



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. xxxiv.

An Act for repairing the Road from *Bridge Town* in the Parish of *Old Stratford* in the County of *Warwick*, to the Top of *Long Compton Hill* in the same County, and another Road therein mentioned, in the Counties of *Warwick*, *Worcester*, and *Gloucester*. [8th May 1818.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing the Road leading from a Gate called Shipton Toll Gate at Bridge Town in the Parish of Old Stratford in the County of Warwick, through Alderminster and Shipton-upon-Stower, to the Top of Long Compton Hill in the said County*: And whereas another Act was passed in the Seventeenth Year of the Reign of His said late Majesty King George the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Third Year of the Reign of His present Majesty, intituled 'An Act for repairing the Roads leading from a Gate called ' Shipton Toll Gate at Bridge Town in the Parish of Old Stratford in ' the County of Warwick, through Alderminster and Shipton-upon-Stower, ' to the Top of Long Compton Hill in the said County,' and to make the same more effectual*: And whereas another Act was passed in the Thirtieth Year of the Reign of His said late Majesty King George the Second, intituled *An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, one passed in the Third and the other in the Seventeenth Year*

[Local.]

of

of the Reign of His present Majesty, for repairing the Road leading from a Gate called Shipston Toll Gate at Bridge Town in the Parish of Old Stratford, in the County of Warwick, through Alderminster and Shipston-upon-Stower, to the Top of Long Compton Hill in the said County of Warwick; and also for repairing the Road leading from the First Mile Stone standing on the said Shipston Road through a Lane called Clifford Lane, and through Mickleton and Chipping Campden, to a Place called Andover's Ford in the County of Gloucester: And whereas another Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled An

13 G. 3. c. 97. Act for enlarging the Terms and Powers of Three Acts passed in the Third, Seventeenth, and Thirtieth Years of the Reign of His late Majesty King George the Second, for repairing the Road leading from a Gate called Shipston Toll Gate at Bridge Town in the Parish of Old Stratford in the County of Warwick, through Alderminster and Shipston-upon-Stower, to the Top of Long Compton Hill in the said County of Warwick, and also for repairing the Road leading from the First Mile Stone standing on the said Shipston Road through a Lane called Clifford Lane, and through Mickleton and Chipping Campden, to a Place called Andover's Ford in the County of Gloucester, as far as the same relate to the said first-mentioned Road: And whereas another

37 G. 3. c. 152. Majesty, intituled An Act for enlarging the Term and Powers of certain Acts passed in the Third, Seventeenth, and Thirtieth Years of the Reign of His late Majesty, and the Thirteenth Year of His present Majesty, for repairing several Roads in the Counties of Warwick, Worcester, and Gloucester, so far as relate to the Road leading from a Gate called Shipston Toll Gate at Bridge Town in the Parish of Old Stratford, through Alderminster and Shipston-upon-Stower, to the Top of Long Compton Hill in the said County of Warwick: And whereas that Part of the said Turnpike Road passing out of the Parish of Alderminster aforesaid over Talton Bridge through the Hamlet of Talton, in the Parish of Tredington in the County of Worcester, into Newbold Open and Common Fields in the same Parish and County, is very narrow, and occasionally overflowed and dangerous and inconvenient to Travellers, and a safe and nearer Road may be made by deviating from the present Turnpike Road in the Direction herein-after mentioned: And whereas the public Carriage Road leading from the Bridge in the Town of Shipston-upon-Stower aforesaid, through the Parishes and Hamlets of Shipston-upon-Stower, Stretton-on-the-Fosse, Illmington, Charingworth, and Ebrington, in the said Counties of Warwick, Worcester, and Gloucester, to its Junction at Ebrington Bratch, near the Village of Ebrington aforesaid, with the Turnpike Road from the Cross Hands on the Worcester and Oxford Turnpike Road to Halford Bridge in the County of Warwick, is in some Parts in a ruinous Condition, and cannot be sufficiently amended, widened, improved, and kept in good Repair by the ordinary Course of Law, and it would be of great public Utility if such public Carriage Road was put under the Care and Management of the Trustees for executing this Act: And whereas the Trustees appointed in or by virtue of the said recited Acts have from Time to Time improved, varied, and repaired the Roads directed to be kept in Repair by the said Act passed in the Thirty-seventh Year of the Reign of His present Majesty, and have borrowed on the Credit of the said Acts considerable Sums of Money, which are now due and owing with an Arrear of Interest, and which cannot be paid off, nor can the said Road comprized in the said last-mentioned Act, and herein mentioned, be effectually made, amended, and

and kept in Repair, unless some of the Powers of the said Act be altered and enlarged, and the Tolls increased; and 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 Roads herein-after mentioned, 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 on the Day of the Commencement of this Act, the said recited Acts of the Third, Seventeenth, and Thirtieth Years of the Reign of His late Majesty King *George* the Second, and of the Thirteenth and Thirty-seventh Years of the Reign of His present Majesty, so far as the same relate to the Road leading from a Gate called *Shipston Toll Gate* at *Bridge Town* in the Parish of *Old Stratford* in the County of *Warwick*, through *Alderminster* and *Shipston-upon-Stower*, to the Top of *Long Compton Hill* in the County of *Warwick*, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall commence and take Effect upon the Second Day of *November* next after the passing thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, repairing, and keeping in Repair the several Roads herein-after described.

Former Acts repealed as to Part of Roads.

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 on the above-mentioned Road, 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 of the Tolls granted by this Act; and all and every Person and Persons who may owe, or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Acts, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of the same to the Trustees for executing this Act; and all Bonds, Covenants and Agreements, Contracts and Securities, entered into by the Trustees for executing any Turnpike Act or Turnpike Acts, or by any other Person or Persons whomsoever, to or with any of the Trustees for executing the said recited Acts, according to the Provisions and Directions of the same 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 Trusts created by this Act; and all Contracts and Agreements duly made and entered into by the Trustees for executing the said recited Acts hereby repealed to or with any Person or Persons, as far as respects the Roads comprized in this Act, shall be and remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts, so far as relates to the above-mentioned Road.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That the Reverend *Arthur Annesley*, *John Bree* Doctor of Medicine, *Henry Mertyns Bird*, *John Byrkin Bellamy*, *Francis Canning*, *Robert Canning*, *William John Champion*, *Michael Corbett* of

Trustees.

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of *Admington*, the Reverend *Thomas Cox* junior, *Dugdale Stratford Dugdale* M. P., the Reverend *James Davenport* Doctor in Divinity, the Reverend *James Davenport* junior, *William Dickins*, *John Joseph Dillon*, the Reverend *John Ellis*, the Reverend *Francis Ellis*, the Reverend *Thomas Hopkins*, *Edward Townsend Higgins*, *Thomas Stanley Hill*, *Thomas Hunt*, the Reverend *John Jones* Doctor in Divinity, the Reverend *William Longford*, *John Lord*, *Sir Charles Mordaunt* Baronet, M. P., the Reverend *Gilbert Malcolm*, *Charles Mills* M. P., the Reverend *Samuel Wright Mister*, the Reverend *Thomas Vere Richard Nicoll*, *Sir William Parker* Baronet, the Reverend *William Price*, *Samuel Peach*, *Abraham Pole*, *Henry Roberts*, *Ralph Sheldon* M. P., *William Sheldon*, *Edward Sheldon*, the Reverend *Thomas Lambert Snow*, *Thomas Snow* of *Tidmington*, the Reverend *Jeremiah Scholesfield*, *Gore Townsend*, *Thomas Townsend*, *John Townsend*, *John Hathaway Turbitt*, the Reverend *Henry Townsend*, the Reverend *Edward Townsend*, *James Roberts West*, the Reverend *Charles White*, and *Edward Welchman Wright*, Doctor of Medicine, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road leading from *Bridge Town*, in the Parish of *Old Stratford* aforesaid, through *Alderminster* and *Shipston-upon-Stower*, to the Top of *Long Compton Hill* aforesaid, and for varying and deviating from the present Line of the said Turnpike Road for a Distance not exceeding One thousand five hundred Yards, through Part of the Parish of *Alderminster* aforesaid, the Hamlet of *Talton* aforesaid, and Part of *Newbold* Open and Common Fields, and for erecting a Bridge from and out of the Parish of *Alderminster* across the River *Stower* into the said Hamlet of *Talton*, such Variation to commence at the North-west Corner of a Ground belonging to *William John Campion* Esquire, in the Parish of *Alderminster* aforesaid, where the public Carriage Road branches off towards *Eatington*, and to be continued thence nearly in a direct Line through the Lands of the several Owners and Occupiers mentioned in the Schedule to this Act annexed, into the said Turnpike Road at or near the Boundary of the Open and Common Fields of *Newbold* aforesaid; and also for repairing, altering, widening, and improving the public Carriage Road leading from the Bridge in the Town of *Shipston-upon-Stower* aforesaid, through the Parishes and Hamlets of *Shipston-upon-Stower*, *Stretton-on-the-Fosse*, *Ilmington*, *Charingworth*, and *Ebrington*, in the Counties of *Warwick*, *Worcester*, and *Gloucester*, to its Junction in or near the Village of *Ebrington* aforesaid, with the Turnpike Road leading from the *Cross Hands* on the *Worcester* and *Oxford* Turnpike Road to *Halford Bridge* aforesaid, and for putting this Act in every other respect in Execution.

