



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xlv.

An Act for the better repairing the several Roads
leading into and from the City of *Worcester*.

[31st May 1816.]

WHEREAS an Act was passed in the Twelfth Year of the
Reign of His late Majesty King George the First, intituled
An Act for repairing several Roads therein mentioned, leading 12 G. 1. c. 14.
into the City of Worcester: And whereas another Act was passed in the
Tenth Year of the Reign of His late Majesty King George the Second,
intituled *An Act for enlarging the Term granted by an Act passed in the* 10 G. 2. c. 5.
Twelfth Year of the Reign of His late Majesty King George the First, intituled
An Act for repairing several Roads therein mentioned, leading into the City of
Worcester, and for repairing several other Roads lying contiguous to the
same, and for reducing the Toll or Duties granted on Sheep and Lambs by the
said Act: And whereas another Act was passed in the Seventh Year of the
Reign of His present Majesty, intituled *An Act for continuing, altering, and* 7 G. 3. c. 65.
amending two Acts of the Twelfth Year of King George the First, and of
the Tenth Year of his late Majesty, for repairing several Roads leading into
the City of Worcester, and for amending several other Roads near or ad-
joining thereto: And whereas another Act was passed in the Twenty-
eighth Year of the Reign of His present Majesty, intituled *An Act for* 28 G. 3. c. 88.
enlarging the Term and Powers of certain Acts for repairing several Roads
leading into and near the City of Worcester, and for repairing several other
Roads therein mentioned: And whereas the Trustees appointed by or in
pursuance of the said Acts have proceeded in the Execution thereof,
and have for that Purpose from Time to Time borrowed several considerable
Sums on the Credit of the Tolls thereby empowered to be taken, which

[*Local.*]

II A

Monies

Former Acts
repealed, and
Commence-
ment of Act.

Monies still remain due, and cannot be repaid; nor can the said Roads be effectually amended, widened, altered, improved, and kept in Repair, unless the Term of the said Acts be further continued and enlarged, some further Powers granted, and the Tolls varied and increased: And whereas it is desirable that the Powers heretofore granted by the said recited Acts, and such further Powers as may be necessary for keeping in Repair the said Roads, should be contained in one Act; 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 from and after the Thirty-first Day of December One thousand eight hundred and sixteen, the said Acts of the Twelfth Year of the Reign of His late Majesty King George the First, of the Tenth Year of the Reign of His late Majesty King George the Second, and of the Seventh and Twenty-eighth Years of the Reign of His present Majesty, shall be and the same are hereby declared to be repealed; and instead thereof, this Act shall commence and take Effect on the First Day of January One thousand eight hundred and seventeen, and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of more effectually making, repairing, widening, altering, improving, and keeping in Repair the several Roads hereinafter described.

New Term
and Tolls
liable to
Debts, &c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, and of all Interest due, and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe and be subject or liable to the Payment of any Sum or Sums of Money for Arrears of Rent or otherwise, to the Trustees for executing the said recited Acts, or to any Person or Persons for the Benefit of the said Trustees, or of any of the Roads directed to be kept in Repair by the said Acts, shall be liable to the Payment of all such Sum or Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts for Securities, entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on Account and for the Benefit of the Trustees under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said recited Acts hereby repealed to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Trustees ap-
pointed under
said Acts to
be Trustees

III. Provided always, and be it further enacted, That the Trustees appointed for executing the said recited Acts, shall continue and be Trustees for the Purposes of putting in Execution this present Act, as fully and effectually,

effectually, to all Intents and Purposes, as if they were in the Body of this Act re-appointed. for putting
this Act into
Execution.

IV. And be it further enacted, That in Addition to the said Trustees named in and acting under and by virtue of the Powers and Authorities of the said recited Acts, *John Anderton, John Ames Junior, Sir Edward Blount Baronet, the Reverend Henry Rowland Berkeley, the Reverend John Rowland Berkeley, the Reverend Thomas Bedford, John Bedford, the Reverend John Martin Butt, Robert Berkeley Junior, John Barneby Junior, the Reverend William Burslem, the Reverend Bell, John Blackburne, William Bund, Thomas Blaney, William Blew, John Blew, John Bennett of Stourport, the Honourable John Coventry, the Honourable Thomas Henry Coventry, the Honourable William James Coventry, the Honourable John Sommers Cocks, the Honourable James Sommers Cocks, the Reverend Denham James, Joseph Cookes, the Reverend Henry Chard, Edmund Lechmere Charlton, Francis Charlton Thomas Beal Cooper, John Carden, William Gary, John Cotterill of Bevere, John Clifton Senior, Edward Crane, John Crane, the Reverend Charles Richard Cameron, Donald Cameron, Sir Edward Denny Baronet, the Reverend William Digby, the Reverend Henry Barry Domville, Lieutenant-General William Dowdeswell, Charles Dowding, Dangerfield Surgeon, George Deakin, Dowding of Ombersley, the Reverend Doctor Forrester, the Reverend John Foley, Edward Foley, John Freeman Junior, Sir Roger Gresley Baronet, Nigel Gresley, John Gwinnell, Ephraim Goodere, Benjamin Gardner, the Honourable Arthur Moysey William Hill commonly called Lord Arthur Hill, the Reverend George Hulme, the Reverend Joseph Higgins, Thomas Hornyhold, Thomas Hudson, Henry Hudson, John Postins Heming, George Hallen Solicitor, Thomas Hallen Solicitor, Edward Ingram, the Reverend John Richard Ingram, Elias Isaac, the Reverend John Banks Jenkinson, Moses James Solicitor, Richard Jukes, the Reverend Richard Kilvert, the Honourable Henry Beauchamp Lygon, the Honourable Edward Pyndar Lygon, the Honourable John Reginald Lygon, the Honourable William Henry Lyttleton, the Reverend Charles Cocks Luxmore, Edmund Hungerford Lechmere, John Little, the Reverend Matthew Lunn, John Perks Lavender, James Lamb, John Lamb, the Reverend James Meakin, the Reverend Joseph Martin of Hamcourt, Joseph John Martin, Charles Martin of Pool End, Walter Michael Moseley, Richard Mugg Mence, James Wakeman Newport, the Reverend Thomas Henry Newport, George Nash, James Nash, Coningsbury Norbury Solicitor, the Reverend Richard Francis Onslow, William Russell Oldnall, Charles Oldaker, Sir John Perrott Packington Baronet, the Reverend Thomas Price, the Reverend John Pritchett, Doctor Wilson Phillip, John Wigley Perrott, William Parker, John Piggott, Thomas Price Solicitor, William Prattenton, the Honourable and Reverend Edward Reece, William Herbert Russell, Thomas Turner Roberts, Lord Viscount Southwell, Sir William Smith Baronet, the Reverend John Fleming Saint John, Thomas Saint John, the Reverend Robert Thomas Saint Aubyn, the Reverend Martin Stafford Smith, Richard Spooner, John Wrenford Southhouse, James Skey, William Sandford, Stevenson Surgeon, Thomas Steward Junior, Jacob Turner, William Turton, John Turton, Lord Valentia, John Ellis Viner, the Reverend Francis Winnington, Charles Fox Winnington, Henry Jeffery Winnington, the Reverend Doctor Wingfield, Edmund Meysey Wigley Junior, Charles Meysey Wigley, George Woodyatt, James Wakeman, Offley Penbury Wakeman, Edward Ward Wakeman, James Williams, John Wigley Williams,*

