



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

Cap. 95.

An Act for more effectually amending, widening, improving, and keeping in Repair, several Roads leading from *The Hundred House*, in the County of *Worcester*, and also several other Roads therein mentioned. [30th June 1800.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George the Second*, for repairing and widening the Roads leading from *Redstone Ferry*, in the County of *Worcester*, to the Hundred House, and from thence to *Monk's Bridge* in the Road to the Town of *Tenbury*, and from the said Hundred House to the said Town of *Tenbury* in the said County: And whereas another Act was passed in the Sixteenth Year of the Reign of His present Majesty, for continuing the Term and altering, explaining, and enlarging the Powers of the said Act, and for amending other Roads therein-mentioned: And whereas great Progress hath been made in the Repairs of the said Road, and several Sums of Money have been borrowed for that Purpose on the Credit of the Tolls authorized to be taken on the said Roads; which Money is still due and owing, and cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said Acts be continued, and the Powers and Provisions thereof be in some Respects altered and enlarged, and the Tolls varied and increased: And whereas the several Powers and Provisions necessary for the Purposes before-mentioned, might be better

Preamble.
26 Geo. II, and

16 Geo. III,
recited.

[Loc. & Per.]

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and more conveniently executed if the same were comprized in One Act 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 upon the Fifth Day of July One thousand eight hundred, the said several Acts herein before mentioned, except as to such Part or Parts thereof as repeat any Part or Parts of any other Act of Parliament, shall be, and the same are hereby declared to be repealed, and that on the same Day this Act shall commence and take Effect instead thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair, the Roads herein-after mentioned, (that is to say), the Road leading from the End of *Stowport Bridge* in the County of *Worcester*, through *Areley Field* and the Village of *Dunley* to the Hundred House in the said County, and from the said Hundred House through the Parishes of *Abberley*, *Stockton*, and *Lindridge* to *Monk's Bridge* in the Road to the Town of *Tenbury*, in the said County, and also the Road leading from the said Hundred House through *Stanford*, *Hanley Wilkton*, *Hanley Child*, and the Parish of *Eastham*, to the Town of *Tenbury* aforesaid, and also the Road called *Stockton Lane*, branching out of the said Road leading from the Hundred House aforesaid to the Town of *Tenbury*, at or near to a Place there called *Stanford Bridge*, and communicating with the said Road leading from the said Hundred House to *Monk's Bridge* at or near the Blacksmith's Shop at *Stockton* aforesaid, which said several Roads shall be and be called *The First District of the Hundred House Turnpike Roads*; and also for the Purpose of repairing, widening, altering, improving, and keeping in Repair the Road leading from *Knightsford Bridge*, in the said County of *Worcester* to communicate with the said Road leading from *Stowport Bridge*, to the Hundred House aforesaid at *Red Marley* in the Parish of *Great Wasley*, in the County of *Worcester* aforesaid, which said Road leading from *Knightsford Bridge* aforesaid, shall be and be called *The Second District of the Hundred House Turnpike Roads*; and that this Act and the Term hereby granted, so far as the same relate to the said First District, and all the Tolls hereby authorized to be collected upon the several Roads comprized in such District, shall be and are hereby declared to be charged with and subject to the Payment of all Monies borrowed, and now due and owing, on the Credit of the Tolls authorized to be taken by the said Acts or either of them on the said District of Roads or any Part thereof, by virtue of the said Acts or either of them, and of all Interest due and to grow due thereon respectively, as fully, to all Intents and Purposes, as if such Monies had been borrowed, and become due and owing on the Credit of this Act, upon Account of the said District of Roads; and that this Act and the Term hereby granted, so far as the same relate to the said Road from *Knightsford Bridge* aforesaid (being the said Second District of Road) and all the Tolls hereby authorized to be collected upon the same Road, shall in like Manner be and are hereby declared to be charged with and subject to the Payment of all Monies borrowed, and now due and owing, on the Credit of the Tolls authorized to be taken on the said Road by virtue of the said Acts or either of them, and of all Interest due and to grow due thereon.

Former Acts repealed, and this Act to take place instead thereof.

First District of Roads described.

Second District Road.

II. And be it further enacted, That *John Adams*, *Sir Walter Blount* Trustees. Baronet, *Edward Blount*, *Rowland Berkley*, *Robert Bromley*, the Reverend Doctor *Henry Rowland Berkeley*, the Reverend Doctor *Thomas Rowland Berkley*, the Reverend Doctor *Rowland Berkley*, the Reverend *John Broome*, *Thomas Bury*, *Thomas Bury the younger*, *Herbert Bury*, *James Brasier*, *Henry Edward Brasier*, *Thomas Boddendam*, *George Bowles*, *Joseph Beddard*, *John Bishop*, *John Baker*, *Samuel Baker*, *John Benbow*, *Nicholas Lechmere Charlton*, the Reverend *William Calcott*, *Richard Bourne Charlott*, *Richard Chambers*, *Charles Cooke*, the Reverend *William Cox*, *William Cliffe*, *Thomas Crane of Areley*, *Josiah Croydon*, *Edward Crane of Areley*, *William Child*, *William Lacon Child*, *John Crane*, *Henry Chellingworth*, *Joseph Creswell*, *Thomas Creswell*, *William Dowding*, the Reverend *Thomas Evans* Doctor in Divinity, the Honourable *Edward Foley*, the Honourable *Andrew Foley*, the Reverend *Harry Thomas Foley*, *William Farmer*, *John Folliott*, *John Freeman*, *Thomas Freeman*, *Thomas Farley*, the Reverend *Edward Green*, *Samuel Good*, *Benjamin Gardner*, *Richard Hall Green*. *Moses Harper*, *Butler Harris*, *Henry Harris*, *Joseph Harris*, *Thomas Harris*, *William Harrison*, *Thomas Haywood*, *Herbert Herring*, *Henry Hide*, *Joseph Hodgetts*, the Reverend *George Hulme*, the Reverend *Abraham Hoskins*, *George Hallen*, *Thomas Hayley*, the Reverend *Thomas Jennings*, *James Johnson* Doctor of Physick, *Thomas Ingram*, the Reverend Doctor *Joseph Ingram*, the Reverend *James Ingram*, *Theophilus Knowles*, *William Lygon*, the Reverend *Ralph Lingen*, the Reverend *Henry Lingen*, *Anthony Lechmere*, *James Lamb*, *Philip Morris*, the Reverend *Henry Matthews*, *Samuel Milward*, *James Moore*, *Joseph Moore*, *Thomas Elton Miller*, *James Wakeman Newport*, *Slade Nash*, the Reverend *Slade Nash*, *Richard Nott*, *Edward Nott of Stockton*, *John Nott*, *John Nixon*, *Thomas Newnham*, the Reverend *John Napleton*, *George Nash*, the Reverend Doctor *Onslow* Dean of Worcester, *Jonathan Pytts*, *John Proffer*, *Francis Page*, *Josiah Patrick*, *Thomas Pratt*, *Thomas Pickernell*, *Alexander Patrick*, *Josiah Patrick the younger*, the Reverend *Thomas Roche*, *Wilson Aylesbury Roberts*, *Wilson Aylesbury Roberts the younger*, the Reverend *Thomas Aylesbury Roberts*, *William Smith*, *William Smith the younger*, *Christopher Sidney Smith*, *John Soley*, *John Soley the younger*, *Thomas Southall*, *Joseph Severne*, the Reverend *Francis Severne*, *Thomas Sheward*, *Thomas Smith*, *Joseph Southall*, *Edward Smith*, *Samuel Steward*, *Jacob Turner*, *James Turner*, the Reverend Doctor *Thomas Tomkins*, *Samuel Tearne*, *Sir Edward Winnington* Baronet, *Thomas Edward Winnington*, *Edward Winnington Ingram*, *Francis Winnington*, *Charles Fox Winnington*, *Henry Jeffreyes Winnington*, *Edward Winnington*, *Edmund Wigley*, *William Wheeler*, the Reverend *John Walker*, the Reverend *Richard Watkins*, *Thomas Jacob White*, the Reverend *Christopher Whitehead*, *William Walker*, *John Winnall*, *John Winnall*, *John White*, *Joseph White*, *Allen Wheeler*, the Reverend *Allen Wheeler*, *Edward Wheeler* of Wareley, *Thomas Wheeler* of Burford, *Thomas Wheeler the younger*, *Edward Wheeler* of Kyrewood, *Edward Wheeler the younger*, *Vincent Wheeler*, the Reverend *Vincent Wood*, *Edward Whitehead*, *William Whitehead*, *Philip Whitcombe*, *John Zachary*, and their Successors, to be appointed as herein-after mentioned, shall be and are hereby appointed Trustees for repairing, widening, altering, improving, and keeping in Repair the several Roads herein-before described, and for otherwise putting this Act in Execution.

