Anno tricesimo

Georgii II. Regis.

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 of the Reign of His present Majesty, for repairing the Road leading from a Gate called *Shipston Toll-gate*, at *Bridg-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*.

WHEREAS by an Act passed in the Third Year of the Reign of His present Majesty, intituled, An Act for repairing the Road leading from a Gate called *Shipston Toll-gate*, at *Bridg-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, several Tolls and Duties were granted and made payable, and divers Powers were given for repairing the said Highways; which said Act, and

Preamble, reciting the Acts 3 & 17 *Geo.* II.

and the Tolls thereby granted, were to take Place, and have Continuance, from the Twenty fourth Day of July, One thousand seven hundred and thirty, for the Term of Twenty one Years: And whereas by another Act passed in the Seventeenth Year of the Reign of His present Majesty, the Term and Powers granted by the said former Act were further continued and enlarged, and the said former Act made more effectual; which last-mentioned Act was to have Continuance, from and after the Expiration of the said Term of Twenty one Years, granted by the said former Act, for the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed to put the said Acts in Execution have borrowed considerable Sums of Money on the Credit of the said Acts; which Money so borrowed, and the Tolls collected by virtue of the said Acts, have been duly laid out and applied in repairing the Road by the said Acts directed to be amended: And although great Progress hath been made in the Repairs thereof, yet, by reason of the many heavy Carriages passing along the same, and the Smallness of the Duties collected at the Toll-gates thereupon erected, a sufficient Fund cannot be raised for the effectual repairing and supporting the said Road, and paying the Principal Money and Interest now charged upon the said Tolls; and that, in order to increase the said Fund, and discharge the Money borrowed on the Credit of the said Tolls, amounting to the Sum of Three thousand three hundred and fifty Pounds, it will be necessary that the present Tolls should be enlarged, and that the Terms and Powers granted by the said former Acts should be further continued, and rendered more effectual: And whereas the Road leading out of the said Road directed to be repaired by the said former Acts, from the First Mile-stone thereon standing, through a Lane called Clifford Lane, and through the Towns of Mickleton and Chipping Campden, in the County of Gloucester, to Andover's Ford in the County of Gloucester, is in many Places ruinous and bad, dangerous for Travellers, and altogether impassable for Carriages in the Winter Season; and cannot be effectually amended, and kept in good Repair, by the ordinary Course appointed by the Laws and Statutes of this Realm: Wherefore, and to the Intent the Road directed to be repaired by the said former Acts, and the Road leading from the said First Mile-stone to Andover's Ford aforesaid, may be effectually amended, and kept in good Repair; and that the Money borrowed, or to be borrowed, on the Credit of the said former Acts, or this present Act, may be

repaid, together with all Interest due, or to grow due, for the same; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said former Acts, and all and every the Powers, Authorities, Rules, Exceptions, Penalties, Forfeitures, and Clauses, therein contained (except such Tolls, Clauses, Matters, and Things, as are hereby altered, repealed, or amended) and also this present Act, and all the Tolls, Duties, Powers, Clauses, Matters, and Things, therein and herein contained, shall continue, commence, and be in full Force and Effect, from and after the First Day of May, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, for the Intents and Purposes in the said former Acts and in this present Act mentioned.

The recited Act further continued for 21 Years.

And whereas the Trustees for putting in Execution the said former Acts were authorized and impowered to take only One small Toll or Duty on the Road directed by the said Acts to be amended, which is found to be insufficient; be it therefore enacted by the Authority aforesaid, That the Trustees appointed or to be appointed by or in pursuance of the said former Acts, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may, from and after the said First Day of May, demand, receive, and take, at all and every one of the Gate or Gates, Turnpike or Turnpikes, erected or to be erected in pursuance of the said former Acts, or this present Act, upon or on the Sides of the said Road directed to be amended by the said former Acts, instead of the Tolls and Duties granted and continued by the said former Act, the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Hearse, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the said Turnpikes, or either of them; that is to say,

The Tolls following to be taken instead of those granted by the former Act.

For every Coach, Berlin, Chariot, Landau, Phaeton, Caravan, Hearse, Litter, Chaise, Calash, or Chair, drawn by Six or more Horses, or other Cattle, the Sum of One Shilling; and drawn by Four Horses, or other Cattle, the Sum of Nine Pence; and drawn by less than Four Horses, or other Cattle, the Sum of Six Pence.