Williams, William Ellis Wall, Edward Wheeler of Kyrewood, Edmund Francis Welles, Thomas Jacob White, the Reverend Allen Wheeler, John Worthington Junior, Thomas Whitaker, John Willan of Kenfwick, John Winnall of Braces Leigh, George Wright, John Wright Junior, Kenrick Watson Surgeon, the Reverend George Williams, Samuel Wagstaff, Thomas Yarnold, and their Successors, to be elected in Manner hereinafter mentioned, together with the surviving and remaining Trustees, appointed in or by virtue of the said recited Acts, as aforesaid shall be, and they are hereby appointed Trustees for putting this Act in Execution, and for repairing, altering, widening, and improving the several Roads hereinafter mentioned, which said several Roads from and after the First Day of January One thousand eight hundred and seventeen, shall be divided, and are hereby declared from thenceforth to be divided into Eight several Districts in Manner hereinafter set forth; (that is to say), the Road leading from the End of the New Road in Sidbury, through the Parish of Saint Peter, in the City and County of Worcester, to the Corner of a certain Street called Broad Street, in the Town of Pershore, leading to Upton-upon-Severn, and from the Top of the Red Hill, in the Chapelry of Whittington, through the Parish of Spetchley, to a certain Bridge called Stone Bow Bridge, where it meets the Evesham Turnpike Road, and also from the Yew Tree in the said Parish of Spetchley, through the Parish of Upton Snodsbury, to a Place called Wheelbarrow Castle, in the Parish of Rouselench, in the said County, which said several Roads shall be and be called the London or First District of the Worcester Turnpike Roads; also the Road leading from Sidbury, at the North End of a certain House called Villiers House, through the Parish of Kempsey, to a House called the Old Bell, or Old Blue Bell, in the Parish of Earls Croome, and from thence to Upton Bridge, in the said County, and from the Village of Kempsey, at the Five Mile Stone by a Place called the Nash Farm, through the Parish of Croome D'Abitot, to a certain Bridge called Defford Bridge; and also the Road leading from a certain Place called Barnes Hall, in the Parish of Saint Peter, through Hatfield to the End of Narrow Wood Lane, adjoining to Wadberrow Common, in the Parish of Holy Cross Pershore, which said last-mentioned Roads shall be and be called the Upton or second District of the Worcester Turnpike Roads; also the Road leading from the weighing Engine at Saint John's, through the Parish of Powick, over the Link, through the Parish of Great Malvern, to a certain Place in the Parish of Little Malvern, where it joins the Turnpike Road leading from Upton to Ledbury, and from the said Parish of Powick, at the Red Lion Inn, to the Rhydd Green, in the Parish of Hanley Castle, and from the Rhydd Green to the Top of Blackmore's End, along the Honey Pot Lane to a Place called Henley Swan, and from thence to join the Turnpike Road leading from the Village of Great Malvern, to the town of Ledbury, below the Well House, in the Parish of Hanley Castle, and also the Road leading from Newlands Green, along the Pen Lane, to the Worcester Turnpike Road, at a Gate called Faulkners Gate, and from thence through the Parish of Great Malvern, to the River Severn, at or near Cleaveload, and from Maddresfield to the Blacksmith's Shop, in the Possession of Burston, (late Thomas Ward,) at Baldwyns Hall Green, and by Oldborough Lake, across the Turnpike Road leading from Powick to the Rhydd Green aforesaid, to the Wharf at the River Severn, at the Rhydd Green, between the Dwelling Houses of Anthony Lechmere Esquire, and John Allen Esquire, and also

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the Road from the North End of the *Old Hills* Turnpike Road to *Pixams Ferry*, in the said Parish of *Powick*, which said several Roads shall be and be called the *Powick* and Third District of the *Worcester* Turnpike Road; also the Road leading from the Turnpike called *Bransford Gate*, in the Parish of *Saint John*, in *Bedwardine*, through the Hamlet of *Bransford*, to a Place called *Froome's Hill*, in the County of *Hereford*, where it meets the *Hereford* Turnpike Road; and the Road leading from the School House, at *Leigh Stinton*, to *Newlands Green*, and also the Roads leading from *Bransford* to *Pettiford Bridge*, in the Parish of *Leigh*, and by *Leigh Church* to *Herefordshire Lake*, in the Parish of *Suckley*, which said several Roads shall be and be called the *Bransford* or Fourth District of the *Worcester* Turnpike Roads; also the Road leading from the Weighing Machine at *Saint John's*, through the Parish of *Cothoridge*, to a Place called *Sapey Bridge*, in the Parish of *Knightwick*, and also the Road leading from *Knightsford Bridge*, to a Place called *Herefordshire Lake*, in the Parish of *Knightwick*, which said several Roads shall be and be called the *Broadwas*, or Fifth District of the *Worcester* Turnpike Roads; also the Road leading from the *Worcester Bridge*, through *Hinton Lane*, to *Henwick*, to a Place called the *Hundred House*, in the Parish of *Great Witley*, and also the Road leading from *Holt Heath*, through the several Parishes of *Shrawley* and *Astley*, to a certain Place in the Parish of *Lower Areley*, where the Road joins the *Bewdley* Turnpike Road; also the Road branching out of the said Road at *Henwick*, over the *Broad Heath*, and through the Hamlet of *Kenswick*, to a Place called *Holme Bridge*, and from thence to *Clifton Wood Gate*, in the Parish of *Clifton*, and from thence to the Turnpike Road leading from *Stanford*, to the Town of *Tenbury*, at a Place called the *Long Lane*, in the Parish of *Over Sapey*, and also the Road leading from the Weighing Engine at *Saint John's*, to the Turnpike called *Henwick Gate*, which said several Roads shall be and be called the *Henwick* or Sixth District of the *Worcester* Turnpike Roads; also the Road leading from the Junction of the *Droitwich* Road, through the Turnpike Gate at *Barbourne*, in the Parish of *Claines*, to a Place called the *Mitre Oak* in the Parish of *Hartlebury*, and from thence to *Titton Brook* in the said Parish of *Hartlebury*, and from thence to the End of *Jennyhole Lane*, in the Parish of *Hartlebury* aforesaid, which said several Roads shall be and be called the Seventh District of the *Worcester* Turnpike Roads; and also the Road leading from the End of *Silver Street*, along *Losemore Street*, in the City of *Worcester*, through the Parish of *Saint Martin*, over a Place called *Cudley Heath*, in the Parish of *Warndon*, and by a Place called *Ravens Hill*, in the Parish of *Tibberton*, to the Top of *Crowle Hill*, and from thence to join the *Alcester* Turnpike Road, at a Place called *Bradley Green*, and also the Road from the Turnpike called *Losemore Gate*, within the said Parish of *Saint Martin*, by the *Red-house* at *Astwood* and *Black Pole Green*, in the Parish of *Claines*, and also the Road from the said *Losemore Gate* to *Offerton Common*, in the Parish of *Hinleap*, which said several Roads shall be and be called the Eighth District of the *Worcester* Turnpike Roads.

V. And be it further enacted, That it shall be lawful for the said Power to appoint Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purposes thereof, Fourteen Days' Notice shall be given as is hereinafter directed, respecting the Appointment of Trustees on Vacancies,) to elect nominate, and appoint

[Local.]

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any

any Number of fit and able Persons, not exceeding Ten, to be Trustees for the Purposes of this Act; in Addition to the Trustees hereby nominated and appointed.

Power to
elect other
Trustees on
Deaths, &c.

VI. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner hereinafter mentioned, shall die or be disqualified to act, or by Writing under their Hands, refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, or refusing to act as aforesaid, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk to be appointed or continued by the said Trustees as herein-after is mentioned, by advertising the same twice in each of the *Worcester* Newspapers; and all and every Person and Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

Qualification
of Trustees.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in his Wife's Right, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Three Thousand Pounds; and if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act; provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of this Act previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to
take an Oath.

VIII. Provided also, and be it further enacted, That the said Trustees appointed by virtue of the said recited Acts, and every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath next hereinbefore mentioned,) shall take an Oath before Three or more of the said Trustees, (who are hereby empowered to administer the same,) in the Form or to the Effect following; (that is to say),

“ I *A. B.* do swear that I am in my own Right [*or, in the Right of my Wife,*] truly and *bonâ fide* seized or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds, above Reprizes; [*and in case of an Heir Apparent,*] I, *A. B.*, do hereby swear that I am Heir Apparent of *C. D.*, who, to the best of my Knowledge and Belief, is truly and *bonâ fide* seized or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds, above Reprizes; [*and in case of Personal Estate,*] I, *A. B.*, do swear that I am truly and *bonâ fide* possessed of a clear personal Estate of the Amount or Value of Three thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*]. So help me GOD.”

IX. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit under this Act; and that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their Jurisdictions, in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested, nor shall any Mortgagee or Assignee of any Mortgage or other Security; nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

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

XI. And be it further enacted, That the said Trustees shall meet at the Town Hall, in the City of *Worcester*, on the First Wednesday in January next after the passing of this Act, between the Hours of Nine and Twelve in the Forenoon, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at the same Place, or at such other Place either in the said City of *Worcester*, or at some other convenient Place in the County of *Worcester*, and at such Times as the said Trustees shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number

Trustees holding Places of Profit not to act.

Victuallers not to be Officers, or act as Trustees.

General Meetings of Trustees.

Number

Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be advertised twice in the *Worcester* Newspapers, before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held on the First *Wednesday* in the Month next after the Day on which such last Meeting was appointed; provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting, except the first Meeting to be held under this Act, before the Hour of Eleven in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two in the Afternoon of the Day on which such Meeting is appointed to be held.

Meetings on
Emergencies.

XII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case, the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Meeting not being less than Seven Days after such Notice); and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment; and the said Trustees, or the Majority of them at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at a former Meeting, and entered in the Order Book in Manner hereinafter mentioned, and also advertised Twice in the Two *Worcester* Newspapers, before such subsequent Meeting, nor unless Nine Trustees, or a greater Number of the Trustees, shall concur in the Revocation or Alteration thereof, than concurred in the Making of any such Order, Agreement, or Determination; and the said Trustees at all their Meetings shall defray their own Expences, (except paying for the Use of the Room in which they hold their Meetings, the Expence of which is to be paid out of the Money arising by virtue of this Act); and at every Meeting of the said Trustees a Chairman shall and may be appointed.

How Orders
of the Trustees
are to be
made and re-
voked.

Trustees to
pay their own
Expences.

All acts may
be done by
Five Trustees
unless other-
wise directed.

XIII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

Orders, &c.
to be entered.