III. And

When Trustees die or refuse to act, new ones to be chosen.

III. And be it further enacted, That upon the Death, Removal, or Refusal to act of any of the Trustees hereby appointed or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time to elect, nominate, and appoint, some other Person to be a Trustee in the Room of each Trustee dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election, shall be affixed upon all the Turnpikes then erected upon the said Roads, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected, nominated, and appointed, is and are hereby empowered to act, in putting this Act in Execution, in as full and ample a Manner as any of the Trustees hereby appointed are hereby empowered to do.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be, in his own Right or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds over and above what will satisfy and discharge all Reprizes and Incumbrances affecting the same, or shall be Heir Apparent of some Person or Persons who shall in like Manner be possessed of a like Estate as aforesaid of the yearly Value of One hundred Pounds or shall be possessed of a Personal Estate to the Amount of One thousand Pounds, and unless he shall (not being such Heir Apparent as aforesaid) before he acts as such Trustee, take and subscribe the Oath or Affirmation following, before any One or more of the Trustees appointed or to be appointed by virtue of this Act, who are hereby authorized and empowered to administer the same, according to the Form following; (that is to say),

Trustees Oath.

‘ I *A. B.* 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 and Enjoyment [*or, Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds [*or, possessed of, or, entitled to, a Personal Estate of the Value of One thousand Pounds, as the Case shall be*].

‘ So help me GOD.’

Unqualified Persons acting, to forfeit 50*l.* each.

And if any Person not being so qualified shall presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case; and the Person so prosecuted shall prove that he is so 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, One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be paid to the Treasurer or Clerk to the said Trustees, to be applied to the Purposes of this Act in such Manner as the said Trustees shall direct; and that no Person shall be capable of acting as Trustee in the Execution of any of the Powers hereby granted during the Time in which

he shall hold any Place of Profit under this Act, but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, within their respective Jurisdictions, notwithstanding their being Trustees; and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees to administer such Oath, and which they or either of them are hereby authorized to do: Provided nevertheless, That such Acts and Proceedings as shall have been done and performed by any Person touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees may
act as Justices.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Hundred House, in the County of *Worcester* aforesaid, on the said Fifteenth Day of *July* One thousand eight hundred, or as soon after as conveniently may be, and proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at such other Place on or near the said Roads as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act and to adjourn to another Day, (Two Trustees being deemed sufficient for the Purpose of adjourning only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in every such Case such Meeting shall of course stand adjourned to the first *Tuesday* in the next following Month, to be holden at the same House where such Meeting was held or was appointed to be holden; and the Trustees shall at their Meetings defray their own Expences; and all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings which are hereby directed to be done, made, or had, by or before the said Trustees respectively, shall and may be done, made, or had by or before any Five or more of the said Trustees (except where any other Number is hereby directed); and that all Acts, Orders, and Proceedings made or had by or before such Five Trustees, shall have the same Force and Effect as if the same were done, made, or had by or before the whole Number of Trustees: Provided always, That no Order or Determination made by Five or more Trustees, shall be revoked or altered unless Nine Trustees at least shall be present, and the major Part of them concur therein, at a Meeting to be held for the Purpose of taking such Order or Determination into Consideration, of which intended Alteration or Revocation Ten Days Notice shall be given at a previous Meeting of the said Trustees, and entered in their Book of Proceedings; and such Notice shall also be affixed on all the Turnpike Gates then erected within the District in respect of which such Meeting shall be held, Ten Days at least before such Meeting.

Trustees
Meetings,
etc.

VI. Provided always, and be it further enacted, That any Trustee or Trustees may be appointed to and exercise the Office or Offices of Treasurer

Trustees may
be Treasurers
and Survey-
ors, provided

[Loc. & Per.]

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they receive
no Salary or
Reward.

suref or Treasurers, or Surveyor or Surveyors of the Roads by this Act intended to be repaired, and at the same Time act as a Trustee or Trustees in the Execution of this Act, so that he or they receive no Fee, Reward, or Gratuity, for exercising such Office or Offices; any Thing in this Act contained to the contrary notwithstanding.

Mortgagees or
Assignees not
disqualified to
act as Trust-
tees.

VII. Provided also, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any Tolls granted by this or the said former Acts, or receiving Interest thereout for the same, shall not be deemed unqualified or disabled from acting as Trustee in the Execution of this Act.

For entering
Orders, &c.

VIII. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings, 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 Five of the Trustees present at each Meeting, or by their Clerk by their Order, which Book or Books, and also the Book herein-after directed to be kept for registering the Mortgages and Assignments, or Transcripts thereof signed by the Clerk to the said respective Trustees, shall be admitted as Evidence in all Courts whatsoever, touching any Thing done in pursuance of this Act.

Appointing
Officers.

IX. And be it further enacted, That the said Trustees shall and may, from Time to Time by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and Surveyor or Surveyors of the Roads, and such other Officers as the said Trustees shall think necessary, and from Time to Time remove all or any of such Officers as they shall think fit, and appoint others in the Room of such as shall be so removed, or as shall die or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such respective Offices as they the said Trustees shall think proper; and may, by and out of the Tolls of the respective District, allow and pay to such Clerks, Treasurers, Collectors, and Surveyors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall be employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Trustees shall seem 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 appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath; and all such Officers and Persons shall, and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if
any

Officers to
account, &c.

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

Temporary Officers may be appointed by Two Trustees.