Power to elect additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, if they shall think proper, at a Meeting to be holden for that Purpose (of which Meeting, and of the Purpose thereof, such Notice shall be given as is herein-after directed respecting the Appointment of future Trustees on Vacancies), to elect, nominate, and appoint any Number of other fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated and appointed.

On Death, &c. of Trustees, others to be chosen.

V. And be it further enacted, That in case any of the said Trustees hereby appointed or to be elected in Manner herein mentioned shall die, become

become disqualified, or by Writing under their Hands refuse to act, it shall be lawful for the surviving or remaining Trustees, at any Meeting to be held for that Purpose, to appoint one other Person to be a Trustee in the Room of every Trustee so dying, becoming disqualified, or refusing to act, provided that Notice of the Time and Place of Meeting for every Appointment of new Trustees be affixed in Writing upon all the Turnpike Gates erected or to be erected on the said Roads at least Fourteen Days before every such Meeting; and every Person, being qualified as hereafter mentioned, who shall be so appointed, shall be vested with the same Powers and Authorities for putting this Act in Execution as if he had been named a Trustee therein.

VI. 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 in his own Right, or in the Right of his Wife, be seised or possessed of and in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of a Personal Estate, or of a Real and Personal Estate together, of the Amount of One thousand Pounds clear of all Incumbrances, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds.

Qualification
of Trustees.

VII. Provided also, and be it further enacted, That every Trustee appointed or to be elected by virtue of this Act, before he shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath herein-after mentioned at the First Meeting of the said Trustees), shall take and subscribe in a Book to be kept for that Purpose an Oath or Affirmation in the Words or to the Effect following before One or more of the said Trustees, who is and are hereby empowered to administer the same; (*videlicet*),

Trustees to
take the
following

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

Oath.

VIII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold, either in his own Name or in the Name of any other Person for his Benefit, any Place of Profit, or shall be concerned in any Contract relating to or be a Lessee or Farmer of the Tolls under this Act.

Persons hold-
ing Places of
Profit inca-
pable of act-
ing as Trus-
tees.

IX. And be it further enacted, That any Trustee or Trustees appointed or to be appointed in or by virtue of this Act, who shall or may be in the [Local.] 8 P Commission

Trustees
being Justices
of the Peace

may act in both Capacities.

Commission of the Peace, may act as a Justice or Justices of the Peace within his or their respective Jurisdictions in the Execution of the Powers of this Act (except only in Cases where he or they shall be personally interested); and all Mortgagees or Lenders of Money upon the Credit of the Tolls hereby granted, or receiving Interest thereout, may also act in the Execution of the Powers of this Act, notwithstanding their being such Creditors as aforesaid.

No Victual-ler to hold a Place of Profit, or to be capable of acting as a Trustee.

X. Provided also, and be it further enacted, That no Person keeping an Inn, Alehouse, or other House of public Entertainment, or who shall sell Ale, Cider, Beer, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of acting as a Trustee, or holding any Place of Trust or Profit under this Act, or of farming or renting the Tolls hereby granted, unless he shall employ some Person to collect such Tolls who shall not be under any such Incapacity.

All Acts to be done by Five Trustees, unless otherwise directed.

XI. 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 said Trustees hereby appointed or to be elected as aforesaid.

Meetings of Trustees.

XII. And be it further enacted, That the said Trustees shall meet on the Second *Saturday* next after the Commencement of this Act, or as soon after as conveniently may be, at the *George Inn* in *Shipston-upon-Stower* aforesaid, or at the *White Lion Inn* in *Stratford-upon-Avon*, in the County of *Warwick*, or at some other convenient House or Place on the Line of the said Roads, 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 upon either of the said Roads, 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 be a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, then their Clerk or Clerks shall adjourn the said Meeting, and appoint the Trustees to meet at some Place in *Stratford-upon-Avon*, if the last Meeting of the said Trustees was not held in the said Town; but if the said last Meeting was held at *Stratford-upon-Avon*, then the said Clerk or Clerks shall adjourn such Meeting to take place in *Shipston-upon-Stower* on any Day not exceeding Six Weeks after the Day on which such last Meeting was appointed to be held; and of all Meetings to be held in pursuance of this Act, except where it shall be otherwise directed, the Clerk or Clerks shall cause Notice thereof to be affixed on all the Turnpike Gates then erected or continued upon, across, or on the Sides of the said Roads, at least Fourteen Days before such Meetings; and the said Trustees shall at all their Meetings defray their own Charges and Expences; 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, Determination, or Agreement shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being fewer in Number of Trustees than

authorized by this Act to make the same; and no such Order, Determination, or Agreement shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Fourteen Days before in Writing to be affixed upon all the Toll Gates and Toll Bars then erected upon, across, or on the Sides of the said Roads, nor unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Order, Determination, or Agreement; and at every Meeting of the said Trustees a Chairman shall be appointed, and as often as there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive and casting Vote.

XIII. And be it further enacted, That if after any Adjournment it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day fixed by such Adjournment, in that Case the Clerk or Clerks to the Trustees, upon an Order in Writing signed by Three or more of the said Trustees, naming the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place mentioned in the said Order (such Meeting not being less than Fourteen Days after such Notice), and such earlier Meeting may be held accordingly; and all the Orders and Determinations of the Trustees at all such Meetings shall be as valid and effectual as if they had been made at an adjourned Meeting.

Meetings on
Emergencies.

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, and when entered shall be signed by the Trustees making the same; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Transfers thereof, as well as all other Minute Books, and Books of Registry of Securities, which have been kept by the Trustees acting under the said Acts hereby repealed, shall be admitted as Evidence of the Matters therein contained in all Courts whatsoever, touching any Thing to be done in pursuance of this Act, and which Books shall at all Times be open for the Inspection of any Trustee or Creditor under this Act.

Proceedings
to be entered.

XV. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their respective Hands, to appoint One or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors of the Tolls, and such other Officers, to be employed in the Execution of this Act, as they shall think necessary, and from Time to Time to remove such Officers and other Persons, and to appoint others in their Stead, and out of the Monies to arise by virtue of this Act to make such Allowances to the said Officers and other Persons as to them the said Trustees shall seem reasonable; and all such Officers and Persons shall under their respective Hands, when and as often as required by the said Trustees, deliver to such Trustees, or to whom they shall appoint, true and correct Accounts in Writing of all the Monies which they shall have respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all Monies then remaining in their respective Hands to the said Trustees,

Power to
appoint
Officers.

tees, or to whom they shall appoint to receive the same; and if any or either of such Officers or other Persons shall refuse to make and render such Accounts, or to produce and deliver up the Vouchers relating thereto, or to pay the Money due on such Accounts in Manner aforesaid, or shall not deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after Demand thereof made by the said Trustees or their Clerk or Clerks, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases, upon Complaint being made by any Three or more of the said Trustees, it shall be lawful for any one Justice of the Peace for either of the Counties of *Warwick*, *Worcester*, or *Gloucester*, within his own Jurisdiction, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and to make Inquiry in a summary Way into such Complaint; and upon his or their appearing, or not being to be found, to hear and determine the Matter, either by Confession of the Party against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer); and if, upon Inspection of the Accounts produced, it shall appear to such Justice that any of the Monies collected or received by such Officer or other Person shall remain in his or their Hands, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or other Person 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 other Person shall not appear before the said Justice, unless for some sufficient Excuse, at the Time and Place by him appointed for that Purpose, or if appearing shall refuse to deliver up to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce the several Vouchers relating thereto, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act or to the said Roads; then, upon Conviction of any such Officer or other Person of any or either of the Offences aforesaid, such Justice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit every such Offender or Offenders to the Common Gaol or House of Correction of the County wherein he or they shall be convicted, there to remain without Bail or Mainprize until he or they shall make and give a true and perfect Account or Payment as aforesaid, or shall have compounded or agreed with the said Trustees, and paid such Composition in Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make), or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress only shall be detained in Prison upon any such Commitment for any longer Time than Twelve Calendar Months.

Clerk not to
be Treasurer,
and vice
versa.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such

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

XVII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums shall have been disbursed; laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or Creditors, or any of them, to inspect such Book or Books, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Accounts to be kept of Receipts and Disbursements.

XVIII. Provided always, and be it further enacted, That as often as any Toll Collector shall die, or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting, may appoint any other Person to collect such Tolls until the said Trustees shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls; and every Person so nominated 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.

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

Officers to give Security.

[Local.]