XIV. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose;

Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or a Majority thereof, (such Majority not being less than Five,) which Book or Books, and also the Book and Books hereinafter directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, touching any Thing done in pursuance of this Act.

XV. And be it further enacted, That the said Trustees may and they are hereby empowered by Writing under their respective Hands, to appoint or continue such Collector or Collectors of the said Tolls, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead, and may and are hereby authorized and empowered out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable; and all such Officers and Persons, and all others who shall receive or pay Money under and by virtue of this Act, 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, true, exact, and perfect Accounts in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account, in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, City, Town, or Place wherein such Officer or Person so refusing or neglecting, shall be or reside, upon Complaint made to them by any Two or more of the said Trustees; and such Justices are hereby authorized and required by Warrant or Warrants under their Hands and Seals to cause such Officer or Officers, Person or Persons to be brought before them, and upon his, her, or their appearing, or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses,

Appointing
Officers' Sa-
laries, &c.

How Officers
shall account.

[Local.]

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nesses,

nesses, (which Oath such Justices are hereby empowered and required to administer without Fee or Reward,) or upon Inspection of the said Accounts, if produced, it shall appear to such Justices 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 Justices may, and they are hereby authorized and required upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, 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 distraining and selling the same; or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, unless for some sufficient Excuse at the Time and Place by them appointed for that Purpose, or, if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid, such Justices may, and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the common Gaol or House of Correction of the County, City, Town, or Place, where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account, and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, (which Composition the said Trustees are hereby empowered to make,) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided always, that no Person who shall be so committed, for want of sufficient Distress, shall be detained in Prison by virtue of this Act for a longer space of Time than Six Calendar Months.

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

XVI. Provided always, and be it further enacted, That the Clerk, Treasurers, Surveyors, 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.

Treasurer to give Security.

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

Accounts to be open to

XVIII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, to cause to be entered

entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed, which Book shall be kept by the Treasurer or Clerk, in order that any of the said Trustees, or any Creditor or Creditors on the said Tolls may at all seasonable Times have access thereto, and take Copies or Extracts therefrom, without paying any thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Inspection of Creditors on Road.

XIX. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; which person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to.

Trustees may appoint Temporary Collectors in certain Cases.

XX. Provided always, and be it further enacted, That after the First Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least Once within the Space of Twelve Calendar Months next preceeding the Time of such last-mentioned Nomination or Appointment; and no Trustee shall be considered as having acted within the Year, unless he shall have attended One General Meeting of the said Trustees, and duly and regularly signed the Order Book at such Meeting.

No Trustee shall Vote for Officers who has not acted in the preceding Year.

XXI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money by virtue or on Account of the said Acts hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads by the same Acts directed to be improved and repaired, shall account for, and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, or hereafter to be appointed by virtue of this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are hereinbefore required to pay or account for the same.

Books, &c. relative to former Act to be delivered to the Trustees.

XXII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk

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

Clerk

How Ex-
pences are to
be paid.

Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees; but the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Clerk or Treasurer in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in Consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to
erect Toll
Gates, Toll
Houses, &c.

XXIII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may, and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts, and in such Places of the said Roads by this Act directed to be made, widened, improved, or kept in Repair; and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Byeway, that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient, (subject, nevertheless, to such Restrictions and Directions as are hereinafter mentioned concerning the same,) and also shall or may erect or provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding Half a Rood of Land, at or near each of the said Toll Gates.

Turnpikes,
&c. vested in
Trustees.

XXIV. And be it further enacted, That the Right and Property of all the Turnpikes and Side Gates, and Toll Houses, and other Buildings already erected under the recited Acts, or to be erected by virtue of this Act, with the Grounds, Fences, and Appurtenances thereto respectively belonging, and of all Gates, Posts, Rails, Bars, Fences, Mile Stones, Tables of Tolls and Posts already erected or to be erected as aforesaid, on the said Roads, and also of all Materials, Tools, and Implements which have been provided, or shall be provided for amending and improving the said Roads, shall be vested in the said Trustees, and they are hereby empowered to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil any such Turnpike, Toll House, or other Building, Fence, Mile Stone, Table of Tolls, Gates, Rails, Bars, or Posts, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed to be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which an Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for maintaining and improving the several Roads leading into and from

from the City of *Worcester*, without further Description or Addition, and without specifying the Name or Names of all or any of the said Trustees.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars already erected or which shall be continued or erected in, upon, or across, or on the Side or Sides, or any Part of the said Roads, by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Roads, as the said Trustees, or any Nine or more of them, shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed Twenty-one Days at the least upon all the Toll Gates then standing upon the District of Road on which it is intended to remove the said Toll Gates or Toll Bars, and also Twice published in the Two *Worcester* Papers.

Power to remove Toll Gates.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the same stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee-simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase-money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase-money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any such Toll Houses may have been erected, was purchased, as is hereinafter directed to be given, where any Piece or Pieces of Ground, or old Roads, not wanted for the Purposes of this Act, is authorized to be sold and disposed of.

Power to sell the present Toll Houses.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be continued or appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, subject to the Restrictions hereinafter contained at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates (except at the *London* and *Upton* Gates as hereinafter is mentioned) already erected by virtue of the said Acts hereby repealed, and which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the said Roads, or any of them,

Power to take Tolls.

[Local.]

II D

them,

them, or on the Side of any Street, Road, or Way leading into or out of any Part of the said Roads, and on every Day, (such Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Sociable, Chariot, Berlin, Landau, Vis-a-vis, Barouche, Phaeton, Curricie, Calash, Chaise, Chair, Gig, Whiskey, Tax Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Sixpence :

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of the Breadth of Six Inches or more, the Sum of Four-pence :

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of less Breadth than Six Inches, the Sum of Five-pence :

For every Horse, Ass, or Mule not drawing, the Sum of One Penny Half-penny.

For every Score of Oxen, Cows, or Neat Cattle, and so in Proportion, the Sum of One Shilling and Sixpence :

For every Score of Calves and Hogs, and so in Proportion, the Sum of Ten-pence :

For every Score of Sheep and Lambs, and so in Proportion, the Sum of Ten-pence :

In all cases Two Oxen drawing to be considered as one Horse.

And that on every *Sunday* during the Continuance of this Act there shall, under the Provisions and Restrictions in this Act contained, be demanded and taken at the said Toll Gates respectively (except at the *London* and *Upton* Gates) as hereinafter mentioned, by such Person or Persons to be nominated and appointed as aforesaid, One Half of the said respective Tolls, except upon every Horse not drawing, which shall pay Two-pence.

Persons not
passing above
300 Yards;
to be liable to
One Half
Toll only.

XXVIII. Provided always, and be it enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, if they shall see occasion, to reduce the said Tolls respectively, or any of them, to any Sum not being less than One Half of the said Tolls at any Toll Gate or Bar erected or to be erected or set up, by virtue of this Act, across or on the Sides of the said Roads or Branches of Roads, or either of them, for or in respect of any Carriage, Horse, or Beast, which shall only cross such Road or Branch of Road, and shall not pass above Three hundred Yards thereon.

35G.3.c.133.

XXIX. And whereas by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend and render effectual so much of an Act of the Twenty-eighth Year of His present Majesty, as relates to improving the Entrance into the City of Worcester, from the London and Upton Roads*, certain new or additional Tolls on Carriages therein particularly mentioned, are directed to be collected and taken at the *London* and *Upton* Gates, in addition to the then existing and *Sunday* Tolls authorized to be collected and taken at those Gates for defraying the Expences of opening and making the New Road or Avenue therein mentioned, and which Tolls are by the said Act to cease on certain Contingencies therein mentioned; and whereas the said New Road or Avenue has

has been for some Time finished and completed, and several Sums of Money have been borrowed on the Credit of the said New or Additional and *Sunday* Tolls, which are still due and owing on Mortgage thereof, and the same cannot be paid off and discharged unless the said New or Additional and *Sunday* Tolls are for the present continued to be taken at the said *London* and *Upton* Gates; be it therefore further enacted, That the Tolls by this Act authorized to be taken on all Horses drawing Carriages only, shall not be demanded and taken at the Gates erected on the said *London* and *Upton* Roads, or hereafter to be erected on the said Roads, till the said New or Additional and *Sunday* Tolls on Carriages, and imposed by the said recited Act of the Thirty-fifth Year of the Reign of his present Majesty, shall cease and be no longer payable, and that nothing in this Act shall affect or prevent the Tolls on Carriages and *Sunday* Tolls now payable by virtue of the said last-mentioned Act, from being demanded and taken at the said *London* and *Upton* Gates, till the same Tolls shall cease and be no longer payable as aforesaid; and from and after the Expiration of the said Act of the Thirty-fifth Year of His present Majesty, the said Road or Avenue from the End of the *High Street* through the *College Church Yard* to *Sidbury*, shall be amended and kept in Repair, out of the Tolls to be collected on the said *London* and *Upton* Districts of Roads, or on any Money to be borrowed on the Credit thereof, in equal Shares or Proportions.

Toll now payable at the *London* and *Upton* Gates to be taken till New Road Tolls cease.