X. And be it further enacted, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, or shall be removed, it shall be lawful for any Two or more of the said Trustees, though not assembled at any Meeting, in pursuance of this Act, by any Writing under their Hands, to appoint any other Person or Persons to collect the said Tolls; and the Person or Persons so appointed shall have the same Authority for the Recovery thereof as the Person or Persons to whom he or they shall succeed was or were vested with, until the Trustees shall, at their next Meeting, appoint a Collector of such Tolls; and the Persons or Person so appointed, shall be liable to account in the like Manner as other Officers are hereby directed to account, and shall be subject to the like Penalties on their neglecting or refusing so to do; any Thing in this Act to the contrary notwithstanding.

No Victualler to be an Officer.

XI. Provided always, That no Person shall be capable of holding any Place of Profit under this Act who is or shall be a Victualler, or Retailer of Beer, Ale, or any Sort of Spirituous Liquors.

Persons having received Tolls under former Acts to account.

XII. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Monies, by virtue or on Account of the said former Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writing, or other Things relating to the said Roads, shall account for the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as the several other Officers and Persons are herein-before directed to account.

Officers appointed under former Act to continue in Office till others appointed.

XIII. Provided always, and be it further enacted, That the Clerk, Treasurer, Surveyor, and other Officers who have been appointed under, and employed in the Execution of, the said former Acts, shall respectively continue to exercise their respective Offices under the present Act until they shall respectively resign, or be removed or displaced by the said Trustees.

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

XIV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Treasurer or Clerk, and that no Action to be brought by or against the said Trustees, or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, but the Treasurer or Clerk for the Time being to the said Trustees, shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be; and that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expenses, as by the Event, or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his so being made Plaintiff or Defendant as aforesaid.

Trustees may continue or erect Turnpikes.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may continue or remove all or any of the Turnpikes or Toll Gates already erected upon the said Roads or any Part thereof, and erect or cause to be erected any other Turnpike or Turnpikes,

piques, Toll Gate or Toll Gates, in upon, or across any Part or Parts of the said Roads, and upon the Side or Sides of any of the said Roads, and across any Way or Lane leading out of the same, and also shall and may erect, or cause to be erected or provided, such or so many Toll Houses, with suitable Outbuildings and Conveniencies thereto, and enclose such Gardens for the said Toll Houses, as they may think fit; and also shall and may erect, or cause to be erected, such Weighing Engines upon the said Roads as they shall think necessary, and from Time to Time remove, alter, or take down, or cause to be removed, altered, or taken down, any such Gates, Turnpikes, Toll Houses, Buildings, and Weighing Engines.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize or appoint for that Purpose, or to whom the Tolls hereby granted shall be let, shall and may, and they are hereby authorized and empowered to demand, receive, and take, at all and every or any of the said Turnpikes or Toll Gates, before any Cattle, Beast, or Carriage shall be permitted to pass through the same, the several Tolls following; (that is to say),

Trustees em-
powered to
take Tolls.

For every Carriage drawn by Six or more Horses, or other Cattle or Beasts of Draught, the Sum of Two Shillings and Sixpence: Tolls.

For every Carriage drawn by Five Horses, or other Cattle or Beasts of Draught, the Sum of Two Shillings and Three-pence:

For every Carriage drawn by Four Horses, or other Cattle or Beasts of Draught, the Sum of Two Shillings:

For every Carriage drawn by Three Horses, or other Cattle or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Carriage drawn by Two Horses, or other Cattle or Beasts of Draught, the Sum of One Shilling:

For every Carriage drawn by One Horse or Beast of Draught, the Sum of Sixpence:

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

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

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

Which said respective Sums of Money shall be demanded and taken as Toll; and if any Person or Persons, subject to the Payment of any of the Tolls by this Act granted, shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, (and which Assistance all Persons are hereby required to give when called upon), to seize and distrain any Carriage or Carriages, Horse or Horses, or other Beasts or Cattle, or other Thing or Things, upon or in respect of which such Toll is by this Act imposed, together with its or their respective Bridles, Saddles, Gears, Harness, Accoutrements, or Loading, or any Part thereof, or any Carriage with or without its Load-

Manner of
Recovery.

ing, drawn by such Horse or Horses or other Beast or Cattle, or of any other Goods or Chattels of or belonging to the Person or Persons who ought to pay the said Tolls; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse or Horses, Cattle, Carriage, Goods, Chattels, or Things, so seized or distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, be deducted and paid.

Carriages employed in carrying Timber between certain Periods subject to Double Toll.

XVII. And be it further enacted, That between the First Day of *October* and the last Day of *March* in every Year, there shall be demanded and taken, for every Carriage laden with Timber, and for the Horses, or other Cattle or Beasts drawing the same, on any Part of the said Roads, an additional Toll equal to double the Toll herein-before made payable for the same.

Turnpikes and Toll Houses, etc. vested in Trustees.

XVIII. And be it further enacted, That the Right, Interest, and Property of all the Turnpikes, Bars, Toll Houses, with the Gardens thereto belonging or therewith used, Weighing Machines, Buildings, Posts, Rails, Pales, Implements, and other Things whatsoever, erected or provided by virtue of the said former Acts or either of them, or to be erected or provided by virtue of this present Act, and also of all Materials of which the same respectively do or shall consist, and also of all Materials got or to be got or provided for repairing the said Roads or any of them, and also of all Mile Stones and Guide Posts erected or set up, or to be erected or set up upon or near the said Roads, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and empowered to sell and dispose thereof, or of any Part thereof as they shall think fit; and also to bring or cause to be brought any Action or Actions, in the Name of any One of the said Trustees, or of their Clerk or Treasurer, or to prefer and prosecute, or order the preferring and prosecuting, Indictments or other Prosecutions against any Person or Persons who shall disturb them in the Possession thereof, or who shall pull down, break, or dig up, spoil, injure, or destroy, steal, take, or carry away the same, or any Part thereof; and all the Arrears of Rent, Tolls, and other Monies arising by virtue of the said recited Acts, or either of them, and which, at the Commencement of this Act, shall be due to the Trustees under the said recited Acts hereby repealed, or either of them, or in the Hands, Custody, or Power of their Treasurer, or of any other Person or Persons; and also all the Tolls and other Monies to be raised, received, and collected, by virtue of this Act, shall be and the same are hereby vested in the said Trustees for putting this Act in Execution, and the same and every Part thereof shall be paid, applied, disposed of, and assigned to, and for the several Uses, Intents, and Purposes herein-after mentioned.

Tolls vested in Trustees.

To prevent evading of Tolls.

XIX. And be it further enacted, That if any Person or Persons shall go or pass with or ride or drive any Horse or Beast, or ride in or drive any Carriage through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads, or if any Person or Persons

Persons owning or occupying any such Land, Ground, or Place, (the same not being a Publick Highway), shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby or by Means whereof any such Evasion shall take place or be effected, or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, any Note or Ticket with Intent to avoid the Payment of all or any Part of the said Tolls, or if any Person or Persons shall at any Time drive or pass through any Turnpike or Side Gate, whereat any Toll shall be payable by virtue of this Act, with any Horse, Beast, or Carriage, without first paying or tendering the Toll hereby made payable for the same respectively at such Turnpike or Side Gate, to the Collector thereof, or if any Person or Persons shall unload or cause to be unloaded any Sort of Goods or Merchandize, or take off or cause to be taken off any Horse or Horses or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing such Carriage after the same shall have passed through any such Toll Gate, with Intent to avoid the Payment of the said Tolls or any Part thereof, such Persons and every of them, so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, over and above such Damages and Punishments as they shall otherwise be liable to by Law, to be recovered, levied, and disposed of in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures.