The Tolls.

And for every Waggon, Wain, Cart, or other Carriage not above-mentioned, drawn by Four or more Horses, or other Cattle, the Sum of One Shilling; and drawn by less than Four Horses, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence a Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence a Score; and so in Proportion for any greater or less Number.

Tolls to be paid but once a Day.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of the said former or this present Act, shall be subject to the Payment of Toll for afterwards passing through the same Turnpike the same Day, or before Twelve of the Clock of the Night of any such Day, with the same Cattle, Coach, Waggon, or other Carriage; nor shall any Person be subject to the Payment of Toll more than once for passing with the same Cattle, Coach, Waggon, or other Carriage the same Day, or before Twelve of the Clock of the Night of any such Day, through all or any of the Turnpikes erected or to be erected between Bridg-town aforesaid and Shipston upon Stower aforesaid; or through all or any of the Turnpikes erected or to be erected between Shipston aforesaid, and the Top of Long Compton Hill aforesaid; provided such Person or Persons so passing through the same, shall produce a Note or Ticket, signifying the Payment of the Toll at One of the Turnpikes, on such respective Parts of the said Road as aforesaid; which Note or Ticket the Collector or Collectors of the respective Tolls aforesaid, is and are hereby required to give gratis, to every Person on Receipt of such Toll, it being the true Intent and Meaning of this Act, that the above-mentioned Tolls shall be paid once (and no more the same Day) between Bridg-town and Shipston; and once (and no more the same Day) between Shipston and the Top of Long Compton Hill; any thing herein, or in the said former Acts, contained to the contrary notwithstanding.

Tolls vested in the Trustees.

And it is hereby enacted by the Authority aforesaid, That the Tolls above-mentioned, and hereby directed to be taken as aforesaid, are hereby vested in the Trustees appointed or to be appointed by or in pursuance of the said former

mer Acts; and the same and every Part thereof shall be paid, applied, and disposed of or assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as in and by the said Acts are mentioned and declared; subject nevertheless to the Payment of all Monies due and owing upon the Credit of the said former Tolls, and the Interest due and to grow due on the same; and they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, are hereby vested with the same Powers and Authorities for demanding, levying, applying, assigning, and mortgaging, the Tolls hereby granted, as in and by the said former Acts are given for demanding, levying, applying, assigning, and mortgaging the Tolls thereby granted, as fully and effectually as if the same Powers and Authorities were here again repeated and re-enacted. Application of the Tolls.

And whereas the Road leading from Bridg-town aforesaid to Shipston aforesaid, and the Road leading from Bridg-town aforesaid through Mickleton and Campden, to Andover's Ford aforesaid, is one and the same Road for about the Space of One Mile; videlicet, from Bridg-town to the Top of Clifford Lane aforesaid, where the said first Mile-stone stands: And whereas the said Gate called Shipston Toll-gate, is erected and stands on the said joint Mile, whereby a Toll is taken from all Persons travelling the Road from Bridg-town aforesaid to Mickleton, Campden, and Andover's Ford aforesaid; and no Part of the said Toll arising from the said Shipston Gate is applied in repairing the said last-mentioned Road: For Remedy whereof, be it enacted by the Authority aforesaid, That the said Trustees appointed or to be appointed by or in pursuance of the said former Acts, or any Five or more of them, shall and may, and they are hereby required, within Three Months next after the passing this Act, to order, direct, and cause, the Gate or Turnpike called The Shipston Gate, and the Toll-house thereto adjoining, to be taken down, and to be set up and fixed about a Mile higher up the said Road, leading towards Shipston aforesaid; videlicet, at or near the Place where the said First Mile-stone stands, and the Road directed to be repaired by the said former Acts, unites with the Road leading to Andover's Ford aforesaid; and no Gate or Turnpike shall be afterwards erected or set up on the said joint Road during the Continuance of this present Act. *Shipston* Gate to be removed. Where to be erected. No Gate to be erected on the joint Road.

And, for the more effectual putting this present Act in Execution, so far as the same relates to the said Road leading from the said First Mile-stone to Andover's Ford aforesaid; be it further enacted, That the Honourable

Campden Trustees Names.