XXX. Provided always, and be it further enacted, That no Person who shall have paid the Tolls by this Act granted, or any of them, or by the said Act of the Thirty-fifth Year of the Reign of His present Majesty, at any Toll Gate erected or to be erected upon the said several and respective Roads or Districts of Roads, shall be liable to pay Toll at any other Toll Gate or Toll Bar erected or to be erected on the same Road or District, for or in respect of the same Horses, Mules, or other Beasts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen, or Neat Cattle, Calves, Sheep, Lambs, or Swine in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, such Person producing a Note or Ticket denoting such Payment, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis*, on receipt of the Toll.

Only one Toll to be paid in One Day at the Gates erected on the same District of Roads.

XXXI. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of this Act, shall be subject to any Toll for returning through such Turnpike the same Day before Twelve of the Clock at Night with the same Horses, Cattle, or Carriage, and all and every Person and Persons for every subsequent Time of passing through any such Turnpike the same Day with the same Horses, Cattle, or Carriage, shall pay such Tolls for every such subsequent Time of passing (not exceeding the Rates hereinbefore mentioned) as the said Trustees shall direct or appoint; and such Person for every such Payment for such subsequent passing, may likewise return through such Turnpike with the same Horses, Cattle, or Carriage, the same Day without paying any other Toll; and it shall be lawful for the said Trustees, and they are hereby empowered to order and appoint, through how many and which of the Turnpikes any Person or Persons who shall have paid the Toll or Tolls hereby granted at any One of such Turnpikes, shall the same Day,

Tolls to be paid but once for passing and repassing, &c.

with

with the same Horses, Cattle, or Carriage pass or repass without paying any other Toll, or on paying only such Proportion of the Tolls hereby authorized to be taken at such other Gates or Turnpikes as the said Trustees shall think fit, such Person or Persons producing a Note or Ticket denoting the Payment of Toll at such One Turnpike as aforesaid, which Note or Ticket the Collector or Receiver of the said Tolls is hereby required to give *gratis* on Payment of such Toll, and on every such Note or Ticket shall be named and specified the several Gates freed by such Payment: Provided also, that in case any Post Chaise or other Carriage, drawn by the same Horses, travelling for Hire, shall on the same Day return through any Gate or Turnpike, now standing upon the same Road, or to be erected by virtue of this Act, at which any Toll shall be payable, and the Driver or any other Person shall deliver to the Gate Keeper the Stamp Office Ticket, as required by Law, then such Driver or other Person shall be liable to pay the like Toll on such Horses, as would have been payable by virtue of this Act if such Chaise or Carriage had not before passed through such Gate or Turnpike.

Tolls vested
in Trustees.

XXXII. And be it further enacted, That all the said respective Tolls, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is hereinafter mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize or distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act imposed; (but no such Bridle, Saddle, Harness, or Accoutrements shall be so seized without detaining and seizing the Horse or other Beast bearing the same;) or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale, pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

Exemptions
from Toll.

XXXIII. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Cattle drawing any Carriage passing through any of the Toll Gates or Toll Bars erected or continued or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Roads, or for repairing any of the Highways in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty, having been so employed, nor carrying or conveying Hay, not having been stacked, Straw, or Corn in the Straw, or Produce

duce of the Farm, not bought, sold, or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, nor any Ploughs, Harrows, or other Implements of Husbandry to be used in any of the same Parishes, Districts, or Places, or to be taken to any Place for the Purpose of the same being repaired, or to be brought back from such Place after the same shall have been repaired, nor any Dung, Mould, Soil, or Compost of any Kind whatsoever to be used in Cultivation, or manuring of Lands, (Lime and Soap Ashes only excepted,) as hereinafter mentioned, nor from any Clergyman going or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Ministerial Duty, nor from any other Person or Persons residing in any of the said Parishes, Districts, or Places who shall pass through any of the said Toll Gates, or Toll Bars, to or from any Church, Chapel, or other Place of religious Worship in the Parish where he, she, or they may reside or dwell on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, nor for any Horse, Mule, Ass, or Cattle kept within such Parishes, Districts, or Places going to or returning from Work in cultivating Lands therein, nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being thod within the same, or the adjoining Parishes, Districts, or Places, nor for any Horse or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, provided that every such Coach shall not be licensed to carry more Passengers than are allowed to be carried by regular Mails, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers or Soldiers on their March, or on Duty, nor for Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any such wounded or disabled Officers or Soldiers, nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, provided that all and every such Persons are in the Uniform of their respective Corps, provided for such Corps respectively at the Time of claiming such Exemption, and not otherwise; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack, or other public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, nor for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed, nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Worcester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, (not being entitled thereto,) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Carriages
employed in
His Majesty's
Service not to
be subject to
Regulations
for Over-
weight.

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

Tolls may be
reduced.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable, and to cause the same to be collected in such Manner, Parts, and Portions as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five Sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days' previous Notice thereof shall be affixed in Writing upon all the Toll Gates then erected on the said Roads, on which it is intended to reduce the said Tolls in Manner aforesaid, and also inserted in One or more of the Newspapers published or generally circulated in the County of *Worcester*; and such Tolls, so lessened or reduced, shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected and applied.

For settling
Disputes con-
cerning
Tolls.

XXXVI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining to retain such Distress on the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place, where any such Dispute shall arise, who on Application made to him for that Purpose shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors
declared com-
petent Wit-
nesses.

XXXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person

Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent on Account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

XXXVIII. And be it further enacted, That if any Person shall assault, interrupt, or hinder, or cause or procure to be assaulted, interrupted, or hindered, any Farmer, Renter, or Collector of any of the said Tolls whilst in the due Execution of the Powers of this Act, every Person or Persons so offending shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in such Manner as is herein directed with respect to the Penalties to be inflicted upon Persons evading or endeavouring to evade the Payment of any of the Tolls hereby granted. Penalties on assaulting Collectors.

XXXIX. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees or any Five or more of them, by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the said Act or this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied. Toll Collectors to put up their Names.

XL. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued, or to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or any of his, her, or their Family, or Servant or Servants,) the same not being a Common Road; or if any Owner or Occupier of any such Land or Ground To prevent Evasion of Tolls.

Ground shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage, to pass through the same with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast from any Carriage, with the Intent to evade the Payment of any of the said Tolls, or any Part or Parts of the said Tolls, or shall leave or cause to be left upon, or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods, Articles, or Things from any Carriage; every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted,

Penalty on Persons disposing of or receiving Tickets to avoid the Payment of Tolls.

XLI. And be it further enacted, That if any Person or Persons shall give or dispose of any Note or Ticket, Notes or Tickets signifying the Payment of any of the Tolls or Duties by this Act granted to any Person or Persons, in order to evade the Payment of the said Tolls or Duties, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving or making use of the same, or either of them, being thereof convicted respectively upon Oath before any One Justice of the said County or City of *Worcester*, (which Oath the said Justice is hereby required and empowered to administer,) shall respectively forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and disposed of, as any other Penalty and Forfeiture is hereby directed to be levied, recovered, and disposed of.

Power to lease the Tolls.

XLII. And be it further enacted, That it shall and may be lawful for the said Trustees in such Manner and Form as is mentioned and directed in that Behalf, in and by an Act 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*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Roads, to be made, widened, improved, or kept in Repair by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any One Time for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit, they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person, and Persons, to whom such Tolls shall be leased and demised, for Payment of the Rents, and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees shall think fit.

Enabling the Trustees to take Possession

XLIII. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act, shall be demised or let to farm, to any Person

Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so 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 Twenty-one Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or leasing thereof, and in case the Toll House or Toll Houses shall be in the Possession of any Collector or Collectors who shall be removed or discharged from his or their Office of Collector, or shall depart this Life, then and in either of those Cases it shall and may be lawful for any Justice of the Peace for the County, Town, or Place, in which any such Toll House may be situated, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer with such Assistance as shall be necessary to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors, or other Person or Persons having Possession of the said Toll House or Toll Houses, from the Possession thereof, and from the Collection of Tolls; and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers; and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessee's Part, which shall have been broken,) as if such Demise or Agreements had never been made; and it shall be lawful for the said Trustees, 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 collected, as if no former Demise, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithstanding.

of the Toll Houses, &c. when let to farm, or held by the Collectors for the Trustees.

XLIV. And be it further enacted, That if the Lessee or Farmer for the Time being, of any of the Tolls hereby granted to any Person acting under him or her, shall without the Concurrence of the Trustees acting in the Execution of this Act, compound for, or agree to permit, or shall suffer any overweighted Waggon or other Carriage, subject to the Forfeiture or Penalty by Reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon such overweighted Waggon or other Carriage, such Lessee or Farmer shall for every such Offence forfeit a Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are hereinafter directed to be applied.

Penalty on Lessees compounding for overweighted Carriages.

XLV. 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 Horse or other Beast drawing Carriages laden with Timber and Building Materials, 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 hereinbefore made payable for the same.