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XX. And

Books relative to former Acts to be delivered to Trustees.

XX. 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 of the said Acts on account of the said Roads by this Act directed to be kept in Repair, 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 hereby directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees by this Act appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are herein required to pay or account for the same.

Actions to be brought in the Name of the Clerk.

XXI. And be it further enacted, That in all Actions, Causes, Indictments, Prosecutions, Trials, and Proceedings at Law to be had, brought, prosecuted, or defended in pursuance of this Act, the said Trustees may sue and be sued in the Name of any one of their Clerks; and no Action or Proceedings as aforesaid shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or defended, or by the Act of such Clerk, without the Consent of the said Trustees; but One of the Clerks to the said Trustees for the Time being shall always be deemed the Plaintiff or Defendant in every such Action or Suit: Provided always, that the Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended as aforesaid, 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 sustain, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant.

Power to continue or erect Toll Gates, &c.

XXII. 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 Turnpike or Toll Gates and Toll Houses which have already been erected by virtue of the said Acts hereby repealed, in, upon, or across any Part of the said Roads hereby directed to be kept in Repair; and shall or may erect or cause to be erected such and so many other Toll Gates and Toll Bars 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, and kept in Repair; and also such and so many Toll Gates or Toll Bars on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Bye-way that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after contained concerning the same); and also shall and 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 or Toll Bars.

Toll Houses vested in Trustees.

XXIII. And be it further enacted, That the Right and Property of and in all the Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, Fences, Mile Stones, or Mile Posts already erected and provided by virtue of the said Acts hereby repealed, or which shall be erected or provided by virtue of this

this Act, on the said Roads hereby directed to be kept in Repair, and the Materials of which the same do or shall consist, and also all the Tools, Materials, and other Requisites already or hereafter to be provided for the Purposes of the said Roads by this Act directed to be made or kept in Repair, shall be and they are hereby vested in the said Trustees for the Time being; and they are hereby empowered to apply and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or prosecute or order to be preferred or prosecuted any Informations or Indictments, or proceed in a summary Way before a Magistrate of the County in which the Offence shall be committed, against any Person or Persons who shall dig up, steal, carry away, break down, spoil, destroy, injure, or damage any such Turnpike Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, Fences, Mile Stones and Mile Posts, or other Materials, Tools, Articles, or Things; and it shall be sufficient in every such Information or Indictment to state any such Property, Materials, Tools, Articles, or Things to be the Property of the Clerk or Clerks for the Time being to the said Trustees:

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, from Time to Time 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 of any of the said Roads by virtue of this Act, to be removed to or erected in, upon, or across, or on the Side or Sides of any other Part or Parts of the said Roads, or to discontinue all or any of the said Toll Gates or Toll Bars, as they shall see Occasion; 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 Fourteen Days at the least upon all the Toll Gates and Toll Bars then standing upon the said Roads, and also have been given once within the Time aforesaid in One or more of the Newspapers in Circulation in the Counties of *Warwick, Worcester, or Gloucester*.

Power to remove Toll Gates.

XXV. 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, on the said Roads by this Act to be repaired, or hereafter to be erected by virtue of this Act, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging (when they shall consider the same 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 House or Toll Houses, Outhouses, Gardens and Appurtenances, to the Purchaser or Purchasers as an Estate or Estates of Inheritance in Fee Simple; and the Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or 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 the Purchase Money, nor be answerable or accountable for the Misapplication or Nonapplication thereof: Provided always,

Power to sell Toll Houses.

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always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any such Toll House or Toll Houses may have been erected was purchased, as is herein-after directed to be given, when any Piece or Pieces of Ground or old Road, not wanted for the Purposes of this Act, is or are authorized to be sold.

Power to
take Tolls.

XXVI. 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 of the Tolls, to demand and take the several Tolls and Duties following, subject to the Restrictions herein-after contained, at the respective Turnpikes or Toll Gates, or Toll Bars or Side Gates, already erected by virtue of the said Acts hereby repealed, or which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the Road leading from *Bridge Town* in the Parish of *Old Stratford* in the County of *Warwick*, through *Alderminster* and *Shipston-upon-Stower*, to the Top of *Long Compton Hill* in the same County, and the Road leading from the Bridge in the Town of *Shipston-upon-Stower* aforesaid, through the several Parishes or Hamlets of *Shipston-upon-Stower*, *Stretton-on-the-Fosse*, *Illmington*, *Charingworth*, and *Ebrington*, to its Junction near the Village of *Ebrington* aforesaid with the Turnpike Road from the *Cross Hands* on the *Worcester* and *Oxford* Turnpike Road, to *Halford Bridge* in the County of *Warwick*, or on 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 of the next succeeding Night; (*videlicet*),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Chariot, Sociable, Landau, Berlin, Vis-a-Vis, Barouche, Phæton, Curricule, Calash, Chaise, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Three-pence :

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having upright Cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, and of the Breadth of Nine Inches, the Sum of Two-pence :

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having upright Cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, and of the Breadth of Six Inches, the Sum of Three-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, or having Wheels of any Breadth not being upright Cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, the Sum of Four-pence Halfpenny :

For every Horse, Mule or Ass, not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per Score* ; and so in proportion for any greater or less Number :

And for every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five pence *per Score* ; and so in proportion for any greater or less Number.

Tolls to be
paid before
Cattle pass
the Gates.

And the said respective Tolls shall, subject to the Restrictions herein contained, be demanded and taken before any Horse, Mule, or other Beast, or any Carriage whatsoever, or Drove of Oxen or other Cattle, Hogs, or Sheep, be permitted to pass through any Toll Gate or Toll Bar erected or to be erected or continued upon the said Roads by virtue of this Act,
or

or in, upon, or across any Lane, Street, or Way leading into or out of the same; and upon Payment of the said Tolls the Collector or Receiver shall and he is hereby required to give and deliver *gratis*, to the Person paying such Tolls, a Ticket denoting such Payment, whereon shall be printed and specified the Names of such other Toll Gates or Toll Bars, if any, which shall be freed thereby:

XXVII. And be it further enacted, That all the said Tolls, and any Sum or Sums of Money which shall arise or 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 herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by the Person authorized to receive the same, neglect or refuse to pay the said Tolls, or any Part thereof, it shall be lawful for the Person authorized to collect such Tolls to seize and distrain any Horse, Mule, Cattle, or Beast, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage 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 the Animal 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 next after such Seizure, the Person so seizing and distraining shall and may sell the Horse, Mule, Cattle, Beast, Carriage, Goods, and Chattels so distrained, or such of them or such Part thereof as will be sufficient to satisfy such Tolls, and the reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and which shall remain unpaid (if any) on Demand to the Owner or Owners thereof.

Tolls vested
in Trustees.

XXVIII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Tolls due, or the Charges of making, keeping, and selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising by the Sale thereof, until the Amount of the Tolls due, and the Charges of such Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County wherein such Dispute shall have arisen, who, on Application made to him for that Purpose, shall examine the Matter on the Oaths of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs to either Party as to him shall appear right; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment 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 of the Costs and Charges of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Disputes
concerning
Tolls to be
settled by a
Justice.

XXIX. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or relating to the said Tolls, the Collector or Collectors thereof, or any other Person or Persons acting by or under the Authority of the said Trustees, or under any Lessee or

Collectors
declared
competent
Witnesses.

[Local.]

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Lessees

Lessees of the said Tolls, shall not be incompetent or disqualified to give Evidence in any such Dispute, Suit, Litigation, or Appeal, by reason of such Appointment.

Limiting the Number of Tolls.

XXX. Provided also, and be it further enacted, That no more than Two full Tolls shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beast or Cattle, or Carriage or Carriages, in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing and repassing as often as he, she, or they shall have Occasion, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on that Part of the said Road which leads from *Bridge Town* to *Shipston-upon-Stower*; and no more than Two full Tolls in any one Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing as often as he, she, or they shall have Occasion, with the same Horses or other Beasts, Cattle or Carriages, through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on that Part of the said Road which leads from the Town of *Shipston-upon-Stower* to *Long Compton Hill*; and no more than One Toll and a Half in any One Day, to be computed as aforesaid, shall be demanded or taken from any Person or Persons passing and repassing as often as he, she, or they shall have Occasion, with the same Horses or other Beasts, Cattle or Carriages, through all or any of the Toll Gates or Toll Bars to be erected on that Part of the said Road which leads from the Bridge in the Town of *Shipston* aforesaid to *Ebrington Bratch*.

Only Half Toll to be paid at Honington Gate and Side Gate there.

XXXI. Provided always, and be it further enacted, That no more than One Half of the Tolls hereby granted shall be taken for the Passage of any Cattle or Carriage through the Toll Gate and Toll Gates now standing upon the said Road leading from *Bridge Town* to the Top of *Long Compton Hill* aforesaid, called *The Honington Gate* and *Honington Side Gate*, in the Parish of *Tredington* in the County of *Worcester*, when passing from *Honington* to *Shipston* or from *Shipston* to *Honington*.