Andrew Archer, Henry Archer, Esquires; Edward Astley, John Ashcomb, John Allen, Gentlemen; Norborne Berkeley, Charles Barrow, Robert Burton, Hugh Brawne, Michael Baxter, Dudley Baxter, Esquires; William Baylis Doctor of Physick, William Bell Clerk, John Barnesley, Henry Barnesley, Dionysius Bradley, William Bishop, Gentlemen; the Honourable John Bulkeley Coventry, Thomas Chester, William Craven, Francis Canning, Esquires; Thomas Corbett, Thomas Cotterell, Henry Clarke, Gentlemen; Francis Keyt Dighton senior, Francis Keyt Dighton junior, Esquires; John Durham, Richard Darby, Thomas Dutton, Thomas Eden of Marston, Gentlemen; Robert Fettyplace, Thomas Edwards Freeman, John Fortescue, Esquires; Benjamin Field Clerk, Thomas Fletcher, John Fletcher, Thomas Freeman, Gentlemen; Gastrell Clerk, Morgan Graves, Edward Gibbs, Esquires; Peircy Grove, John Grove, Gentlemen; John Head Esquire, John Holland, Richard Humphrys, John Haines, William Hiorn, William Johnston, Gentlemen; Sir Robert Keyt Baronet, Anthony Keck Esquire, Thomas Kent, Robert Knight, Gentlemen; Edward Kenwrick, Robert Kirkham, Clerks; George Lucy Esquire, Humphry Lloyd Clerk, Sir Charles Mordaunt Baronet, John Mordaunt, Honourable George Montague, Robert Martin senior, Robert Martin junior, Thomas Mortiboys, Esquires; John Martin senior, John Martin junior, Clerks; John Martin Gentleman, the Honourable Thomas Noell Esquire, Sir Henry John Parker Baronet, Robert Pratt, William Parker, John Phillips, John Partheriche, Esquires; John Parsons Clerk, Richard Philips, William Philips, Gentlemen; Sir John Rushout Baronet, Thomas Rowney, Nathanael Rider, Esquires; Henry Roberts Gentleman, William Sheldon, Honourable George Shirley, Powell Snell, Esquires; Richard Swanne, Charles Gaspar Selwyn, Clerks; William Smith Surgeon, William Smith Mercer, William Smart, Thomas Smith, John Sirch, Shirman, Gentlemen; the Right Honourable the Lord Viscount Tracy in the Kingdom of Ireland, Robert Tracy, John Atkins Tracy, Thomas Tracy, Joseph Townshend, Esquires; William Taylor, Toms junior, Gentlemen; James West, Reginald Wynniatt, Esquires; William Weston, Williams of Chaffelden, Clerks; Thomas Williams, Samuel Walker, Goodwin Zouch, Gentlemen; John Green, Samuel Underhill, Richard Fletcher, Samuel Southam, John Freeman, Francis Groul, Robert Purser, Richard Martin, John Drury, Charles Drury, Robert Martin, Robert Cooper, William Bonner, John Hatter, Gentlemen;

the Mayor, Aldermen, and Burgesses, of Stratford upon Avon for the time being, and the Bailiffs of Chipping Campden for the time being, shall be, and they are hereby nominated and appointed, Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said last-mentioned Road, and also for putting in Execution all other the Powers and Authorities hereby granted or provided, so far as the same relate to the said last-mentioned Road; and the said Trustees herein before nominated and appointed, and their Successors, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Turnpike, and a Toll-house, upon and cross the said last-mentioned Road, at or near the Top of the said Lane called Clifford Lane, on the said Road leading to Andover's Ford aforesaid; and also Gates or Turnpikes, and Toll-houses, in, upon, cross, or on the Sides of, the said last-mentioned Road, at such proper and convenient Places as the said Trustees for the said last-mentioned Road, or any Seven or more of them, shall think proper; and the respective Tolls following shall be demanded and taken, before any Horse, or other Cattle, Coach, Waggon, or other Carriage whatsoever, shall be permitted to pass through such Turnpike or Turnpikes; that is to say,

The said Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Chariot, Landau, Phaeton, Caravan, Hearse, Litter, Chaise, Calash, or Chair, drawn by Six or more Horses, or other Cattle, the Sum of Two Shillings; and drawn by Four Horses, or other Cattle, the Sum of One Shilling and Four Pence; and drawn by less than Four Horses, or other Cattle, the Sum of One Shilling.

