enacted, That if any Person or Persons shall shoe, farry, or bleed any Horse, Mule, or Ass, except in the Case of Accidents; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or on any other Part of such Waggon, Cart, Dray, Sledge or other Carriage, or on any of the Horses drawing

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the same, upon any Part of the said Road; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Banks or Copse on either Side thereof; or if any Person shall turn any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned, or to be or remain upon the said Road, to graze or depasture on the Sides thereof; or if any Person shall set fire to, or let off or throw any Squib, Rocket, Serpent or Firework whatsoever, within Eighty Feet of the Centre of the said Road, or shall play at Football on any Part of the said Road, or any other Game, to the Annoyance of any Passenger or Passengers; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Road, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped, on any Part or Parts of the said Road; or if any Person shall leave any Waggon, Wain, Cart, or other such like Carriage, in, upon, or on the Side of any Part of the said Road, longer than may be necessary for loading or unloading the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be drawn up or placed as near to the Side of the Road as conveniently may be, every Person so offending shall, for each and every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied and applied as other Penalties and Forfeitures are by the said recited Act directed to be recovered, levied, and applied.

Gates to open
inwards.

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

whom such Conviction shall be made; and such Penalty shall be recovered, levied, and applied in Manner by the said recited Act provided for the Recovery and Application of Penalties.

XXII. And be it further enacted, That so much of the said recited Act of the Fortieth Year of the Reign of His late Majesty King *George* the Third, as authorizes or empowers any Surveyor of the said Road, and Persons employed by him or by the Trustees to dig for and take away Materials for making or amending the said Road, shall be and the same is hereby repealed.

Repealing power in Act 40 G. 3. to get Materials.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Sand, or other Materials, for making, amending, altering, improving or repairing the said Road, out of any Waste or Common, or out of any common River or Brook in any Parish, Township or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Township or Place within the said County, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the County or Place in which such Lands, Tenements or Hereditaments shall lie or be situate, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields or Grounds of any Person or Persons in any Parish, Hamlet, Township or Place, in which any Part of the said Road shall lie or be situate, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Value of such Materials, and also for the Damage done to the Owners and Occupiers of any such Lands, Fields or Grounds where and from whence the same shall be dug, gathered and carried away, or over which the same or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for such County or Place as aforesaid shall and may adjudge and determine to be reasonable: Provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill-Weir or Dam, on any Account or Pretence whatsoever.

For getting Materials to repair the Road.

XXIV. And

Notice to be
given before
Materials
taken.

XXIV. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of the said recited Act or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Road, out of or from any inclosed Land or Ground until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person or Persons to dig, gather, get, take and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they or any of them, is and are hereby empowered to administer), make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Statute
Labour.

XXV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road or any Part thereof lies, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor 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 lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto 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, 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, 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,

Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or 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 Hay-time or Harvest) and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors by their Order, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall 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, by the Surveyor or Surveyors to the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force or Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVI. And be it further enacted, That the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the Trustees or their Treasurer out of any

[Local.]

[5 P]

Money

Expences of Act how to be paid.

Money now in the Hands of the Treasurer, or out of the first Money that shall be collected, raised, or received by virtue of the said recited Act and this Act.

Public Act.

XXVII. 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 the Act.

XXVIII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and that the said recited Act (except such Parts thereof as are repealed, and subject to the Alterations and Amendments herein contained), shall continue and be in force, and together with this Act, shall be executed for and during the Residue of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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