No Toll Gate to be erected in Ebrington Parish or in the Variation in the Road to be made by this Act.

XXXII. Provided always, and be it further enacted, That no Toll Gate or Toll Bar shall be erected on any Part of the said Road, situate, lying, or being in the Parish of *Ebrington* aforesaid, nor on any Part of the Variation by this Act authorized to be made and particularly described in the Line of the Road leading from *Bridge Town* to the Top of *Long Compton Hill* aforesaid; any Thing herein contained to the contrary notwithstanding.

No other Tolls than by this Act granted to be collected, except for Overweight.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for any Collector of Tolls to be appointed by virtue of this Act to demand or collect any additional or other Toll for Waggon or Carriages with Wheels of less than Six Inches, usually denominated Narrow Wheels, than is authorized by this Act, except for Overweight; any Provision or Authority for so doing in any other Act or Acts of Parliament contained to the contrary notwithstanding.

Horses drawing Stage Coaches, &c.

XXXIV. Provided always, and be it further enacted, That all the said Tolls shall be paid for Horses or Mules drawing Stage Coaches or Diligences

gences every Time they shall pass through such Gates as if no Toll had been before paid, and shall in like Manner be paid for all Horses or Mules drawing a Post Chaise every Time they shall pass through such Gates with a Ticket denoting a fresh Hiring. to pay each Time of passing.

XXXV. Provided also, and be it further enacted, That in Cases where any Horse or Horses, Mule or Mules, laden or unladen, and not drawing, shall have passed through any Toll Gate or Toll Bar, to be continued or erected on any Part of the said Roads, for the Purpose only of fetching or conveying any Coach, Chariot, Sociable, Landau, Berlin, Vis-a-Vis, Barouche, Phaeton, Curricule, Calash, Chaise, Gig, Whisky, Taxed Cart, or other such Carriage, not carrying Passengers for Hire, from or to the Place of Abode of the Owner thereof; and the Tolls authorized by this Act to be taken for such Horse or Horses, Mule or Mules, not drawing as aforesaid, shall have been paid, and such Horses or Mules shall return on the same Day through the same Toll Gates or Toll Bars, drawing any such Coach or other Carriage as aforesaid, then and in every such Case the Horse or Horses, Mule or Mules, so drawing such Carriage, shall be liable to the Payment of such additional Toll only as will, with the Toll before paid, make up the Toll payable by this Act for every such Horse or Horses, Mule or Mules, drawing as aforesaid. Regulation as to Horses going for and returning with Carriages not let to hire.

XXXVI. And be it further enacted, That if any Person or Persons shall with any Horse, Mule, 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 or lying near to any Toll Gate or Toll Bar to be continued or erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road; or if any Owner or Occupier of such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Mule, Beast, or Carriage whatsoever, to pass through the same (save and except as aforesaid) with Intent to avoid the Payment of any such Tolls; or if any Person or Persons shall unload or cause to be unloaded any Goods or other Things, or shall take off or cause to be taken off any Horse, Mule, or other Beast of Draught from any Carriage, either before or after passing through any Toll Gate or Toll Bar to be continued or erected on the said Roads, or having passed through the same shall afterwards add any Horse, Mule, or other Beast to any Carriage, for the Purpose of drawing the same upon the said Roads, whereby the Payment of any of the said Tolls, or any Part thereof, shall be evaded; or shall forge, counterfeit, or alter, or deliver to or receive from any Person or Persons (other than the Collectors of the said Tolls) any Ticket directed to be given by such Collectors, or shall forcibly pass or attempt to pass any of the said Toll Gates or Toll Bars without paying the Tolls, or shall do any other Act with Intent to avoid or evade Payment of the said Tolls, or any Part thereof, every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit any Sum not exceeding Forty Shillings, at the Discretion of any Justice before whom such Offender shall be convicted. To prevent Evasion of Tolls.

XXXVII. And be it further enacted, That none of the said Tolls shall be demanded or taken for any Horses, Cattle, or Carriages of whatsoever Description, Exemptions.

Description, employed or to be employed in carrying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, at any of the Toll Gates or Toll Bars to be continued or erected upon the said Roads by virtue of this Act, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses belonging to any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or Carriage whatsoever, or any Horse or other Cattle drawing the same, which shall be employed in carrying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or belonging to any Person in 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 any Place appointed for Exercise, Inspection, or Review, or on the March or on Duty, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption, and not otherwise; or for the Horses or Carriages of any Clergyman going to or returning from Church or Divine Worship, or visiting his sick Parishioners; or of any Person going to or returning from his, her, or their proper Parochial Church or Chapel, or other Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day when Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die or be buried in any Parish, Hamlet, or Place through which any Part of the said Roads lie; or for any Horses, Beasts, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for either of the Counties of *Warwick*, *Worcester*, or *Gloucester*, on the Day or Days of such Election or Elections, or on the Day before or the Day after such Election or Elections shall begin or be concluded; or for any Horses, Beasts, or Carriages employed in the Conveyance of Vagrants sent by legal Passes, or returning empty after having been so sent; or for any Horses, Beasts, or Carriages going for or drawing or carrying any Materials whatsoever to be used in or about the said Roads, or for forming, making, or repairing any of the Highways and public Roads in the Parishes, Hamlets, or Places which are liable to perform Statute Duty upon any Part of the said Roads, or for rebuilding, building, or repairing any of the present or future Bridge or Bridges within any such Parishes, Hamlets, or Places; or for carrying or conveying Hay, Straw, or Corn in the Straw, for the Use of the Owners, not sold or to be disposed of, but going to be laid up in the Houses, Out-houses, Barns, or Rickyards of the Owners thereof, or to be eaten and consumed by his, her, or their Cattle within the said Parishes, Hamlets, or Places; or for carrying or conveying, at any Time between the First Day of *May* and the First Day of *November*, and at such other Times (if any) during Frost, as the said Trustees or any Five or more of them, either at a Meeting or otherwise, shall order and direct, any Dung, Mould, Manure, or Compost, to be used only for manuring the Land (Lime and Soap Ashes excepted), or for carrying and conveying Posts and Rails,
Hurdles

Hurdles and Thorns, for mounding any of the Lands within the said Parishes, Hamlets, or Places, or for bringing back the same to and for the Use of the Owners or Occupiers of such Lands, or going or returning empty in such Employments; or for any Horses, Beasts, or Cattle employed in carrying or conveying any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry to be used in the Cultivation of Lands, or to be taken to any Place to be repaired, or brought back therefrom, unless the Carriage bearing the same be also laden with some other Thing not hereby intended to be exempted; or for any Horse, Beast, Cattle, or Sheep kept within such Parishes, Hamlets, or Places, going to or returning from Work in cultivating Lands therein, or used only by Persons going to or returning from the Superintendance or Management of such Lands, or passing to or repassing from Water or Pasture, or going to or returning from being shod or farried; or for any Sheep going to or returning from any Wash, River, or other Place used for the washing of Sheep in any such Parishes, Hamlets, or Places; and if any Person shall claim or 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, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same: Provided always, that no Toll shall be demanded and taken for any Horse, Cattle, or Carriage which shall not go or pass more than Two hundred Yards upon the said Roads.

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

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

XXXIX. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Toll Gate or Toll Bar to be continued or erected by virtue of 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 on his beginning to collect such Toll or coming on Duty, in Letters of at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be on such Duty; and if any such Collector shall not place and keep up such Board there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders or Resolutions of the Trustees made in

To prevent Toll Collectors taking undue Tolls.

[Local.]

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purfuance thereof, or fhall demand and take a Toll from any Perfon or Perfons who fhall be exempt from the Payment thereof, and claim fuch Exemption, or fhall refufe to permit or fuffer or fhall in any ways hinder any Perfon or Perfons from reading fuch Christian or Surname, or fhall refufe to tell his Christian or Surname to any Perfon or Perfons who fhall demand the fame, on having paid the faid Tolls or any of them, or fhall in answer to fuch Demand give a falfe Name or Names, or fhall refufe or neglect to give a Ticket in all Cafes where any Perfon may be entitled to pafs through any other Gate on the faid Road on Payment of a Toll, denoting the Payment of the Toll, and naming and fpecifying the feveral Gates freed by fuch Payment, or upon the legal Toll being paid or tendered fhall unneceffarily detain or wilfully obftruct, hinder, or prevent any Paffenger or Paffengers from paffing through any Toll Gate or Toll Bar, or fhall make ufe of any fcurrilous or abufive Language to any Traveller or Paffenger, then and in every fuch Cafe every fuch Toll Collector fhall forfeit and pay any Sum not exceeding Five Pounds for every fuch Offence, as the Juftice or Juftices before whom the Information fhall be laid fhall adjudge; and fuch Penalty fhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Penalty for
affaulting
Collectors.