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

[*Local.*]

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XLVI. And

Trustees, &c.
not disquali-
fied from
being Wit-
nesses.

XLVI. And be it further enacted, That the being a Trustee of the said Roads, or a Mortgagee of the Tolls thereof, or a Farmer or Collector of the said Tolls, or being a Treasurer, or Clerk, or Surveyor under the said recited Acts or this Act, or the being an Inhabitant of any Township, Parish, or Place, through which the said Roads do or shall pass, shall not disqualify any Trustee or other Person before described, except being personally interested, from giving his Testimony or Evidence in any Suit, Prosecution, or other legal Proceedings under this Act, or the said General Highway and Turnpike Acts, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be liable to be questioned or set aside.

Penalty on
Drivers of
Waggons
refusing to be
weighed.

XLVII. And be it further enacted, That every Person being the Driver, or having the Care or Conduct of any Waggon, Wain, Cart, or other Carriage liable to be weighed, shall when thereto required by any Collector or Receiver of any of the Tolls hereby granted, or by any other Person having the Care and Superintendence of any Weighing Machine already erected, or hereafter to be erected, on or near to any of the said Roads in this Act mentioned, drive, put, and place such Waggon, Wain, Cart, or other Carriage liable to be weighed on such Weighing Machine, in a proper and convenient Manner for the Weighing thereof, and shall aid and assist in the Weighing of the same; and in case any such Person being the Driver, or have the Care or Conduct of such Waggon, Wain, Cart, or other Carriage, shall refuse so to do, or shall not wait a sufficient and reasonable Time for the Weighing of the same, and taking down and ascertaining the Weight thereof, and of the Loading therein contained, or shall in any Manner wilfully prevent, hinder, or obstruct the Weighing of the same, or taking a Distress for the Nonpayment of the Toll of the same, if such Toll is not paid, then and in every such Case every such Person shall forfeit and pay as follows: (that is to say,) every such Person being the Owner of such Waggon, Wain, Cart, or other Carriage, any Sum not exceeding Five Pounds; and not being the Owner of such Waggon, Wain, Cart, or Carriage, any Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Person shall be convicted of such Offence.

Arrears of
Money due
under the
former Acts
to be paid
to the Trus-
tees.

XLVIII. And be it further enacted, That all Arrears of Rent and all other Monies which are due from any Person or Persons to the Trustees, under the said recited Acts; shall and may be recovered by Action at Law to be brought in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Clerk or Treasurer to the said Trustees for putting this Act in execution, and no such Action shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer but shall be proceeded in, as if such Event had not happened.

For borrow-
ing Money
on Security
of Tolls.

XLIX. And be it further enacted; That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at any Meeting, upon Fourteen Days' previous Notice of such Meeting, and of the Purpose thereof being given by Advertisement in the *Worcester Papers*, to borrow and take up at Interest upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such further Sum or Sums of Money as they or any Nine or more of them shall think fit, and for securing the Re-payment of all such Sum and Sums

Sums with Interest, they the said Trustees, or any Nine or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houses for collecting the same, during the Continuance of this Act, (the Charges of such Mortgages, as also the Entry of the same in a Book as hereinafter mentioned to be paid out of such Tolls,) as a Security or Securities to any Subscriber or Subscribers, who have advanced or shall at any Time advance any Money for making, widening, and improving, or keeping in Repair the said Roads, or any Part thereof, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced with Interest for the same, which Writing or Writings may be made in the Form following, or in any Words to the like Effect; (that is to say),

‘ BY virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled, *[here set forth the Title of this Act.]* We Nine of the Trustees for putting the said Act in Execution, in consideration of the Sum of Form of Mortgage.
‘ in Hand advanced and paid by A. B. of to the
‘ Treasurer of the said Roads, do hereby grant, bargain, sell, and demise, unto the said A. B. his Executors, Administrators, and Assigns, for and during the Continuance of this Act, such Proportion of the Tolls to arise upon the said Roads, and the Toll Gates, Toll Bars, and Toll Houses, already made and erected, or hereafter to be made and erected for collecting the same within the Division or District following; *videlicet, (here set forth the particular District of Road,)* as the said Sum of doth or shall bear to the whole
‘ Sum, now or hereafter to become due and owing on the Security thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of with Interest after the Rate of
‘ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of
‘ in the Year of our Lord

And all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Trustees within Sixty Days after the Date thereof respectively, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy; and for which Entry the said Clerk or Clerks shall be paid the Sum of Ten Shillings and Sixpence, and no more, by the said Trustees; and all Mortgages which shall be made in the Manner aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes, and such Book or Books shall and may at all reasonable Times be perused and inspected by the said Trustees or any Creditor or Creditors of the said Trust, and the Sum of One Shilling and no more shall be paid to such Clerk or Clerks for every such Inspection; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest, in and to such Mortgage, and the principal Money and Interest thereby secured to any other Person or Persons whomsoever, which Assignment or Transfer may be made in the following Words,

Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten or thereunto annexed and signed in the Presence of and attested by One or more credible Witnesses or Witnesses; (that is to say),

‘ I, the within named *A. B.*, or *I C. D.*, Assignee, Executor, or Administrator, of the within named *A. B.*, [*as the Case may happen,*] being
 ‘ entitled to the Sum of _____, secured to
 ‘ Executors, Administrators, and Assigns, by virtue of a Mortgage, bearing Date the _____ Day of _____
 ‘ under the Hands and Seals of _____ of the Trustees,
 ‘ acting in the Execution of a certain Act passed in the Fifty-sixth Year
 ‘ of the Reign of His Majesty King George the Third, intituled an Act
 ‘ [*here set forth the Title of this Act,*] made of the Tolls arising in the
 ‘ following District of Roads, *videlicet*, [*here set forth the District,*] do
 ‘ hereby assign and transfer this Mortgage Security, with all my Right
 ‘ and Title to the principal Money thereby secured, and all Interest now
 ‘ due, and hereafter to grow due upon the same, unto *E. F.*, of

‘ _____ his Executors, Administrators, and Assigns.
 ‘ Dated this _____ Day of _____, in the Year of our Lord
 ‘ _____ Witnesses to the signing hereof.’

Transfer to
be also entered by the
Clerk.

Which Transfer shall be produced and notified to the said Clerk or Clerks within Two Calendar Months, next after the Day of the Date thereof, who shall enter the same into the said Book or Books to be kept for entering the said original Mortgages, and attest the same in Manner aforesaid, for which Entry the said Clerk or Clerks shall be paid by the said Trustees the Sum of Ten Shillings and Sixpence, and no more, which said Book and Books shall and may at all seasonable Times be perused and inspected by them the said Trustees, or any Creditor or Creditors, and the Sum of One Shilling and no more shall be paid to such Clerk or Clerks for every such Inspection, and after such Entry made, every such Transfer shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Money due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall in Proportion to the Sum or Sums of Money thereby secured be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Toll Bars, and Toll Houses in equal Degree one with another, and on Nonpayment of their principal Money lent, or the Interest thereof, at the Time stipulated for such Purpose, shall or may enter or take Possession of all and singular the said mortgaged Premises, without any Preference in respect of the Priority of advancing such Monies, or the Dates of such Assignments; and all and every such Copies of the original Assignments or Mortgages, and the Transfer so entered in the said Book or Books, and attested by the said Clerk or Clerks for the Time being, shall be deemed, considered, and taken as original Assignments, or Mortgages and Transfers, and shall be received in all Courts of Law and Equity, and elsewhere,

No Preference to be given to Mortgagees.

elsewhere, as Evidence of such original Assignments or Mortgages and Transfers, in the same Manner to all Intents and Purposes as if such original Assignments or Mortgages and Transfers were produced: Pro- Trustees not vided that nothing herein contained shall extend, or be construed to ex- personally tend, to charge or subject the said Trustees or Persons appointed to liable. receive the said Money or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignment or other Securities to be made in pursuance of this Act, or any or either of them.

L. Provided always, and be it further enacted, That in case the said For paying Trustees shall at any Time or Times be desirous of paying off any Portion Creditors by lot. of the principal Monies due and owing upon the Credit of the said Roads, it shall and may be lawful for them or any Nine or more of them at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purpose thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Worcester*;) if they shall think fit, instead of paying the same rateably amongst all the Creditors to determine by lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only; any Thing herein contained to the contrary thereof notwithstanding.

LI. And be it further enacted, That as well as the Money which has Application arisen and been produced by and from the Tolls granted by the said of the recited Acts, or any of them, and still remaining undisposed of, as the Money. Money to arise and be produced by and from the Tolls granted by this Act, or shall be borrowed on the Credit thereof, and also all other Money which shall come to the Hands of the said Trustees or their Treasurer by virtue of this Act; shall in the first Place be applied in the Payment of the Costs, Charges, and Expences incident to or attending the preparing, settling, obtaining, and passing of this present Act, and which said Costs, Charges, and Expences are to be paid and discharged in proportion to the Receipt of the Tolls collected at the several Toll Gates and Toll Bars, on the said several and respective Districts of Roads hereinbefore mentioned, and afterwards in amending, widening, and keeping in Repair the said Roads, and carrying this Act into Execution, in Manner hereinafter mentioned.