XX. Provided always, and it is hereby further enacted and declared, That no Toll shall be demanded or taken for any Carriage, or for the Horses, Beasts, or other Cattle drawing the same, which shall be loaded with or employed in the carrying any Gravel, Stones, or other Materials for repairing any of the publick Highways in the same, or any of the adjacent Parishes or Places through which any of the said Roads do pass, or carrying or going for any Quantity of Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing the aforesaid Roads or any Part thereof; or carrying or going for any Dung, Mould, or other Compost whatsoever, (Lime excepted), for manuring of Lands lying in any of the Parishes through which any of the said Roads lead; or carrying any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places in which the said Roads do lie, and arising from Lands in their own Occupation within such Parishes, Townships, or Places respectively; or for any Ploughs, Harrows, or other Implements of Husbandry belonging to and employed by such Inhabitants respectively only in Husbandry, or in manuring or stocking of Lands in their Occupation respectively, lying within such respective Parishes, as shall pass through such Gate or Place where such Toll is to be received; nor shall any Toll or Duty be taken for any Horses or Cattle going to or returning from being shoed or farried, or to or from Pasture

Exemptions
from Toll.

or

or Watering Places belonging to such Parishes or Places in which the said Roads do lie, and lying within the Distance of One Mile of the Gate or Turnpike through which they shall pass; nor from any Persons going to or returning from any Election of a Knight of the Shires to serve in Parliament for the said County of Worcester, on the Day of Election, and on the Day before and Day after any such Election shall begin and be concluded; or for the Horses of Soldiers passing on their March or on Duty, or for Carts, Waggon, or other Carriages attending them or laden with their Arms or Baggage; or for Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes; nor shall any Toll be demanded or taken for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Day in which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes, Hamlets, or Places through which the said Roads lead; And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Only Two
Tolls to be
paid in One
Day on cer-
tain Roads.

XXI. Provided always, and be it further enacted and declared, That nothing herein contained shall extend to empower the said Trustees to receive, or cause to be received, more than Two full Tolls in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing or repassing with the same Horses, Cattle, Beasts, or Carriages through all the Turnpikes erected or to be erected on the several Roads comprised in the said First District of the Hundred House Turnpike Roads; but that all and every Person and Persons, after having paid Toll at any Two Turnpike Gates erected or to be erected upon any Part of the said Roads comprised in the said First District, and producing a Ticket or Tickets denoting the Payment of such Tolls, (which Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll), shall afterwards be permitted to pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll free during such Day through all the Turnpikes or Gates erected or to be erected on the respective Roads comprised in such said First District; and no more than One full Toll shall be demanded or taken in any One Day, to be computed as aforesaid, for the same Horse, Beast, Cattle, or Carriage passing or repassing upon any Part of the said Road between *Stourport Bridge* and the Hundred House aforesaid, or on any Part of the said Road between *Stanford Bridge* and the Blacksmith's Shop at *Stacton*; but that all Persons, having paid Toll Once at One of the Gates erected or to be erected on the said last-mentioned respective Roads, between the Places aforesaid, upon producing a Ticket denoting such Payment, (which Ticket the Collectors of the

Only One
Toll on cer-
tain Roads.

Tolls are required to give *gratis* on Receipt of the Toll) shall afterwards pass or repass, with the same Horses, Beasts, Cattle, and Carriages, Toll free through the same Turnpike, and every other Turnpike erected or to be erected between the Places aforesaid on such respective Road.

XXII. Provided also, That no more than One full Toll shall be demanded or taken on the same Day (to be computed as aforesaid) for the same Horse, Beast, Cattle, or Carriage passing or repassing upon any Part of the said Road comprized in the said Second District of the Hundred House Turnpike Roads.

Only One Toll to be paid Once a Day on Second District Road.

XXIII. And be it further enacted, That no Person or Persons whatsoever shall be liable to pay any of the Tolls aforesaid, for or in respect of any Horse, Cattle, Beast, or Carriage passing through any Side Gate erected or to be erected, unless the same pass One hundred Yards at least on some Part of the said Roads.

No Toll at Side Gates, unless pass 100 Yards on the Road.

XXIV. Provided always, That no Person or Persons who shall pass through any of the Toll Gates or Turnpikes already erected or to be erected upon the said Roads with any Horses, Cattle, Beasts, or Carriages, having paid the Tolls by this Act appointed to be taken, and who shall return and pass through the same Turnpike at which such Tolls were so paid on the same Day (to be computed as aforesaid) upon or with the same Horses, Cattle, Beasts, or Carriages, shall be liable or compellable on the same Day (to be computed as aforesaid) to pay the said Toll more than Once at the same Turnpike.

Tolls to be paid but Once a Day at the same Gate.

XXV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as are or shall be authorized by them, shall and may, and are hereby required to demand and take, for every Carriage, Horse, Beast, and other Cattle whatsoever travelling upon the said Roads, any or either of them, upon the Lord's Day, commonly called *Sunday*, double the Tolls herein-before made payable for the same Carriage, Horse, Beast, or other Cattle respectively as aforesaid, before any such Carriage, Horse, Beast, or other Cattle shall be permitted to pass through any Turnpike or Side Gate where Tolls are or shall be payable by virtue of this Act (except for such Carriage, Horse, Beast, or other Cattle as are exempted from Payment of Tolls on *Sundays* by this Act.)

Double Tolls on *Sundays*.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any Meeting to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and the said Trustees, or any Seven or more of them, may from Time to Time direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes as they the said Trustees, or any Seven or more of them, shall think fit, and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the said Tolls herein-before granted are directed to be collected,

Trustees may reduce the Tolls.

[*Loc. & Per.*]

20 K

levied,

levied, and applied; but no such Reduction shall be made after Twelve Calendar Months from the passing of this Act; unless the Person or Persons who shall be entitled to the fourth Part of the Money which shall have been then lent and remaining due on the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no Meeting shall be held for any of the Purposes aforesaid, unless Ten Days previous Notice at least be given thereof in Writing, to be fixed on all the Turnpikes which shall be then standing upon the said Roads.

Tickets for reduced Tolls not to pass elsewhere, unless the Sums be made up.

XXVII. Provided always, That no Ticket received at any Gate where the Tolls shall have been reduced as aforesaid, shall entitle any Person to pass through any other Gate upon any of the said Roads where the Tolls shall not have been so reduced, unless such Person shall pay at such other Gate so much Money as shall together with the Money paid at the Gate from which such Ticket shall have been so received, make up the full Toll directed to be paid at such other Gate.

The Tolls arising on each District to be distinct Securities for Monies borrowed on Credit of such District.

XXVIII. And be it further enacted, That all the Tolls to be collected on the several Roads comprized in the said First District of Roads by virtue of this Act, shall be and are hereby declared to be a joint Security for the Monies borrowed and now due and owing, on the Credit of all or any of the Roads comprized in such said District, and also for all and every other Sum and Sums of Money which shall be borrowed on the Credit of the same Tolls by virtue of this Act; and that all the Tolls to be collected on the said Road comprized in the said Second District by virtue of this Act, shall be and are hereby declared to be a Security for the Monies borrowed and now due and owing on the Credit of the same Road, and also for all and every other Sum and Sums of Money which shall be borrowed on the Credit of the said Second District of Road by virtue of this Act.