XL. And be it further enacted, That if any Perfon or Perfons fhall affault, interrupt, hinder, obftruct, or caufe or promote to be affaulted, interrupted, hindered, or obftructed, any Collector of Tolls in the Execution of this Act, every fuch Perfon fhall for every fuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
fuffering Car-
riages liable
to be weighed
to pafs with-
out being
weighed.

XLI. And be it further enacted, That for the better preventing of Frauds and Collufions refpecting Carriages carrying Overweight, if any Leffee or Leffees of the Tolls payable at any Toll Gate or Toll Bar to be erected or continued by virtue of this Act, or any Collector or Collectors of Tolls, or any Perfon or Perfons to be appointed to the Care of any Weighing Machine or Machines erected or to be erected on the faid Roads, fhall fuffer any Waggon, Cart, or Carriage, liable to be weighed, to pafs either by fuch Machine or Machines, or by or through any fuch Toll Gate or Toll Bar to be erected or continued on the faid Roads, without weighing the fame, or fhall permit any fuch Waggon, Cart, or other Carriage to proceed on the faid Roads without having firft paid the Tolls payable for the fame, and for all fuch Overweight or Overweights as fuch Waggon, Cart, or other Carriage refpectively fhall or may have therein or thereon; or if any fuch Leffee or other Perfon fhall enter into any Contract, Composition, or Agreement, verbal or written, whereby any fpecific Sum of Money is to be paid by any Perfon or Perfons for the Carriage of Overweight, in refpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed as aforefaid, every fuch Perfon fhall for every fuch Offence forfeit and pay any Sum not exceeding Twenty Pounds, as any Juftice before whom the Information fhall be laid fhall adjudge: Provided always, that all Waggons, Wains, Carts, and other Carriages, having upright Cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, and of the Breadth of Nine Inches at the leaft, fhall be allowed to carry on the faid Roads the greateft Weight allowed by the Laws in being to be carried on any Turnpike Road without paying any additional Toll for fuch Overweight.

Certain Wag-
gons, &c.
not to be
charged for
Overweight.

XLII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce the Tolls by this Act granted, or made payable at all or any of the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, or to cause the same to be collected in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, so that 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 Three-fourth Parts of the Money then due on the Security of the Tolls, and be signified either in Person or by Writing under his, her, or their Hand or Hands; but no such Reduction shall be made unless One Month's previous Notice thereof shall be affixed in Writing upon all the Toll Gates or Toll Bars then erected across or on the Sides of the said Roads, and shall also be inserted in One or more of the Newspapers published or generally circulated in the Counties through which the said Roads do pass: Provided always, that it shall be lawful for the Trustees, at the First Meeting appointed to be held after the passing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any such Consent or Notice as aforesaid.

Tolls may be reduced, &c.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree for a Term not exceeding One Year at any one Time with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which the said Roads lead or pass, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates or Toll Bars to be erected on the said Roads, or on the Sides thereof; which Composition shall be paid yearly in advance, and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Trustees may compound for Tolls.

XLIV. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is directed in that Behalf in and by a certain Act of Parliament 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, and either with or without the Tolls and Forfeitures to be received and collected at any Weighing Machine erected or to be erected on 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 Times 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 comprized in such Lease or Leases, as the said Trustees shall think fit.

Power to lease the Tolls.

13 G. 3. c. 84.

XLV. And

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

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

Power to de-
clare Leases
void on Non-
payment of
Rent.

XLVI. And be it further enacted, That if after any Letting or Agreement for letting the said Tolls, or any Part thereof, or any Weighing Machine or Machines erected or to be erected on the said Roads, Default shall be made in Payment of the Rent agreed to be paid for the same, or any Part thereof, on the Days appointed for Payment thereof, then and in such Case the said Trustees shall and may, and they are hereby empowered, at any Meeting, after Notice of holding such Meeting shall have been given to the Lessee or Lessees of the said Tolls or Weighing Machine or Machines, or left at his, her, or their Dwelling House or usual Place of Abode, and shall have been also affixed upon all the Toll Gates or Toll Bars then erected or standing upon or across the said Roads, Seven Days at least before such Meeting, to declare void any Lease of the said Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the same, and such Lease, Contract, or Agreement shall be thereupon void to all Intents and Purposes, from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees or their Treasurer for the Time being shall or may pay, sustain, or be put unto by reason of the Nonperformance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

For obtaining
Possession of
Toll Houses.

XLVII. And be it further enacted, That if the Lessee or Lessees of any of the Tolls hereby authorized to be taken, or of any Weighing Machine or Machines to be erected on the said Roads, or any Person or Persons claiming under him, her, or them, shall at or at any Time after the Expiration of the Term for which such Tolls or Weighing Machine or Machines shall be leased, or for the Space of Two Days after the Demise of such Tolls or Weighing Machine or Machines shall be declared void as aforesaid, refuse to deliver up the Possession of the Toll House or Toll Houses, Weighing Machine or Machines, and the Buildings, Premises, and Appurtenances thereunto belonging, which shall have been demised to him or them with the Tolls so leased, it shall be lawful for any Justice of the Peace for the County where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, shall be situate respectively, by Warrant under his Hand and Seal, to order the Constables,
or

or other Peace Officers of the Parish or Place where such Toll House or Toll Houses, Weighing Machine or Machines, Buildings, and Premises shall be situate, or any other Person or Persons to whom such Warrant shall be specially directed, with proper Assistants, to enter such Toll House or Toll Houses, Buildings and Premises respectively, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such Toll House or Toll Houses, Buildings and Premises, and to put any Person or Persons whom the said Trustees shall appoint in Possession of the said Toll House or Toll Houses, Weighing Machine or Machines, Buildings and Premises, so that the Tolls payable thereat may thenceforth be received and taken for the Use of the said Trustees, to be applied as by this Act is directed.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting, to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they shall from Time to Time think fit; and the said Trustees may, and they are hereby empowered, to demise and mortgage the said Tolls, or any Part or Parts thereof, and the Toll House and Toll Houses for collecting the same (the Costs of such Mortgages to be paid out of the said Tolls), as a Security or Securities to any Person or Persons who shall advance any Sum or Sums of Money, their Executors, Administrators, and Assigns, with Interest not exceeding Five Pounds *per Centum per Annum*, which may be made in the Form following, or in any other Words to the like Effect; (*videlicet*),

Power to borrow Money.

BY virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*], we, Five of the Trustees for putting the said Act in Execution, in consideration of the Sum of _____ 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 the said Act, such Proportion of the Tolls to arise upon the said Roads or any Part thereof, and the Toll Gates, Toll Bars, and Toll Houses already or hereafter to be made and erected for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate of _____ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands, this _____ Day of _____

Form of Mortgage.

Which Mortgage or Mortgages shall be signed and sealed by the said Trustees, and a Copy or Copies thereof shall be entered in a Book or Books to be provided and kept for that Purpose by the said Clerk or Clerks; and all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls authorized to be collected on any Part of the Roads by this Act to be kept in Repair, hath or have been made by virtue of the said Acts hereby repealed, or to whom any such Mortgage or Mortgages shall be made by virtue of this

Copy of Mortgage to entered in a Book provided for that Purpose.

[Local.]

8 T

Act,

Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Presence of One or more credible Witness or Witnesses; which said Transfer shall be produced and notified to the Clerk or Treasurer, Clerks or Treasurers for the Time being, within Two Months next after the Day of the Date thereof, who shall cause an Entry or Memorandum to be made thereof in the said Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred, to make void, release, or discharge the original Security or Money due thereon, or any Part thereof; and all Persons to whom any 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, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing his or her Money, or the Date of his or her Security.

For paying
Creditors by
Lot.

XLIX. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Roads, or which shall hereafter become due and owing thereon, it shall and may be lawful for them or any Five or more of them, at any Meeting to be holden for that Purpose, Notice of such intended Meeting being first given at least Twenty-one Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said Counties of *Warwick, Worcester, and Gloucester*, 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, or to any of the Creditors, with the Consent of all the other Creditors, any Thing herein contained to the contrary thereof notwithstanding.

Application
of the Money.

L. And be it further enacted, That all Monies which before the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the said Roads, and shall remain undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls hereby granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes,

and in the Order and Manner following; (*videlicet*), in the first Place, in Payment of the Costs and Charges incident to the obtaining and passing of this Act; in the second Place, in paying the Interest now due and which shall become due (such Interest not exceeding the Rate of Five Pounds *per Centum per Annum* upon the several principal Sums amounting to Two thousand nine hundred and sixty Pounds already advanced, and still remaining due and owing on the Security of the Tolls and Duties by the said Acts authorized to be taken on Part of the said Roads by this Act to be repaired); in the third Place, in paying the Interest of the Monies which may be borrowed or advanced under the Authority of this Act; in the fourth Place, in defraying the Expences of amending, widening, varying, improving, and keeping in Repair all the said Roads, and of executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several principal Sums due on the Credit of the Tolls collected or to be collected on the Roads by this Act directed to be kept in Repair.