And for every Waggon, Wain, Cart, or other Carriage, not above-mentioned, drawn by Four or more Horses, or other Cattle, the Sum of One Shilling and Three Pence; and drawn by less than Four Horses, the Sum of One Shilling.

And for every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of Two Pence.

And for every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence a Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence a Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken as and in the Name of a Toll, by such Person or Persons as the said Trustees for the said last-men-

tioned Road, or any Seven or more of them, shall, from time to time, appoint for that Purpose; and the Money so to be raised and collected, shall be, and is hereby, vested in the said Trustees for the said last-mentioned Road; and the same, and every Part thereof, shall be applied, disposed of, or assigned, to and for the several Uses and Purposes herein after-mentioned and directed; and it shall and may be lawful to and for the Collector or Collectors of the said Tolls to be appointed, as aforesaid, to levy the said Tolls upon any Person or Persons, who shall, after Demand made thereof, refuse or neglect to pay the same, as aforesaid, by Distress of any Horse or Horses, Cattle, or Carriage, upon which any Toll is by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Five Days next after the making such Distress, the Person or Persons so distraining may sell such Horse or Horses, Cattle, or Carriage; returning the Overplus (if any be) upon Demand, after such Toll, and the reasonable Charges for distraining, keeping, and selling the said Distress, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 5 Days.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected by virtue of this present Act, on the said last-mentioned Road, shall be vested in the Trustees for the said last-mentioned Road; and the same Trustees, or any Five or more of them, are hereby authorized and impowered to bring Actions, and prefer Bills of Indictment, in the Names of them, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, against any Person or Persons who shall steal, take away, break down, or damage, any such Turnpikes or Toll-houses.

Property of the Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That all such Tolls as shall be collected at the Gate or Turnpike intended to be erected at the Top of Clifford Lane aforesaid, shall be applied in Manner following; that is to say, The Sum of Twenty Pounds, Part thereof, yearly, and every Year, from and immediately after the passing of this present Act, shall be paid to the Trustees for the said Road directed to be repaired by the said former Acts, or to any Five or more of them, or to their Treasurer for the time being; the First of which Payments shall commence and be made on the Twenty ninth Day of September, One thousand seven hundred and fifty nine, and shall continue and be made yearly, and every Year,

Application of the *Campden* Tolls.

on the Twenty ninth Day of September in each Year; and the Remainder of the ſaid Tolls that ſhall be collected and received at the ſaid laſt-mentioned Turnpike, and all the Tolls that ſhall be collected and received at all other the Turnpikes to be erected on the ſaid Road leading to Andover's Ford aforeſaid, and the Money borrowed on the Credit thereof, ſhall be firſt applied for and towards paying and diſcharging the Expences of procuring and paſſing this Act of Parliament, in Manner hereafter mentioned, and of removing the ſaid Shipſton Gate, and the Toll-houſe thereto belonging, and of erecting and ſiring up the ſame in the Place the ſaid Shipſton Gate and Toll-houſe is herein before ordered to be erected, and alſo of erecting all ſuch Turnpikes, Gates, and Toll houſes, as ſhall be erected in, upon, croſs, or on the Sides of, the ſaid laſt-mentioned Road; and that, from and after ſuch Charges and Expences ſhall be fully ſatisfied and paid, then, and from thenceforth, the ſaid Money ſhall be paid, applied, and diſpoſed of, for and towards repairing the ſame Road, and for other Purpoſes hereby directed and declared touching the ſame Road; and in caſe Default ſhall, at any Time, be made in Payment of the ſaid Twenty Pounds a Year after the ſame ſhall become payable, and be demanded, that then it ſhall and may be lawful to and for the Truſtees for the Road directed to be repaired by the ſaid former Acts, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, to enter upon, and take Poſſeſſion of, the ſaid Turnpike, with the Toll-houſe and Appurtenances, to be erected at the Top of Clifford Lane aforeſaid, and to collect the Tolls hereby made payable at the ſaid Gate, as aforeſaid, until the ſaid Sum of Twenty Pounds ſhall, as often as the ſame ſhall become due, as aforeſaid, and the Charges of getting Poſſeſſion of the ſaid Gate, and collecting the ſaid Tolls, be fully ſatisfied and paid.