Expences of the Act how to be paid.

XXIX. And be it further enacted, That the Charges and Expences of passing this Act, and also the Expences in, about, and incident to the procuring of the said Act; together with legal Interest for the same from the Time of passing this Act until the same shall be paid off, shall be paid, borne, and discharged by the said Trustees, in Manner and by the Proportions following; (that is to say), Three equal Fourth Parts thereof shall be paid out of the first Monies arising by the Tolls collected or to be collected on the several Roads comprized in the said First District of Roads, or out of the Monies borrowed or to be borrowed on the Credit thereof; and the remaining One fourth Part thereof, shall be paid out of the first Monies arising by the Tolls collected or to be collected on the Road comprized in the said Second District of Roads, or out of the Monies borrowed or to be borrowed on the Credit thereof.

Application of Tolls, &c.

XXX. And be it further enacted, That separate and distinct Accounts shall be kept of all Receipts, Payments, and Disbursements anyways touching or concerning each of the said Districts respectively; and that the Tolls collected and to be collected on the said several Roads comprized in the said First District of Roads, and all Monies borrowed and to be borrowed on the Credit thereof, shall be applied in repairing the said several Roads comprized in such First District, and in erecting Turnpikes and Toll Houses, Machines, and all other necessary Erections thereon,

thereon, and in defraying all other necessary Expences attending the same District of the Roads, and in putting this Act in Execution with regard to the same District, in such Manner as the said Trustees; or any Five or more of them, shall from Time to Time order or direct, and in defraying the Principal Monies charged on the Roads comprized in such First District of Roads by the said former Acts and this Act, or either of them, and all other Monies that shall be borrowed or become due and owing on the Credit of the said District, and the Interest thereof respectively; and that the Tolls collected and to be collected on the said Road comprized in the said Second District, and all Monies borrowed and to be borrowed on the Credit thereof, shall be applied in repairing the Road comprized in the said Second District, and in erecting Turnpikes and Toll Houses, Machines, and all other necessary Erections thereon, and in defraying all other necessary Expences attending the same District of Road, and in putting this Act in Execution with regard to the same District of Road, in such Manner as the said Trustees, or any Five or more of them, shall from Time to Time order or direct, and in repaying the Principal Monies charged on the Road comprized in the said Second District by the said former Acts and this Act, or any or either of them, and all other Monies that shall be borrowed or become due and owing on the Credit of the said Second District of Road, and the Interest thereof respectively.

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

Gatekeepers
to be compe-
tent Wit-
nesses.

XXXII. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, may, and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls granted by virtue of this Act, (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money now due and owing on the Credit of the Tolls granted by the said recited former Acts, as also for any Sum or Sums of Money to be borrowed by the said Trustees upon the Credit of the Tolls granted by this Act, to such Person or Persons, his, her, or their Trustee or Trustees, who shall advance and lend the same, by the following Words of Assignment under their Hands, or by any other Words to the following Effect; *videlicet*,

Power to assign
the Tolls.

‘ BY virtue of an Act, made in the Fortieth Year of the Reign of His
‘ Majesty King *George* the Third, intituled, [*here insert the Title of this*
‘ *Act*] we Five of the Trustees for putting the said Act into Execution,
‘ in Consideration of the Sum of _____ to our
‘ Treasurer in Hand paid by _____ of
‘ _____ [or, in Consideration of the Sum of _____ now
‘ due and owing to _____ on Mortgage of the Tolls
‘ granted by former Acts, *as the Case shall be*] assign unto the said

Form of As-
signment.

Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act of the Fortieth Year of King George the Third, on the Road [or, several Roads, as the Case shall be] hereinafter mentioned (that is to say) [here describe the Road or Roads the Tolls arising whereupon are intended to be a Security] as the said Sum of _____ shall bear to the Whole Sum advanced on the Credit of the said Tolls, to be had and holden from this _____ Day of _____ in the Year of our Lord _____ and during the Continuance of the said Act of the Fortieth Year of King George the Third, unless the said Sum of _____ with Interest after the Rate of _____ per Centum per Annum shall be sooner paid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

But no Money shall be borrowed on the Credit of the said Tolls after their First Meeting, unless Notice be first given for that Purpose fixed upon all the Turnpikes then erected across the Road within the respective District on which the same is to be borrowed, at least fourteen Days before the borrowing thereof; and all and every such Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, in the following Words or Words to the like Effect:

Mortgages may be transferred.

Form of Transfer.

I _____ do transfer this Mortgage, [or, a certain Mortgage, as the Case may be], with all my Right and Title to the Principal and Interest thereby secured, and to all the Interest now due thereon, unto _____ his Executors, Administrators, and Assigns. Dated this _____ Day of _____ Witness _____

Mortgages and Assignments to be entered in Books.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; and all and every Transfer and Transfers thereof shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry to be made of such Transfer, containing the Dates, Names of the Parties, and Sum of Money therein transferred, in the said Book or Books to be kept for the entering of the said original Assignments, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, but not till then, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in such Manner assign again, and so toties quoties; which said Money so borrowed shall (after paying the Expences of procuring this present Act) be applied and disposed of for the Purposes of this Act according to the true Intent and Meaning thereof, and to no other Use or Purpose whatsoever.

XXXIII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said Acts, or either of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls arising from the First District of Roads or Second District of Roads, as the Case may be, in equal Degree one with another.

No Priority
of Mortgage.

XXXIV. 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 for that Purpose, after Twenty-one Days Notice in Writing under the Hand of the Clerk or Treasurer to the said Trustees, to be affixed upon the several Turnpikes where the Tolls intended to be leased are collected, from Time to Time, by Writing under their Hands, to lease or demise the Tolls granted by this Act, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants and Agreements, and to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct or appoint, which Monies so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, but no such Lease or Agreement shall hinder or prejudice the Right of Entry or Title of the Mortgagees for the Time being, upon or to the said Tolls; and the Person or Persons, to whom the said Tolls, or any Part thereof, shall be let as aforesaid, shall always pay down so much Money in Advance as the Trustees letting the same shall require, not exceeding Three Months Rent; and if any Default shall be made in Payment of the Money agreed to be paid for the same in Advance as aforesaid, contrary to the true Meaning of this Act, then every such letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be let as aforesaid, shall be liable to account for the same to the said Trustees, or any Five or more of them, and the same shall be levied and recovered upon and from him and them by the same Ways and Means, and in such Manner as the Tolls granted by this Act are herein-after directed to be levied and recovered from the Collectors thereof.

Trustees
may lease
the Tolls
for any Term
not exceed-
ing Three
Years.

Not exceed-
ing Three
Months
Rent.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any such Meeting, after such Notice, to let to Farm, either with or without the Tolls by this Act authorized to be taken, the additional Toll or Duty granted and made payable by virtue of an Act passed in the Thirteenth Year of the Reign of His present Majesty, 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*, for every One Hundred Weight, of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh, at any of the Weighing Engines now or hereafter to be erected on the said Roads, over and above

For letting
Weighing
Machines.

the Weight allowed by Law, provided that the said additional Tolls be let in the same Manner as the Tolls sitting at the said Toll Gates are by this Act directed or prescribed to be let.