LII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to expend, or apply in the Repairs or Improvement of that Part of the Road which leads from the Bridge in the Town of *Shipston-upon-Stower* aforesaid, to its Junction at *Ebrington Bratch*, near the Village of *Ebrington* aforesaid, with the Turnpike Road leading from the *Cross Hands* on the *Worcester and Oxford* Turnpike Road to *Halford Bridge* aforesaid, any greater Sum of Money than shall arise or be produced by the Tolls to be collected at any Toll Gates or Toll Bars to be erected on such Road, or that may be borrowed for the Improvement or Repair thereof, or that may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on such Road, until the yearly Interest of the Monies now due and owing, or to become due and owing on the Credit of the Tolls by the said Acts authorized to be collected on the Road from *Bridge Town* to the Top of *Long Compton Hill* aforesaid, as also the yearly Interest of the Monies which shall or may be borrowed upon the Credit of the Tolls arising by virtue of this Act, and until the Expences of repairing and keeping in Repair the aforesaid Road leading from *Bridge Town* in the Parish of *Old Stratford* through *Alderminster* and *Shipston-upon-Stower* to the Top of *Long Compton Hill* aforesaid, shall have been first fully paid and discharged; any Thing in this Act contained to the contrary notwithstanding.

LIII. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Tenements, or Hereditaments lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may sustain by widening, turning, varying, or altering such Roads, and to pay for the same, out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon by such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase; and such Parts of the said Roads, when

Restrictions as to Repairs of the Road between Shipston-upon-Stower and Ebrington.

Trustees may widen or alter Roads and purchase Lands.

when so widened, turned, varied, or altered, as may be situate between *Bridge Town* and the Top of *Long Compton Hill* aforesaid, shall be and remain Forty Feet wide at the least; and such Parts of the said Roads as shall be situated between *Shipston Bridge* and *Ebrington Bratch*, shall be and remain Thirty Feet wide at the least; and such Lands, Tenements, or Hereditaments, when so purchased, shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as they shall think convenient, and be fenced off with proper Drains, Ditches, and Quickset Fences for that Purpose, and be mounded with Posts and Rails for and during the Term of Seven Years from the Time of making such Fences, by and at the Expence of the said Trustees, after which Time such Fences shall become the Property of the Owner or Owners of the adjoining Lands, and be for ever afterwards kept in Repair by him, her, or them; and that from and after the making and forming such new Road the same shall from thenceforth be deemed and taken to be a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act to deviate more than One hundred Yards from the present Line or Course of the said Turnpike Road or public Carriage Road, for the Purpose of improving the same, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by such Deviation respectively, except as in this Act particularly authorized: Provided also, that after the Variation in the Line of the said Turnpike Roads shall have been made and completed as herein authorized, through Part of the Parish of *Alderminster*, the Hamlet of *Talton*, and Part of *Newbold Common Fields*, no further Variation whatever shall be made in any Part of such new Line of Road without the Consent in Writing of the Owners and Occupiers for the Time being of such of the Lands and Grounds which may be affected by such Deviation first had and obtained: Provided also, that in case the Trustees shall not within the Period of Five Years next after the Commencement of this Act have made the above-mentioned Variation in the Line of the said Turnpike Road, it shall not be lawful for them to make such Variation after that Period without the Consent in Writing of the Owners and Occupiers for the Time being of the Lands and Grounds mentioned in the Schedule to this Act first had and obtained.

Future Deviations not to exceed 100 Yards.

Dwelling Houses, Gardens, &c. not to be damaged.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

Trustees may contract for purchasing Lands of Guardians, &c.

LIV. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert seised or interested

interested in their own Right, and to and for all and every Person and Persons whomsoever, who is or are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them any such Lands, Tenements, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary thereof notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Femes Covert, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

LV. And be it further enacted, That if such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, Femes Covert, or any other Person or Persons interested in any such Lands, Tenements, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments which the said Trustees are enabled to purchase or make use of for the Purposes of this Act, shall, for the Space of One Calendar Month next 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 or otherwise shall be prevented from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands, Tenements, or Hereditaments shall be situate (which Oaths any Two or more of the said Trustees are hereby empowered to administer), what Damages will be sustained by, and what Recompence or Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or on account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes aforesaid; and in order thereto the said Trustees are hereby empowered and required, from Time to Time, to summon and call before such Jury, and examine on Oath any Person or Persons whomsoever (which Oath any Two or more of the said Trustees are hereby empowered to administer); and such Trustees shall cause the said Jury to view the Premises in question, and use all lawful Ways and Means, as well for their own as for the said Jury's Information; and after the said Jury shall have assessed such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, Occupiers, or other Persons interested in such Lands, Tenements, or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Femes Covert, Lunatics, Idiots, and

Where Persons neglect or refuse to treat, Damages to be settled by a Jury.

[Local.]

8 U

Persons

Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which such Lands, Tenements, and Hereditaments may be situate, thereby requiring him to impanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy, is and are hereby required thereupon to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy, Bailiffs, or Agents, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty, 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 without sufficient Excuse refuse or neglect to appear, having been paid or tendered a reasonable Sum for his or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and give Evidence, and to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

How Expences of the Jury are to be paid.

LVI. 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, Tenements, 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 before the summoning and returning of the Jury, as a Recompence and 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 returning the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of any Money to be raised by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then

the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace, within whose Jurisdiction such Difference shall have arisen, not interested in the Matter in question (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested to attend him for that Purpose), shall and may be deducted out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled, shall and may be recovered by the Clerk or Treasurer, Clerks or Treasurers to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees as aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

LVII. And be it further enacted, That all and every Sum or Sums of Money, Consideration, Recompence, or Satisfaction to be agreed upon, or ascertained or assessed as aforesaid, shall be paid out of the Tolls or other Monies to be raised by virtue of this Act, either into the Bank of *England*, or (as the Case may be) to the Parties or Persons respectively entitled to receive the same, or to their Agents, and upon Payment or Tender thereof to such Persons or their Agents; and in case of their Refusal to accept the same, then, upon depositing such Monies in the Bank of *England* in the Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn such Road through or over such Lands, Tenements, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation thereto, as the said Trustees shall think fit; and thenceforth all Parties and Persons interested in such Lands, Tenements, and Hereditaments, shall be divested of all Right and Title in and to the same, and every Part thereof.

LVIII. And be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, of any Body Politic, Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees, Trustees, Guardians, Committees, Femes Covert, or other incapacitated Person or Persons, shall amount to or exceed the Sum of Two hundred Pounds, such Money shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred

Money agreed upon or assessed how to be paid and tendered.

Application of Money when amounting to 200l.

ferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, 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 be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less
than 200l.
and above
20l.

LIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Not exceed-
ing 20l.

LX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last mentioned shall not exceed Twenty Pounds,

Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXI. 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 the Purchase of any Lands, Tenements, or Hereditaments 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees or any Five or more of them to order the said Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or 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 and substantiating such Claim, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England*, who shall receive such 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 who shall pay the same into the Bank as aforesaid.

In Cases where a good Title is not made out, or Persons cannot be found, the Purchase Money to be paid into the Bank.

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

Where any Question shall arise as to the Title to Money.

[Local.]

8 X

Annuities,

Annuities, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, 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.

Old Roads may be sold, &c.

LXIV. And be it further enacted, That after any Lands shall have been purchased and laid into the said Roads in pursuance of this Act, such Part and Parts of the old and former Roads in lieu whereof such Lands shall have been purchased, and any Part of the said Lands so purchased, not wanted for the Purposes of this Act, or which the Trustees shall not think necessary to be left open for the Convenience of the Public, or any Individuals residing in any of the Parishes through which the said Road now passes, shall be vested in the said Trustees, and may be disposed of by them for the best Price that can be reasonably gotten for the same; and the Sale or Conveyance or Conveyances to be made of such Lands or the said old Road being executed by the said Trustees, and enrolled among the Records of the Sessions of the Peace for the County in which such old Road or Lands lie, shall vest the Property of the same Road or Lands in the Person or Persons to whom the same shall be so sold and conveyed, to all Intents and Purposes whatsoever; and the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, but the Receipt or Receipts of the said Trustees shall be good and effectual Discharge or Discharges for the same: Provided always, that any Part of such old Road which may be so left open as aforesaid shall not be deemed Part of the Roads to be kept in Repair by virtue of this Act, nor shall the said Trustees be liable to the Repairs thereof.