LII. And be it further enacted, That from and after the First Day of Application January One thousand eight hundred and seventeen the Money to of the Tolls arise and be produced by and from the Tolls collected and to be col- on each Dis- lected on the said several Eight Districts of Roads hereinbefore par- trict of the ticularly mentioned, and also all the Money which shall be borrowed Roads, and on the Credit thereof, or shall come to the Hands of the said Trus- distinct Ac- tees or their Treasurer by virtue of this Act in respect of the said counts to be kept. Roads in such Eight Districts respectively, shall be and be considered as separate and distinct Funds, and shall be separately and distinctly applied, in amending, widening, and keeping in Repair the said several Roads on the said Eight Districts respectively, and in erecting Turnpikes, Toll and other Houses, Machines, and all other necessary Erections thereon, and in defraying all other necessary Expences attending the

[Local.]

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said

said Eight Districts respectively, and in putting this Act in Execution according to the Sum which shall arise and be produced from such Eight Districts respectively, as the said Trustees or any Five or more of them shall from Time to Time order and direct, and in repaying the principal Monies charged on the Roads comprised in the said Eight Districts respectively by the said recited Acts and this Act, or either of them, and all other Monies which shall be borrowed or become due and owing on the Credit of the said Eight Districts of Roads respectively, and the Interest thereof, and the respective Clerks, Treasurer, and Surveyors of the said Roads are hereby required to keep separate and distinct Accounts of all Receipts, Payments, and Disbursements anyways touching or concerning each of the said Districts of Roads respectively, and of all Monies borrowed and to be borrowed on the Credit of the Tolls collected on the said Eight Districts of Roads respectively.

Trustees to
erect Fences
upon Com-
mons.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause Fences and Ditches to be erected and made upon and over any Parts of any open Fields, Commons, or Waste Grounds, over which any Part or Parts of the said Roads may lead, as they shall think necessary, in order to prevent the Payment of Tolls being avoided; and if any Person or Persons shall pull down or otherwise displace or carry away any such Fence or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay the Sum of Five Pounds over and besides the Amount of the Damages thereby occasioned.

Trustees may
form, widen,
turn, or alter
the Roads.

LIV. And be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, alter, or repair any Part or Parts of the said Roads, by this Act directed to be made or kept in Repair, through any Moor or Waste Ground, without making any Satisfaction for the same, and also through or over any Private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners and Persons interested therein, as well for the Ground to be taken in as the Damage they may sustain thereby, and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made are intended to pass, and also upon any adjoining Lands or Grounds; and to stake out the said Roads or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining, or lying contiguous to any Part of the said Roads; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds to be made use of as a Public Highway whilst any narrow or ruinous Parts of the Roads are widening or repairing, and until the said Roads shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and

Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act, is hereafter directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds: Provided also, that nothing in this Act contained shall authorize or empower the said Trustees to divert, alter, vary, or turn the Course or Line of the said Road more than One hundred Yards from the present Line of the said Road without the Consent in Writing of the Owners and Occupiers of the Lands and Premises through which such Alteration shall be made.

LV. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Occupier thereof first had and obtained.

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

LVI. And be it further enacted, That in all Cases where the said Trustees, or any Nine or more of them, shall turn or alter, widen or repair any Part or Parts of the present Roads, or make any new Roads over and through any Private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make, or cause to be made and planted, Quick-set Hedges or Fences on both Sides of such new made Roads, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a Post, or Rail, or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and keep such Fences so to be made, in good Order and Repair, for and during the Term of Three Years from the Time that such Fences shall have been made or set up.

Trustees to fence the New Road.

LVII. And as some Part or Parts of the said Roads, to be made or repaired by virtue of this Act, may be made over or near Lands or Grounds which may have a Foot Path or Foot Paths in them, leading to the Place or Places whereto the said Roads do or will lead, whereby such Foot Path or Foot Paths will be rendered unnecessary, be it further enacted, That where any Part of the said Roads shall be completed through any Lands or Grounds being private Property, and there shall be in any such Lands or Grounds, or in any Lands or Grounds adjoining thereto, any Foot Path or Foot Paths leading only to the same Place or Places, whereto the said Roads by this Act directed to be made or kept in Repair shall or may lead, it shall and may be lawful for any Two or more of His Majesty's Justices of the Peace, acting in and for the County of *Worcester* aforesaid, to order and direct all or any of such Foot Path or Foot Paths within their respective Jurisdictions to be stopped up and discontinued, and it shall not be lawful for any Person or Persons thenceforward

Power for stopping up Foot Paths.

forward to make use of any Foot Path or Foot Paths so directed to be stopped up or discontinued: Provided always, that it shall be lawful for any Person or Persons who may think himself or herself aggrieved by any such Order of such Trustees to appeal to the Justices of the Peace, assembled at any General Quarter Sessions to be holden for the County of *Worcester*, within Four Calendar Months from the Date of such Order, in the Manner as is hereinafter directed in Cases of Appeal from any Order or Proceedings of the Trustees for executing this Act.

The Purchase of Lands.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them from Time to Time assembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of and Persons interested in any such private Lands or Grounds for the Purchase or Exchange thereof, or for the Loss or Damage which such Owners and Persons interested, or any of them, shall or may in anywise sustain by making, widening, turning, diverting, or altering the Course of any Part or Parts of the Roads by this Act directed to be kept in Repair in Manner by this Act directed; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations, Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, Cestuique Trusts, and of all and every Person and Persons whomsoever, who or are shall be seized, possessed of, or interested in any such Lands or Grounds, either for their own Use or Benefit, or for the Use of or in trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, or any Nine or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any of such Lands and Grounds as Occasion shall be and require, and all Contracts, Sales, and Conveyances, which shall be so made, shall without any Fine or Fines, Common Recovery, or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them, given in Writing or left at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of making, widening, or improving the said Roads, or any Part or Parts of such Roads shall, by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every such Case the said Trustees or any Nine or more of them shall cause it to be enquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Worcester*,

Owners, &c. neglecting to treat.

Worcester, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested for or upon Account of the using and taking such Lands or Grounds for the Purposes of this Act, and in order thereto, the said Trustees, or any Nine or more of them, are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer,) and they shall also order and cause the said Jury to view the Places in Question if there be Occasion, and use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises, as the said Trustees or any Nine or more of them shall think fit, and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, in Fee, or in Tail General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anywise interested in such Lands or Grounds shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, or upon depositing the same in the Bank of *England*, in the Manner directed by this Act, as the Case may require, thereby be thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for the summoning or returning of such Jury or Juries, the said Trustees, or any Nine or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Worcester*, thereby commanding and requiring the said Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the Trustees shall swear or cause to be sworn Twelve who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the

Verdict of
Jury to be
final.

[*Local.*]

11 H

said

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

said Jurymen, when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Two 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, or his Deputy or Deputies, Bailiffs or Agents making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without a sufficient Excuse, or appearing, shall refuse to be sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon such Sheriff, or his Deputy, and the Sum of Five Pounds upon any other Persons aforesaid, for any one Offence.

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

LIX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or 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 Nine or more of them, before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid, then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if any such Jury shall give in 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 Nine or more of them, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss, or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees, or any Nine 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 within whose Jurisdiction such Difference shall arise, not interested in the Matter in Question, (who is hereby required to examine and settle the same,) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures; provided that

that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, or any Nine or more of them, touching the Matters aforesaid, the Whole of such Fees and Expences shall be paid by the said Trustees, or any Nine or more of them.

LX. And be it further enacted, That every Sum of Money or Recompence to be agreed or assessed as aforesaid, shall be paid by the said Trustees, or any Nine or more of them, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with, upon depositing the same in the Bank of *England*, under the Direction of the Court of *Chancery*, in Manner by this Act directed, and after Fourteen Days' Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Roads by this Act directed to be made, amended, and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Upon Payment of the Purchase Money the Lands to be taken for the Road.

LXI. And whereas the Trustees for executing this Act may be seized of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time, to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, (as they shall find most advantageous and convenient,) to such Person or Persons as shall be willing to contract for and purchase the same.

Trustees empowered to sell Ground not wanted for the Purposes of the Act.

LXII. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, and which is not by this Act directed to be otherwise disposed of, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of Old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to, or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of *Chancery*, or before One of His Majesty's Justices of the Peace for the County, Town, or Place where such Ground or Road shall lie, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by any Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and

First Offer to whom to be made.

was

was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ, or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed, with respect to disputed Value of Premises to be purchased by the said Trustees, in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed, with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application
of Money,
when
amounting
to 200l.

LXIII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands or Grounds which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation, Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of *Chancery*, to be placed to his Account there, *ex parte* the Trustees for executing this Act, or any Two or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Grounds in the Purchase of the Land-tax; or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Grounds, or affecting other Lands or Grounds standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Grounds, which shall be conveyed and settled to, for, and upon, such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Grounds 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 Meantime, 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 Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands or
Grounds

Grounds so to be purchased, in case such Purchase or Settlement were made.

LXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Grounds, 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Grounds 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 the said Trustees, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in 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.

Where less than 200l. and above 20l.

LXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Grounds so purchased, taken, or used as aforesaid, in such Manner as the said Trustees 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.

Where under 20l.

LXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed, for any Lands or Grounds to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Grounds be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Two or more of them, to order the said Sum or Sums of Money awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Grounds (describing them), subject to the Order, Control, and Disposition of the said High Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums

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

[Local.]

11 I

Sums

Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of a
disputed
Title.

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

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

LXVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Grounds to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands or Grounds, to be settled to the like Uses in pursuance of this Act; it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting
Materials
for making
and repairing
the Roads,
&c.

LXIX. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials, proper and convenient for making, widening, altering, improving, or repairing the said Roads, or for other
the

the Purposes of this Act, out of any Waste or Common, River or Brook, not being the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Parish, Town, Village, or Hamlet within which the said Roads, or any Part or Parts thereof do lie, or is or are intended to be made and pass; and for want of sufficient Quantity of such Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places last described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook, not being within the like Distance from any Bridge, Dam, Weir, and Jetty in any adjoining Parish, Town, Village, or Hamlet, without making any Recompence for the same, the said Surveyor or Surveyors filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or Private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case such sufficient Materials cannot be gotten in such Wastes, Commons, Rivers, and Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, by order of the said Trustees, to dig for and take away the like Materials out of the Private Grounds of any Person or Persons, (not being a Garden, Yard, Paddock, Park, planted Walks or Avenue to any House or inclosed Grounds, planted, set apart, or used as a Plantation or Nursery for Trees,) where such Materials are or may be found in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for making, widening, improving, and repairing the said Roads, paying such Recompence for the same, and for the Damage done to the Owners and Occupiers of the said respective Grounds where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers or any of them, and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for the County of *Worcester*, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the said County as hereinafter directed.

LXX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away, any such Materials for any of the Purposes of this Act, out of or from any inclosed Land or Ground, until Five Days' Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken or left for such Owner or Occupier at his usual Place of Abode, to appear before Two or more Justices of the Peace acting for the County, Town, or Place where such Lands shall be, to shew cause why such Materials should not be had from such Lands or Grounds, and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in every such Case it shall be lawful for such Justices, by their Order, to authorize such Surveyor or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself

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

or

or his Agent, pursuant to such Notice, such Justices may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty of
taking away
Materials got
by the Sur-
veyor.

LXXI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act; or shall get or take away Materials out of any Pit or Quarry which shall have been made at the Expence of the said Trustees for the Purposes of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) or shall obstruct or hinder the said Surveyors, or their Workmen, in digging for, collecting, or gathering such Materials as aforesaid, or shall in any other Way whatsoever obstruct the said Surveyors in the Execution of their Duty, every Person so offending shall for every such Offence forfeit any Sum not exceeding the Sum of Five Pounds, over and above the Value of the Materials so taken away.

Surveyor
may remove
Annoyances.

LXXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Stones, Carriages, Sawpits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same, to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourses adjoining or near to the said Roads, or any Part or Parts thereof.

Occupiers to
cut their
Hedges.

LXXIII. And be it further enacted, That the Possessors and Occupiers of the Lands next adjoining to the said Roads shall cut, prune, and plash their Hedges, situate within the Distance of Thirty Feet from the Centre of such Roads, and reduce the same to an Height of not more than Four Feet; and cut down or prune and lop at proper Seasons of the Year the Trees growing in or near such Hedges or other Fences (except such Trees as shall have been planted for Ornament or Shelter to the House, Building, or Court Yard of the Owner thereof) in such Manner that the said Roads shall not be prejudiced by the Shade thereof respectively, and that the Sun and Wind may not be excluded from the said Roads to the Damage thereof; and that if such Possessors or Occupiers shall not within Ten Days after such Notice given by the said Surveyor or Surveyors for that Purpose, cut, prune, and plash such Hedges, and reduce them to such Height as aforesaid, and cut down or prune and lop such Trees in Manner aforesaid, it shall and may be lawful for the said Surveyor or Surveyors, and he and they is and are hereby required to make Complaint thereof to some Justice of the Peace acting in and for the said County of *Worcester*, who shall summon the Possessor or Occupier, or Possessors or Occupiers of the said Lands, to appear before the Justices of the Peace at some special Session for the said Complaint, and if it shall appear to the Justices at the said special Sessions that such Possessor or Occupier, Possessors or Occupiers shall not have complied with the Re-
quisites

quisites of this Act, it shall and may be lawful for such Justices, upon hearing the said Surveyor or Surveyors, and the Possessor or Occupier or Possessors or Occupiers of such Lands, or his or their Agent, (or in Default of his or their Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, plashed, and pruned, and such Trees to be cut down and pruned, in such Manner as may best answer the Purposes aforesaid, and if the Possessor or Occupier or Possessors or Occupiers of such Lands shall not obey such Order within Ten Days after it shall have been made, and he or they shall have had due Notice thereof, he or they shall forfeit the Sum of Two Shillings for every Twenty-four Feet in length of such Hedge which shall be so neglected to be cut and plashed, and the Sum of Two Shillings for every such Tree which shall be neglected to be cut down or pruned and lopped as aforesaid, and the said Surveyor or Surveyors, in case of such Default made by such Possessor or Occupier, or Possessors or Occupiers, shall and is and are hereby required to cut, prune, and plash such Hedges, and to cut down and prune and lop such Trees in the Manner directed by such Order, and such Possessor or Occupier, or Possessors or Occupiers shall be charged with and pay over and above the said Penalties the Charges and Expences of doing the same, or in Default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his, her, or their Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is authorized for Forfeitures incurred by virtue of this Act; and that no Person or Persons shall be compelled, nor any Surveyor or Surveyors permitted, by virtue of this Act, to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*.

LXXIV. And be it further enacted, That the Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for the keeping the said Roads dry and conveying the Water from the same, shall be made, scoured, and cleansed and kept open, and sufficient Trunks, Tunnels, Plats, or Bridges shall be made and laid where any Cartways, Horseways, or Footways lead out of the said Roads into the Lands or Grounds adjoining thereto, by the Occupier or Occupiers of such Lands or Grounds, and every Person or Persons who shall occupy any Lands or Grounds adjoining to or lying near such Roads through which the Water hath used to pass from the said Roads, shall and is hereby required from Time to Time, as often as Occasion shall be, to open, cleanse, and scour the Ditches, Watercourses, or Drains for such Waters to pass without Obstruction, and that every Person making Default in any of the Matters or Things aforesaid, after Ten Days' Notice to him, her, or them given of the same, by the said Surveyor or Surveyors, shall for every such Offence forfeit the Sum of Twenty Shillings.

Occupiers of
Land to
make
Ditches,
Drains, &c.

LXXV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footpaths or Causeways, in or along the Sides of the said Roads, and to cut and make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair the Bridges and Arches thereupon; and also to make Ditches or Trenches in such Places, and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge
[Local.] 11 K necessary,

Surveyors
may make
Causeways,
&c. and cut
Drains.

necessary, and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in Order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

Roads to be
measured, and
Mile Stones
to be erected.

Penalty on
injuring
Posts.

Damaging
Roads.

Riding on
Shafts.

Fire Works.

Leaving Car-
riages on
Roads.

LXXVI. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, to cause the said Roads to be measured from the Cross at *Worcester*, and Stones or Posts to be placed in or near the Sides of the said Roads where the same are crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post, or Stone erected or fixed or to be erected or fixed, in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon or cause any Damage to be done to any Footpath; or if any Person or Persons shall cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages,) or shall suffer any Part of any Tree, or Piece of Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages to drag upon the said Roads, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up or damage the same or the Fences on either Side thereof, or any Person or Persons who shall turn any Horses, Asses, Sheep, Swine, or Cattle, to depasture in any of the said Roads; or if any Person driving any Carriage upon the said Roads, shall ride on the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Fire-work, or play at Foot Ball, or any other Game or Games whatsoever, on any Part of the said Roads; or if any Person shall leave any Carriage, Waggon, Cart, or any Plough, or Instrument in Husbandry or any other Thing, (except in case of Accident, and then such Carriage shall be placed as near to the Side of the Road as may be,) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, so as to interrupt, hinder, or endanger the free Passage along the said Roads of any other Carriage, or of His Majesty's Subjects; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing, whatsoever upon the said Roads, or on the Side or Sides thereof, between the said Roads and the Fences now standing, or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads, and such Fences as aforesaid, for the Purpose of making Compost or Manure; every Person so offending, shall for every such

Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as hereinafter directed.