Enabling the Trustees to take Possession of Toll Houses when let to Farm.

XXXVI. And be it further enacted, That in case the Tolls sitting from all or any of the Toll Gates erected or to be erected on the said Roads, shall at any time or Times, during the Continuance of this Act, be demised or let to farm to any Person or Persons whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions by which the same shall be demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Ten Days next after the Day on which the same ought to be paid, pursuant to the Agreement for letting the same, and in either of those Cases the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or other Person authorized by writing under the hands of any Five or more of them, shall be at Liberty, and they are hereby authorized, to enter into and upon the Possession of the Toll House or Toll Houses, with the Buildings, Washings, Mackings, Gates, and Appurtenances thereto belonging, as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit), to vacate and determine the Contract or Agreement for letting or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payments of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made, and it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Trustees may compound for Tolls.

XXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any Person using to travel on the said Roads (common Carriers and the Proprietors of Stage Coaches, and Persons travelling Post, or letting Horses, Cattle, or Carriages to travel for Hire only excepted), for any Sum or Sums of Money which the said Trustees, or any Five or more of them, shall think fit, for and in lieu of Payment of any of the said Tolls, which Composition shall be instantly paid to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint.

Trustees may alter or divert the Roads.

XXXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby fully empowered, from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Roads comprized in this Act; and that any Alteration, Diversion, Variation, or widening of Road, may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private or inclosed Lands or Hereditaments, first making Satisfaction to the Owners thereof

thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of or Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, or changing the Course or Path of any Part or Parts of the said Roads through such Lands and Hereditaments; and it shall and may be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Females Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Sale of such Lands or Hereditaments, or any Part thereof, or for their Interests therein, for the Purposes of this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XXXIX. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to any Part of the said Road, or through which the said Road is to be diverted or varied as aforesaid, shall, for the Space of Twenty-one 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 or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where the Lands or Hereditaments shall lie (which Oaths any One or more of the said Trustees are hereby empowered to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands or Hereditaments into the said Road, or of making, widening, diverting, or changing the said Road through the same; and in order thereunto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon 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 concerning the Premises (which Oath any One or more of the said Trustees are hereby empowered to administer); and they the said

Where
Owners, &c.
of Land
refuse to
treat.

Damage and
Recompence
to be settled
by a Jury.

Trustees, or any Five or more of them, shall, by ordering the said Jury to view the said Places in question or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have so enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees shall order, adjudge, and direct the Sum or Sums of Money which shall be so assessed by the said Jury, to be paid to the said Owners or Proprietors of or Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury, which Verdict or Inquisition, and Judgement or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claimant or to claim in Possession, Reversion, Remainder, Expectancy or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, Aggregate or Sole, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors, and all and every Person and Persons in anywise interested in such Lands, Grounds, or Hereditaments, shall hereby be from henceforth, to all Intents and Purposes, excluded and debarred of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same.

For summoning Juries.

XL. And be it further enacted, That for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return Twenty-four such Persons as aforesaid; and out of the Persons so impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall 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 speedily be procured to attend that Service, to the Number of Twelve; and that the said Trustees, and all Persons interested, shall have their lawful Challenges against any of the said Jurymen; and that the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who being summoned and returned on such Jury shall not appear, (except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent of this Act; and on any Person or Persons who being summoned to give Evidence before the said Jury as aforesaid touching the Premises shall not attend, (except for some reasonable Excuse), or attending shall refuse to be sworn.

and

and examined, or to give Evidence touching the same, so that no such Fine exceed the Sum of Twenty Pounds upon any Person for One Offence.

XLI. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed on the Credit of such Tolls, and shall be paid thereout accordingly, either into the Bank of *England*, or, as the Case may require, to the Persons respectively entitled thereto, or to their Agents; and that upon Tender or Payment thereof to such Persons respectively or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being of the said Trustees for the Use of such Persons, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into or upon, and to take or add to the said Road, such Lands and Hereditaments, and to do all and every such Act, Matter, and Thing in relation to such Lands and Hereditaments as the said Trustees, or any Five or more of them, shall think proper; and the said Lands and Hereditaments so added to, taken in, or made Part of the said Road, shall be fenced from the adjoining Lands by the said Trustees, or any Five or more of them, and shall be deemed and taken to be Part of the said Road hereby directed to be repaired and made for ever hereafter, and shall, to all Intents and Purposes, be a Publick and Common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be repaired are by this Act to be repaired; and after such new Roads shall be completed, the Lands and Grounds constituting the old or former Road, unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Roads do not lead, shall be vested in the said Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and a Conveyance of the said old Roads, being executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County of *Worcester*, shall be good and effectual.

Money allowed for Lands, etc. how to be charged and tendered.

Old Road may be sold.

XLII. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent of the Owners and Proprietors thereof respectively, any Thing herein contained to the contrary in anywise notwithstanding.

Trustees not to pull down Houses.

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

How the Expences of Juries shall be paid.

[*Loc. & Per.*]

20 M

Lands

Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, 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 wherein such Lands or Hereditaments do lie, not interested in the Matter in question, (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the Trustees in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

Persons being absent to be charged with only One Half the Expence.

XLIV. Provided always, That in Cases where any Person or Persons shall, by Reason of Absence, have been prevented from treating with the said Trustees, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be borne and paid by the Treasurer to the said Trustees in Manner aforesaid.

Application of Compensation where exceeding 200 l.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act or this Act particularly mentioned, such Money shall, in case the same shall amount to 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 there *ex parte* the Trustees for executing this Act, to the Intent that

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 Incumbrance 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 the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood, settled, or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLVI. 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 all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties),

Application where the Compensation shall be less than 200*l.* and exceed 20*l.*

ties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than 20/.

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

Statute La-
bour.

XLVIII. And be it further enacted, That the Roads hereby authorized to be made, amended, widened, turned, and varied, shall be deemed and taken to be and shall be the King's Common Highway for ever to all Intents and Purposes whatsoever; and that the Inhabitants of the several Townships, Districts, or Places through which the said Roads shall lead, pass, and extend, shall be and for ever continue subject and liable to the Repair thereof, in like Manner and in every Respect as they are by Law liable to the Repair of any other Common Highway in the said Townships or Places; and that it shall and may be lawful for any Five or more of the Trustees, or their Surveyor or Surveyors, or for any One Justice of the Peace, to summon the Surveyors of the Highways for the respective Townships, Districts, or Places wherein any Part of the said Roads doth or shall lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Ten Days of such Summons (which Oath the said Trustees, or any One or more of them, is and are hereby empowered to administer) a List of the Names of every Person who, within such Townships, Districts, or Places respectively, are by Law obliged to do their Statute Work towards repairing the Roads in any of the said Townships, Districts, or Places respectively for that Year with Teams and Draughts, as also the Number of Days Work which each Person ought to do on the said Roads in such Townships, Districts, or Places respectively; out of which List the said Trustees, or any Five or more of them, shall and may appoint and order so many Persons to do their Statute Work on the Roads directed by this Act to be repaired, as they shall think reasonable, and as such Persons are by Law compellable to perform, and not exceeding Three Days Work in any One Year; which said Statute Work shall be done by such Persons at such Times, in such Manner, and in such Parts of the said Roads within such respective Townships, Districts, and Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time direct and appoint; and the said Surveyor or Surveyors of every such Township, District, or Place for the Time being, within Five Days after Notice shall be given to him or them, in Writing by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors,