Persons whose Lands adjoin to have the Preference

LXV. Provided always, and be it further enacted, That wherever the Line of the said Roads shall be altered under the Authority of this Act, or any Toll House or Garden discontinued, the Offer of the Purchase of such old Road, Toll House or Garden, shall be first made to the Owner of such adjoining Lands as shall have been cut and used for making such Improvement; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, Toll House or Garden, and cannot agree with the said Trustees for the Price to be paid for the Purchase, and such Owner shall still be desirous of becoming the Purchaser, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled

and ascertained, and such Owner shall be deemed the Purchaser at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand by the Treasurer or Clerk of the said Trustees, and Tender of the Conveyance of such old Road, Toll House or Garden, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree or shall refuse to purchase any such old Road, Toll House or Garden, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master or Master Extraordinary in Chancery, or before One of His Majesty's Justices of the Peace for the County wherein such Matter in Difference shall arise, stating that such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such old Road, Toll House or Garden (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner: Provided nevertheless, that if such Owner shall be willing to take such old Road, Toll House or Garden, in exchange for any Land intended to be used for such Improvement, it shall be lawful for the said Trustees and they are hereby required to assure the same to such Person, by entering a Memorandum thereof in their Book, and delivering to him or her a Copy thereof, signed by the said Trustees; which Copy shall be a good and valid Title to the same, and be available in any Suit at Law or in Equity.

LXVI. And be it further enacted, That the Surveyor or Surveyors of the said Roads, and such Persons as shall be employed by him or them, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Chalk, Flint, Sand, or other Materials, proper for making or repairing the said Roads, or for other the Purposes of this Act, out of or from any Common or Waste Ground, common River or Brook, in any Parish, Hamlet, or Place wherein any Part of the said Roads shall lie; and in case sufficient Quantities of such Materials as aforesaid cannot conveniently be gotten in the Places last described, then to cut, dig, gather, take, and carry away the like Materials out of any Common or Waste Ground, common River or Brook, in any adjoining Parish, Hamlet, or Place, without paying any Thing for the same; such Surveyor or other Person filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and in case sufficient Materials cannot conveniently be gotten in such Commons or Waste Grounds, common Rivers or Brooks as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Order of any Two or more Justices of the Peace for the County in which the Land may be situated, to search for, cut, dig, gather, take, or carry away any such Materials as aforesaid, in, upon, out of, or from the private Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or inclosed Ground, planted and set apart as a Nursery for Trees) in any Parish, Hamlet, or Place in which any Part of the said Roads lie, paying or tendering Payment for the Damage done to the Owners or Occupiers of the Grounds whereon, through, or from whence the same shall be cut, gathered, taken, or carried away, or upon,

Surveyors may get Materials in Waste Lands without paying for the same, and in private Lands making Satisfaction.

upon, over, or through which the same or any other Materials so cut, dug, and gathered as aforesaid shall be conveyed, and for such Materials such Equivalent in Money as the said Trustees shall judge reasonable; and in case of any Difference between the Trustees, their Surveyor or Surveyors, or other Persons employed by them as aforesaid, and the Owners or Occupiers of any private Lands, concerning such Payment and Damages as aforesaid, any Two or more Justices of the Peace for the County in which such Difference shall arise, on Five Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matters of such Payment and Damages.

Notice to be given before Materials taken from inclosed Lands.

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

Penalty on taking away Materials.

LXVIII. 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 in any Lands, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or repairing the said Roads; or if any Person or Persons shall dig, get, or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or his Workmen shall have discontinued working therein for the Space of Two Calendar Months, except the Owner or Owners, Occupier or Occupiers of any private Ground, and any Person or Persons authorized by him, her, or them to get Materials for such Owner's private Use only; and not for Sale, all and every such Persons and Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, over and above the Value of the Materials so taken away.

Surveyors to remove Annoyances.

LXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the Roads, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances,
Annoyances,

Annoyances, and Obstructions on any Part or Parts of the Roads, by Timber, Wood, Stone, Carriages, Saw Pits or other Pits, Trees, Ashes, Dung, Marl, Filth, Rubbish, Straw, or otherwise, and to turn any Ditches, Watercourses, Gutters, Conduits, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour or cleanse, widen, deepen, and enlarge, any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part or Parts thereof; and also to cut down, lop, top, or prune any Trees, Shrubs, or Bushes growing in the Hedges or Fences adjoining the said Roads (so as the same be not planted for Ornament or Shelter to any House, Yard, Garden or Orchard, or in any planted Walk or Avenue to any House) which overhang any Part of the said Roads, and reduce such Hedges to a Height not less than Four Feet, and to take and carry away such Trees, Shrubs, and Bushes, or the Loppings or Prunings thereof, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Fourteen Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by any One of His Majesty's Justices for the County wherein such Annoyance shall happen, shall from Time to Time be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers, and levied and recovered in the same Manner as other Penalties, Forfeitures, and Fines by this Act authorized to be imposed are herein-after directed to be levied and recovered; and if after Removal of any such Annoyances any Person shall offend again in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXX. And be it further enacted, That all Gates in any Field or Ground adjoining the said Roads shall be made and hung to open respectively inwards towards such Field or Ground, and not outwards towards the said Roads; and it shall be lawful for the said Trustees to order all such Gates as 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 Lands in or upon which any Gate or Gates are or shall be constructed so as to open outwards towards the said Roads shall (after Ten Days Notice from the Surveyor of the said Roads requiring him or them to alter such 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.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees to cause Fences and Ditches to be erected and made upon and over any Open Fields, Commons, or Waste Grounds, through or over which any Part or Parts of the said Roads may lead within the Distance of Half a Mile from any Toll Gate, to prevent the Payment of Tolls being evaded; 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 such Offence forfeit

Trustees to erect Fences upon Common Fields.

[Local.]

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and

and pay the Sum of Forty Shillings, over and besides the Amount of the Expences of repairing and cleansing the same.

Certain Gates on the Road from Shipston Bridge to Ebrington to be removed.

LXXII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby required, to cause all Fences and Gates, which now stand and are erected across sundry Parts of the Road leading from *Shipston Bridge* to *Ebrington*, to be removed as soon as the same can conveniently be done, and to cause Fences to be made on the Side of the said Road where necessary, in such Parts as the Owners or Occupiers of the Lands through which the Road passes are not bound to make the same.

Trustees may contract for Repairs or any other Work.

LXXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for forming, making, widening, altering, 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 shall think proper.

Persons before liable to repair Roads to continue so.

LXXIV. And be it further enacted, That all Persons, Counties, Townships, Parishes, Hamlets, Vills, and Places, and the Inhabitants thereof, and all Bodies Politic and Corporate, who before the passing of the said Acts or this Act have or hath used, or of right ought, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account, to repair any Part or Parts of the said Roads, or any Bridge, Drain, or Watercourse in or upon the same, shall still remain subject and liable to and chargeable with such Repairs, in the same Manner and to the same Extent as they and every of them have or hath heretofore usually been, or would have been in case the said Acts or this Act had not passed.

Statute Duty.

LXXV. 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 by this Act to be kept in Repair, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace acting in and for the Counties of *Warwick*, *Worcester*, and *Gloucester*, within their respective Jurisdictions, and they are hereby required and empowered, upon Application to them made by the said Trustees, or by their Clerk or Clerks, or Surveyor or Surveyors, by their Order, yearly to adjudge and determine what Part or Portion of Statute Work shall annually be done upon the said Roads by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; 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, Hamlet, or Place, within their respective Jurisdictions, to bring in Lists before such Justices,

at

at some Place to be expessed in such Summons (within Ten Days after Service thereof), of the Names of the several Persons who within such Parish, Hamlet, or Place respectively, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of public Highways; and out of such Lists such Justices shall and may appoint and order such and so many of the Persons, who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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 their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Hamlet, or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer, at such Time or Times as the said Trustees shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any other Penalty is by this Act directed to be recovered; and each and every Person who shall refuse or neglect to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode, for that Purpose, signed by the said Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force 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 such Person, who shall thenceforth 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 Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXVI. And

Trustees may compound for Statute Duty.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree, by the Year or otherwise, with any of the Inhabitants or Occupiers of Lands, Tenements; or Hereditaments of or in any of the Parishes, Hamlets; or Places wherein the said Roads lie, for a certain Sum of Money in lieu of the whole or any Part of their Statute Work, or to compound with the Surveyors of the Highways for any such Parishes, Hamlets, or Places, for the whole or any Part of the Statute Work liable to be done and performed upon the said Roads within the same respectively; all which Composition Monies shall be paid by the Surveyor or Surveyors of the Highways of the said Parishes, Hamlets, or Places, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *November* for the Six Months ending at *Lady Day*, and on or before the First Day of *May* for the Six Months ending at *Michaelmas* in each Year, otherwise the Inhabitants and Occupiers of such Parishes, Hamlets, or Places, shall not be permitted to compound for that Year.

Roads may be measured and Mile Stones, &c. erected.

Penalty on defacing Mile Stones, &c.