LXXVII. 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 move Lumps of Earth, &c. from Sides of Roads.

LXXVIII. And be it further enacted, That all Doors and Gates to be hereafter made and placed in any Building, Field, or Ground adjoining any of the said Roads, shall be made and hung to open respectively into such Building, and inwards towards such Field or Ground, and not outwardly towards the said Roads, and it shall be lawful for the said Trustees to order all such Doors and Gates as may hereafter be erected, and open outwards towards the said Roads, to be altered and made to open inwards as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Building or Lands in or upon which any Door or Doors, Gate or Gates are or shall be constructed as to open outwards towards the said Roads, (after Ten Days' Notice from the Surveyor of the said Roads, requiring him or them to alter such Door or Doors, Gate or Gates, and make the same to open inwards,) refuse or neglect to make such Alteration, it shall and may be lawful for the said Trustees to exercise and apply the same Powers for this Purpose, with which they are by Law invested for the Removal of any Nuisances, Obstructions, or Annoyances made or committed upon the said Roads.

Gates to be made to open into the adjoining Lands and not into the Road.

LXXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with any Person or Persons for forming, making, widening, improving, or repairing the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money annually, or for a Term of Years, or otherwise as the said Trustees or any Five or more of them shall think proper.

Trustees may contract for Repairs of any other Work.

LXXX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands or Tenements, Rents and Annuities, or any Sum or Sums of Money which have been given, and are liable to the maintaining or amending of any Part or Parts of the said Roads, or any Bridge or Bridges, or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair in such Manner, and to the same Extent, but not in any other Manner,

Persons liable to repair the Roads to continue so.

Manner, nor to any greater Extent than as they were liable and chargeable before the passing of this Act.

Statute
Labour.

LXXXI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part or Parts thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace acting in and for the said County of *Worcester*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees or by their Treasurer, Clerk, or Surveyor, or their Order,) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants or Occupiers of Lands or Tenements of the respective Parishes or Places in which the same do lie; and also what Proportion of the Composition Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of and as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place respectively are by Law subject and liable to do Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which List of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may by any Law or Statute in Force and Effect, for the Repair of the Public Highways, and out of such Lists such Justices shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and on such Parts of the said Roads as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint, and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or to their Treasurer at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorised or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Three Days' Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse

Horse or Horses, Beast or Beasts to be provided by him or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places respectively, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXII. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Premises or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise as the said Trustees shall think reasonable; in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Parish, or by the Person or Persons so compounding to the Treasurer of the said Trustees; in Advance, on or before the First Day of *October* in each and every Year, or otherwise, the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Statute Work may be compounded for.

LXXXIII. And whereas by 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*; the Trustees of any Turnpike Road, or any Seven of them, are empowered to allow such Number of Horses as they shall adjudge necessary to be used in Waggon and Carts, for the Purpose of drawing the same up Hill or Hills in certain Cases, in the said Act specified: And whereas great Injury is done to the Roads, in Consequence of the Person or Persons who drive such Waggon and Carts not using Skidpans or Machines at the Bottom of the Wheels during the Time the said Waggon or Carts are descending or going down such Hill or Hills; for Remedy whereof, be it further enacted, That all and every Person or Persons who shall drive or act as the Driver or Drivers of any such Waggon or Cart, shall, in descending all and every Hill or Hills on any of the said Roads to be kept in Repair by virtue of this Act, where such increased Number of Horses are or shall be allowed to be used as afore-

To enforce the using of Skidpans or Machines to Waggon and Cart Wheels in certain Cases.

[Local.]

11 L

said,

said, use or cause to be used and placed a Skidpan or Machine at the Bottom of One of the Wheels of every such Waggon or Cart, to prevent the Wheels of such Waggon or Cart destroying or injuring the said Roads, which Skidpan or Machine shall be placed or affixed under such Wheel, at the Post or Stone erected or to be erected at or near the Top of any such Hill or Hills, and be continued and kept thereon, until such Waggon or Cart shall arrive at or reach the Post or Stone erected or to be erected at or near the Bottom of such Hill or Hills, and in case such Person or Persons as aforesaid shall fail or neglect to put or continue and use such Skidpan or Machine in Manner aforesaid, and shall drive such Waggon or Cart down any such Hill or Hills, without using such Skidpan or Machine in Manner aforesaid, it shall and may be lawful to and for any Constable, Tythingman, Surveyor, or any other Person or Persons, to apprehend and take, or cause to be apprehended and taken, every such Person or Persons, so driving or acting as Driver or Drivers as aforesaid, before any One or more Justice or Justices of the Peace for the said County of *Worcester*; and upon the Conviction of such Offender either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before such Justice or Justices of the Peace, every such Person or Persons so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

For securing
transient
Offenders.

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

Power for
Justices to
summon
Witnesses to
prove
Offences, &c.

LXXXV. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Information and Complaint shall be made by virtue of this Act, and he and they is and are hereby authorized and empowered from Time to Time to issue his or their Summons in Writing, to any Person or Persons whose Evidence such Justice or Justices shall deem necessary, to appear before him or them, at such Time or Place as he or they shall direct or appoint, then and there to be by him or them examined as a Witness upon Oath, touching and concerning the Matter of such Information or Complaint, and every Person being served with such Summons, or a Copy thereof, Three clear Days before the Day appointed for such Appearance, after having been paid or tendered a reasonable Sum for his or their Costs, Charges, and Expences, either on the Part of the Prosecutor, or the Person or Persons accused; and any such Person or Persons respectively shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and to give Evidence be-
fore

fore such Justice of the Peace, or at such Sessions or Adjournments thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

LXXXVI. And be it further enacted, That the *London Road* from *Sidbury* to the Town of *Penfshore*, as aforesaid shall be amended and repaired in preference to the other Roads comprised within the same District or *London Road*; and that the main Roads leading from the said City of *Worcester*, in the said several Districts, shall from Time to Time be sufficiently amended and kept in Repair, before and in preference to the cross or branching Roads from the said main Roads; and after the said main Roads shall be sufficiently amended and repaired, the cross or branching Roads shall from Time to Time be amended and repaired, in such Manner as the said Trustees or any Five or more of them shall think fit.

Preference to the *London Road*.

LXXXVII. Provided always and be it further enacted, That the aforesaid Road leading from *Holt Heath* through the several Parishes of *Shrawley* and *Astley*, towards the *Bewdley* Turnpike Road, shall not be liable to be repaired, by virtue of this Act, till such Time as the Road from the City of *Worcester* to the *Hundred House*, and the aforementioned Road to the *Long Lane*, shall be effectually amended and repaired.

When the Road from *Holt Heath* through *Shrawley* and *Astley* is to be repaired.

LXXXVIII. And be it further enacted, That the Charges and Expences attending the amending, widening, and keeping in Repair the Road between the Bridge called *The New Bridge*, at the City of *Worcester*, and the Weighing-Engine, at *Saint John's*, in *Bedwardine*, shall be defrayed out of the Tolls to be collected on the said *Powick Bransford* and *Bradwas* District of Roads, or out of any Money to be borrowed on the Credit thereof, in equal Shares or Proportions.

How the Expences of repairing certain Roads shall be defrayed.

LXXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof be not herein otherwise directed,) shall upon Proof of the Offence respectively before any One Justice of the Peace for the County, Town, or Place, wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnessess, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes;) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid and recovered, if not otherwise directed to be applied by this Act, shall be from Time to Time paid One Half thereof to the Informer, and the other Half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Com-

Penalties and Forfeitures how recovered and applied.

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

Costs and
Expences of
the Trustees
or Justices to
be paid.

XC. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any general Meeting to be had pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers, nominated and appointed by and acting under this Act for the Time being, to pay and defray out of the Money in his, her, or their Hands, arising from the Tolls and Duties collected by Virtue thereof, all such Costs, Charges, and reasonable Sums as they the said Trustees or any of them, or any Justice or Justices of the Peace shall have been at and put unto, or shall have expended in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, for or on Account thereof, or for or concerning any Matter or Thing whatsoever, which shall be or they shall have done or ordered to be done in the due Execution thereof.

Offenders
against the
Act.

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

Form of
Conviction.

BE it remembered, that on the _____ Day of _____
in the _____ Year of His Majesty's Reign, and in
the Year of our Lord _____ A. B. is
convicted before me One of His Majesty's Justices of the Peace for the
said County, [*or, Town, as the Case may be*] by virtue of an Act of
the Fifty-sixth Year of the Reign of King George the Third, intituled
[*here set forth the Title of this Act, and specify the Offence and the Time
and Place when and where committed.*] Given under my Hand and
Seal the Day and Year above written.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

XCII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County of *Worcester* (if sufficient Time after the Cause of such Complaint shall have arisen,) first given or causing to be given Fifteen Days' Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice, entering into Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the first Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal after such Notice, and
under

under such Recognizance, may be made at the second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such first or second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes, and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

XCIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on Behalf of the Party distraining before such Action brought, nor after such Action has been brought, if the Party tender the Amount of bringing the same.

Proceedings
not to be
quashed for
want of
Form.

XCIV. 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 Days' Notice thereof shall be given to the Clerk or Treasurer of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance, or by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days' Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any

Limitation of
Actions.

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other

other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Cases by Law.

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

Commencement and Duration of it. XCVI. And be it further enacted, That this Act shall commence upon the First Day of *January* One thousand eight hundred and seventeen, and shall continue and be in force for and during the term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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