Surveyors, of the Time when and how many of the Persons so chargeable as aforesaid, he or they would have to do their respective Statute Work, so directed and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give Notice thereof to the said several Persons so chargeable as aforesaid; and if any Person shall, after such Summons or Notice, neglect or refuse to do such Statute Work, every such Person, for each Day he shall make Default, shall forfeit any Sum not exceeding Twenty Shillings nor less than Ten Shillings for each Team or Draught; and if any Person or Persons shall be found idle or negligent in the Performance of such Statute Work, the Turnpike Surveyor may, and he is hereby required to discharge such Person, and it shall be deemed as if such Person, or such Teams or Draughts, had not come or been sent to work, and every such Person, or the Owners of such Team or Draught, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for such Townships or Districts or Places, shall neglect or refuse to do as they are hereby required and directed, every such Surveyor shall for each Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

XLIX. And for preventing Differences between the Surveyors of the Highways for the Time being of the several Townships, Districts, or Places through which the said Roads hereby directed to be made, amended, varied, altered, and improved doth or shall lead, touching what Proportion of the Statute Duty in any such Townships, Districts, or Places ought to be done on the said Roads; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace, at any Special Sessions to be holden within the Division where the said Roads do or shall lie, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by the Surveyors of the Highways within the respective Townships, Districts, or Places within which such Roads shall respectively lie, to adjudge and determine what Part or Proportion of the Statute Work shall be done on the said Roads by and in each and every of the Townships, Districts, or Places aforesaid; any Thing herein-before contained to the contrary notwithstanding.

Proportion of Statute Duty to be ascertained by Justices.

L. Provided always, and be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, or other Person or Persons, by and with the Consent of the Inhabitants of such Townships, Districts, or Places respectively, first had at any Vestry or other publick Meetings of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree from Time to Time with the said Trustees, or any Five or more of them, for a certain Sum of Money by the Year, or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants, upon any Part of the said Roads; and in case such Composition Money shall not be paid to the said Trustees, or any Five or more of them, or to such other Person as they shall appoint to receive the same, within Ten Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the County wherein the said Roads do respectively lie, upon Oath made before him

Trustees may compound for Statute Work.

or them of such Default (which Oath the said Justice or Justices is and are hereby empowered to administer) and he or they is and are hereby required to issue a Warrant, under his and their Hand and Seal or Hands and Seals, empowering such Person so by the said Trustees, or any Five or more of them, appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who shall have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Four Days (such Composition Money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any) to the Owner or Owners thereof upon Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale shall be deducted; which Composition Money shall be applied to the Purposes of this Act; and such Surveyors, and other Persons by whom such Composition shall be made on the Behalf of any Township, District, or Place as aforesaid, shall be reimbursed such Composition Money, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies expended by them in buying Materials for the repairing of the Highways.

Trustees may direct Prosecutions, at the Expence of the Tolls.

LI. And be it further enacted, That the said Trustees or any Seven or more of them, at a Meeting to be held, whereof Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike Gate or Gates then erected by virtue of this Act, and inserted in One of the *Worcester* Newspapers at least Ten Days previous to the Time when such Meeting is appointed to be held, may and they are hereby authorized and empowered, when and so often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted, at the Expence of the Revenues arising by virtue of this Act, against the Inhabitants of all or any of the Townships, Districts, or Places through which the said Roads pass, and against the Hundred liable to repair Bridges, who shall have neglected or refused respectively to repair the same.

Surveyors may remove Annoyances, turn Water-courses, &c.

LII. And be it further enacted, That it shall be lawful for the said Turnpike Surveyor or Surveyors, and such Persons as he or they shall direct and appoint, (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose), to make Causeways and Footpaths by the Sides of the said Roads, and also to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Water-courses, Sinks, or Drains running into, along, and out of the said Roads to the Prejudice thereof, and to open, scour, and cleanse any Water-courses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, or within Seven Yards of the Centre of any Part of the said Roads, and to take, carry away, and sell the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down or carry away such Trees or Bushes

as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or to remove such other Annoyances for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, and the Charges thereof, (to be settled by the said Trustees, or any Five or more of them), shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers, and the same shall be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

LIII. And be it further enacted, That all and every Occupier and Occupiers of Land adjoining to any Part of the said Roads, on receiving Ten Days Notice in Writing from any Surveyor of any Part of the said Roads, for cutting down or reducing their respective Hedges adjoining to the said Roads to the Height of Three Feet, or for removing or carrying away from off the said Roads the Dirt and Soil arising from the paring of the Banks or cleansing of their Ditches, and also the Dirt and Soil to be from Time to Time gathered, collected, scraped, or taken from off the said Roads, and laid upon the Sides thereof towards their respective Lands, and all other Filth, Dung, and Rubbish lying on the Sides of the said Roads adjoining to their respective Lands, shall and are hereby required to do and perform all and every the several Works and Duties aforesaid, according to such Notice so to be given, upon Pain of forfeiting for every Neglect of any or either of such Works or Duties any Sum not exceeding the Sum of Forty Shillings.

Occupiers of Land to remove Tumps of Earth, etc. from Sides of Road.

LIV. And be it further enacted, That it shall and may be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials, for making or repairing the said Roads, in and out of any River or Brook, or out of any Moor, Waste, or Common Grounds, in any Township, District, or Place in or near which any Part of the said Roads doth or shall lie, without paying any Thing for such Materials, such Surveyor or Surveyors leveling, or causing to be levelled, all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be digged, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by landing, and for going over or through any Lands, Grounds, or private Lanes or Roads for or with such Materials, to be ascertained as herein-after mentioned; and also it shall be lawful for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, (such Surveyor or Surveyors first having an Order in Writing of any Five or more of the said Trustees for that Purpose), to search for, dig, gather, and take away such Materials in and about the several Grounds of any Person or Persons, (not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery

For getting Materials.

Nursery for Trees), paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for the Repair of the said Roads shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, assembled at the next Petty or Special Sessions, or at the Second Petty or Special Sessions at the farthest, to be holden for the Division or Place wherein the said Premises lie, may adjudge and determine the same, from which Determination there shall be no Appeal; and if any Person or Persons shall take away any Materials which shall have been dug, got, or gathered for the Repair or Use of the said Roads, or shall raise or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the Use of the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein and given up the same, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, over and above the Value of the Materials so taken away.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupier.

LV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor, or any other Person or Persons under the Authority of this Act, to take and carry away Materials for repairing the said Roads from any inclosed Lands or Grounds, until Notice in Writing 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 Residence, to appear before the said Trustees, or any Five or more of them, or some Justice of the Peace acting for the County where such Lands are situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justice shall, if they or he think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justice, shall seem proper; and if such Occupier shall neglect or refuse to appear, by himself or his Agent, the said Trustees, or any Five or more of them, or such Justice, shall and may make such Order therein as they or he shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Roads to be measured, and Mile Stones erected.

LVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees, or any Five or more of them, shall think proper, and also proper Direction Posts; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be thereof convicted before the

Penalties for destroying Mile Stones, and for other Offences.

the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the said County of *Worcester*, either by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for each Stone or Post so wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; or if any Person shall ride upon any Footway adjoining to any Part of the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or Carriage thereon; or shall cause any Damage to be done to such Footways; or if the Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any Posts or Stones erected for the Security of the said Footways, or drive the Wheel of his Carriage against the same, or the Sides of the said Footway; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon any Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag upon any Part of the said Roads, to the Prejudice thereof; or if any Person or Persons shall lay any Straw, Hay, or other Matter or Thing upon any Part of the said Roads, to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, with any sharp pointed Instrument so as to damage the said Roads or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of the said Roads, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon; and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the County wherein the said Roads respectively lie, (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to him or them for that Purpose to administer); every Person so offending shall forfeit and pay a Sum not more than Five Pounds nor less than Twenty Shillings for every such Offence.

LVII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, hindered, or interrupted, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees, or any of them, employed in the Execution of this Act, every such Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Penalty for
assaulting Col-
lectors of
Tolls.

LVIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers respectively, to seize

Power to
Collectors to
detain Persons
guilty of Of-
fences.

and detain any such unknown Person or Persons guilty, of any Offence as
 aforesaid, and to convey him, her, or them before One or more Justice
 or Justices of the Peace for the County or Place, where any such Offence
 or Offences shall be committed, without any other Warrant or Autho-
 rity than this Act for so doing; and such Justice or Justices of the Peace
 respectively is and are hereby empowered and directed to proceed imme-
 diately to the Conviction or Acquittal of such Offender or Offenders, or
 to oblige such Person or Persons so offending to give Security for his, her,
 or their Appearance at the next Petty or Special Sessions to be holden for
 the Division or Place where such Offence or Offences shall be committed,
 and on such Conviction, or for Want of such sufficient Security, to com-
 mit the Person or Persons so offending, to the Common Gaol for
 the County or Place where the Offence shall be committed, until he,
 she, or they shall pay the respective Penalty by him, her, or them incurred
 for such respective Offence or Offences, or shall give such Security as
 aforesaid.

Officers may
 distrain, and
 be Witnesses.

LIX. And be it further enacted That where it shall be necessary to
 distrain for the Recovery of the Tolls authorized to be collected by this
 Act, such Distress shall and may be made or taken by the Person or
 Persons appointed to collect the said Tolls, or by any Surveyor or Sur-
 veyors of the said Roads, or by any other Person or Persons who shall be
 for that Purpose appointed by them, or either of them, or called on to
 assist; and that in case any Dispute, Controversy, or Suit, shall arise, or be
 had or prosecuted, touching or concerning any such Distress, or the Pro-
 secution thereof, or concerning the Payment of the said Tolls, any
 such Surveyor, Collector, or other Person or Persons, shall at all Times
 and in all Courts, and before all Justices, be good and competent Wit-
 nesses to prove the Legality of the said Tolls, the Non-payment of such Tolls,
 or to give any other Proof or Evidence concerning the Premises.

Any Justice
 may enquire
 into Penal-
 ties incurred
 and Offences
 committed,
 and determine
 therein.

LX. And be it further enacted, That when any Penalty by this Act
 imposed, shall be incurred, or any Offence by this Act created, shall have
 been committed, the Justice of the Peace in respect to which is
 herein before particularly directed, any Officer of His Majesty's Justices of
 the Peace for the County in which the Offence shall be committed, may
 and he is hereby required upon Complaint and Information to him thereof
 made, to summon before him the Person or Persons against whom such
 Complaint or Information shall be made, to answer the Matter thereof,
 and at the Time and Place appointed by such Summons, the Person or
 Persons complained or informed against appearing before the said Justice,
 or in case of his or their not appearing, (except for some reasonable Ex-
 cuse), Proof being made upon Oath before the said Justice of the per-
 sonal Service of such Summons, or that a Duplicate or true Copy of the
 same was left at the Dwelling House, or the known Place of Abode of
 such Person or Persons, the said Justice may, and he is hereby required,
 whether the said Person or Persons complained or informed against do
 or do not appear, to proceed to examine the Merits of such Complaint
 and Information, and if such Offence or Offences shall be proved by
 the Person or Persons so complained and informed against, or be duly
 proved to the Satisfaction of such Justice, by the Testimony of One or

of more
 of more
 of more
 of more
 of more

[... 3 ...] more

more credible Witness or Witnesses upon Oath, such Justice may and he is hereby required forthwith to convict such Offender or Offenders, and to adjudge him or them to pay such Penalty or Penalties as he or they shall be therefore liable unto by virtue of this Act; and if such Penalty or Penalties shall not be paid immediately, in case such Offender or Offenders appear personally to answer such Complaint or Information, or in case of his or their Non-appearance to answer such Complaint or Information within Five Days after Notice of such Conviction given to such Offender or Offenders, or left at his, her, or their Dwelling House or last known Place of Abode, and Proof thereof and of the Non-payment of such Penalty or Penalties made to such Justice upon Oath, such Justice shall, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made pursuant to such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice, and in case such Penalty or Penalties, and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the Common Gaol for the said County, there to remain without Bail or Mainprize until the said Penalties, and such Costs and Charges as aforesaid, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition, which the said Trustees are hereby empowered to make and accept.

LXI. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed, other than and except such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the Trustees, their Treasurer or Surveyor, or other Person or Persons by them appointed to receive the same, and shall be applied for the Purposes of this Act; and that it shall be lawful for the said Trustees from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing, or assisting therein; any Thing herein contained to the contrary notwithstanding.

Application of Penalties.

of Inqqa
-123-
and

LXII. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act inflicted (the Manner of levying and Recovery, whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Division, or Place, wherein the Offence shall be committed, either by Confession of the Party or Parties, or by the Oath of One credible Witness, be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the respective Penalties, by Warrant or Warrants under the Hand and Seal of such Justice, (which Warrant or Warrants such Justice

Penalties and Forfeitures how to be recovered.

think fit; but the Person or Persons so appealing shall give Notice in Writing to the Clerk or Clerks to the said Trustees of such his, her, or their Intention of bringing such Appeal, and of the Cause or Matter thereof, Eight Days before the said Quarter Sessions, and shall also enter into sufficient Bail, before One or more Justice or Justices of the Peace, for prosecuting such Appeal, and abiding such Order as shall be made therein.

LXV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be quashed or vacated for Want of Form, or be removeable by *Certiorari*, or any other Process, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for Want of Form, nor be removed by *Certiorari*.

LXVI. 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-one Days Notice shall have been thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction or Tender of Amends shall have been made to the Party or Parties aggrieved; and if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Three Calendar Months next after the Offence committed, or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and that if it shall appear so to have been done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given or left as aforesaid, or after sufficient Satisfaction shall be made or tendered as aforesaid, or shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have in other Cases. Limitation of Actions.
General Issue;
Treble Costs.

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

LXVIII. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the said Commencement and Term of the Act:
[*Loc. & Per.*] 20 P Fifteenth

1806

39^o & 40^o GEORGII III. Cap. 95.

Fifteenth Day of July One thousand eight hundred, and shall be put in Execution and continue in Force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.

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