LXXVII. And be it further enacted, That the said Trustees may cause the said Roads to be measured, and Stones or Posts to be continued or placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distances from Places, if they shall think fit; and also may continue or cause to be set up on or near the said Roads such and so many Direction Posts as they may think necessary; and if any Person or Persons shall wilfully break, damage, or pull up any of such Stones or Posts; or shall obliterate or deface any Inscription thereon, or cause or procure the same to be done; or if any Person shall turn out any Horse, Mule, Ass, Cattle, Swine, or Sheep, to feed or depasture on the said Roads, or under Pretence of driving such Animals from Place to Place shall leave them without a proper Person to attend them; or if any Person shall ride upon any Causeway or Footpath, or shall turn or drive any Horse, Beast, or Swine thereupon, or shall draw, wheel, or drive any Barrow, Dray, or other Carriage on the said Causeway or Footpaths, or do or cause to be done any Damage whatsoever to the same; or if any Person driving Pigs or Swine shall suffer them to root up and damage the said Roads, or the Causeways, Footpaths, or Fences on the Sides thereof; or if any Person driving a Carriage upon the said Roads shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses or other Beast drawing the same, or meeting another Carriage shall not keep on the Left Side of the said Road with his or her own Carriage; or if any Person shall in any 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 plough, dig, or break up any of the Soil from the Sides of the said Roads for the Purpose of making Compost or Manure, or shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall take up or carry away any Scrapings thereof, or any Dirt, Mould, Soil, Compost, or Manure therefrom (except under such Regulations as the said Trustees or their Surveyor shall from Time to Time order and direct), or in the Cultivation of Lands adjoining the said Roads shall turn any Plough or Harrow upon any Part of the said Roads within Fifteen Feet of the Centre thereof, and shall be convicted of any or either of the said Offences before any One Justice of the Peace for the County wherein

wherein such Mischief or Offence shall be done or committed, either on the Confession of the Party, or by the Oath of One or more credible Witnesses or Witnesses, every such Offender or Offenders shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and every such Offender may by the Authority of this Act, and without any other Warrant, be apprehended by any Person who shall see any such Offence committed, and shall be delivered to a Constable or other Peace Officer, who shall convey such Offender before such Justice of the Peace to be dealt with according to Law.

LXXVIII. And be it further enacted, That if any Person shall leave any Waggon, Wain, Cart, or Carriage in, upon, or on the Side of the said Roads without a Horse, or other Beast of Draught, yoked or harnessed thereto for drawing the same (except in Cases of Accident), for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to the Side of the Road as conveniently may be, or shall knowingly or willingly lay any Timber or Trees, Stones, Hay, Straw, Dung, Marl, Manure, Soil, Rubbish, or other Thing whatsoever on any Part of the said Roads, or on the Sides thereof, except Materials for the Repairs of the said Roads; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber or Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of such Tree or Piece of Timber or Stone which shall be conveyed by any Wheel Carriage to drag or trail upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part or Parts of the said Roads, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Nuifances
by leaving
Carriages,
&c. on Roads.

LXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths along the Sides of the said Roads, or any Part thereof, and to amend and repair the Causeways and Footpaths already made, and to cut Drains or Watercourses upon and through any Lands lying contiguous to the said Roads, not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House or inclosed Ground planted and set apart as a Nursery for Trees, and also to make Ditches in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary; and also to make sufficient Fences, Barriers, and other Erections on any Part of the said Roads, to prevent any Rivulet or Current of Water from flooding the same, making reasonable Satisfaction to the Owners or Occupiers of such Lands so to be used or cut through, for the Damages which they or any of them shall sustain thereby; and in case any Difference shall happen between the Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by the Justices of the Peace for the County in which such Difference shall have arisen, at their next General Quarter Sessions of the Peace.

Surveyors
may make
Causeways,
cut Drains,
&c.

[Local.]

8 Z

LXXX. And

For securing
transient
Offenders.

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

Penalties and
Forfeitures
how to be
recovered
and applied.

LXXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or imposed (if the Manner of levying and recovering the same be not herein otherwise directed), shall, upon Proof of the Offences before any Justice of the Peace for the County wherein the same shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Offender or Offenders, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale, have been deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and such Penalties, Forfeitures, and Fines, when paid and recovered (if not hereby otherwise directed to be applied), shall be from Time to Time paid, one Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, to be applied to the Purposes of this Act; and in case no sufficient Distress shall 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 Common Gaol or House of Correction for such County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Offences.

LXXXII. And for the more easy Conviction of Offenders, 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, 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 _____
to wit. } B. in the Year of our Lord _____ A. B. is convicted
before me [or, us] _____ of His Majesty's Justices of the Peace for the
said County, by virtue of an Act of the Fifty-eighth Year of the Reign
of King George the Third, intituled *An Act* [here set forth the Title of
this Act, and specify the Offence, and when and where committed]; and
I [or, we] do hereby declare and adjudge the said A. B. has forfeited
for

for the said Offence the Sum of _____ or shall be committed
 to _____ for the Space of _____ . Given
 under my Hand and Seal [or, our Hands and Seals], the Day and Year
 first above written.

LXXXIII. And be it further enacted, That no Order made touching any of the Matters herein contained, or any Proceedings to be had concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated 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 when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same 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 afterwards be committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover such Satisfaction for the Special Damages (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made, by or on behalf of the Party distraining, before such Action brought.

Proceedings not to be quashed for want of Form.

LXXXIV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons, for any Thing done or alledged to be done in pursuance of this Act, until Fourteen Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be brought, laid, and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fourteen Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County than the County in which such Action shall have arisen, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or have discontinued his, her, or their Action or Suit after the Defendant or Defendants 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 recovering the same as any Defendant or Defendants hath or have in any Cases by Law.

Persons not to be sued under Fourteen Days Notice, nor after Three Calendar Months.

General Issue.

Treble Costs.

LXXXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, and have Cause of Complaint,

Persons aggrieved may appeal to the Quarter Sessions.

plaint, by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Person may appeal to the Justices at the General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall arise, within Four Calendar Months next after such Cause of Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof to the Clerk or Treasurer of the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being 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 may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Costs upon
Appeal how
to be reco-
vered.

LXXXVI. Provided also, and be it further enacted, That in case the Costs which in any such Cause shall be given and awarded shall not be immediately paid down into Court by such of the Parties to such Appeals as shall be ordered to pay the same to the Person or Persons entitled to receive the same, or his, her, or their Attorney, or other Person authorized to receive the same, then the said Justices shall, at their Discretion, either immediately issue their Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Person or Persons refusing to pay the same, or, if they shall judge proper, shall order such Person or Persons to be forthwith committed to the Common Gaol of the said County, there to be detained until he, she, or they shall have paid such Costs; and in case such Person or Persons is or are not then present in Court, shall grant their Warrant for that Purpose; and if the Person ordered to pay such Costs shall happen to live in any County, Riding, City, Liberty, or Place, without the Jurisdiction of the said Court, it shall and may be lawful for any Justices of the Peace of the County, Riding, City, Liberty, or Place wherein such Person shall inhabit, and every such Justice last mentioned is hereby authorized and required, upon Request to him for that Purpose made, and upon a true Copy of the Order for Payment of such Costs produced, and proved by some credible Witness upon Oath, by Warrant under his Hand and Seal to cause the Money mentioned in such Order to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same; and if no sufficient Distress can or may be had, to commit such Person to the Common Gaol of that County, Riding, City, Liberty, or Place, there to be detained until he, she, or they shall have paid such Costs; and such Subpœnas, or other Proceedings for subpœnaing or summoning Witnesses to give Evidence in such Appeals, as are usual in any other Cases or Matters triable at such Quarter Sessions, shall, at the Request of any of the said Parties, and upon Payment of the usual Fees, be made out and delivered

delivered to the said Party or Parties by the Clerk of the Peace of or for the said County.

LXXXVII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which may have been advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said Acts, or out of the first Monies which shall be raised or borrowed upon the Credit of this Act, or out of any Money to be collected by virtue hereof, in preference to all other Payments. For paying the Expences of this Act.

LXXXVIII. And be it further enacted, That this Act shall be deemed Public Act. 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.

LXXXIX. And be it further enacted, That this Act shall commence and take Effect on the Second Day of *November* next after the passing of this Act, 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. Commencement and Continuance of this Act.

The SCHEDULE to which this Act refers.

Lands, and the Names of the Parishes in which they are situated.	Proprietors.	Occupiers.
Alderminster. A Piece of Land.	Will. John Campion, Esq.	Leonard Court.
Hamlet of Talton in the Parish of Tredington } Two Pieces of Land.	In Dispute between Sir William Parker, Bart. and John Joseph Dillon, Esq. }	Richard Sale, and Richard Bradley.
Newbold Common Fields in the said Parish of Tredington. }	John Horniblow.	Richard Bradley.
	William Hands, Elizabeth Watkins, Joseph Miles, Sarah Baker, and John Holford. }	William Hands, jun.
Garden Encroachment on the Waste Land. }	George Horniblow. William Eden. William Hands. George Horniblow. Richard Salmon. Charles Wyatt.	Moses Jacques. Walker. William Hands, jun. Jeremiah Jacques. David Salmon. William Jacques. Richard Gardner.

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