Power to enter on the *Campden* Gate.

And be it further enacted by the Authority aforeſaid, That the Truſtees for the ſaid ſeveral Roads, or any Seven or more of them, are hereby ſeverally authorized and impowered, from time to time, to remove all or any ſuch Gates or Turnpikes as now are or ſhall hereafter be erected on the ſaid reſpective Roads, and to erect and ſet up ſuch other Gates or Turnpikes in ſuch other Places on the ſaid ſeveral Roads, as the ſaid Truſtees, or any Seven or more of them reſpectively, at any General Meeting, as aforeſaid, ſhall ſee Occaſion.

Truſtees may remove any Gates, *&c.* and fix them in any other Place.

Provided

Tolls to be paid out Once a Day.

Provided always, and it is hereby enacted, That no Person or Persons shall be subject to the Payment of Toll more than Once for passing with the same Cattle, Coach, Waggon, or other Carriage, the same Day, or before Twelve of the Clock in the Night of any such Day, through all or any of the Turnpikes to be erected between the said First Mile-stone and Mickleton aforesaid; or through all or any of the Turnpikes to be erected between Mickleton and Campden aforesaid; or through all or any of the Turnpikes to be erected between Campden and Andover's Ford aforesaid; provided such Person or Persons so passing through the same, shall produce a Note or Ticket, signifying the Payment of the Toll at One of the Turnpikes on such respective Parts of the said last-mentioned Road, as aforesaid; (which Note or Ticket, the Collector or Collectors of the respective Tolls aforesaid, is and are hereby required to give gratis, on Receipt of such Toll:) And if any Person shall offer or

Penalty on Persons giving, or receiving, Tickets, &c.

dispose of any Ticket to another, in order to avoid Payment of any of the said Tolls by this Act made payable as aforesaid; every such Person so offering or disposing of such Ticket, and the Person receiving and making use of the same, shall respectively forfeit and pay the Sum of Forty Shillings for every such Offence.

Penalty on Persons permitting, or going through private Passage,

And be it further enacted, That if any Person or Persons owning or occupying any Land near unto any Turnpike erected or to be erected in pursuance of the said former Act, or this present Act, shall knowingly permit or suffer any Person or Persons to pass through any Gate, Inclosure, or private Way, with any Horse, Cattle, or Carriage, liable to the Payment of Toll; or if any Person or Persons shall pass through any such Gate, Inclosure, or private Way, with any such Horse, Cattle, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if

or taking off Horses, &c. to avoid Payment of the Tolls.

any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any such Carriage, as aforesaid, with an Intent to avoid paying of any of the said Tolls, or any Part thereof; or shall leave, or cause to be left, upon or near to any of the said Roads, any Cattle or Carriage, as aforesaid, with such Intent as aforesaid; every Person so offending in any of the Cases aforesaid, shall, for every such Offence, respectively forfeit and pay the Sum of Twenty Shillings.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Trustees for the said respective Roads, or any Seven or more of them, from time to time, by any Writing under their respective

respective Hands and Seals, to demise, lease, and to farm lett the Tolls by this Act granted and made payable, or any Part thereof, to any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Price such Trustees respectively can get for the same, payable at such Times, and under such Covenants, as they the said Trustees respectively, or any Seven or more of them, shall think fit; which Money shall be applied as the Tolls granted by this Act are respectively directed to be applied, and to no other Purpose whatsoever.

Tolls may be assigned for Money borrowed.

And be it further enacted, That the said Trustees for the said Road leading from the said First Mile-stone to Andover's Ford aforesaid, or any Nine or more of them, may, and are hereby impowered by any Writing or Writings under their Hands and Seals, to assign over and mortgage the said Tolls hereby made payable on the said last-mentioned Road, for any Term during the Continuance of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security or Securities for any Sum or Sums of Money the same Trustees shall so borrow on the Credit of the said Tolls, to such Person or Persons who shall advance and lend such Money, as aforesaid, to secure the Repayment thereof, with legal or less Interest; and the Money so to be borrowed, shall be applied in such Manner as the Tolls hereby made payable on the said last-mentioned Road are directed to be applied; and that all such Mortgages may be, from time to time, assigned over by the Person or Persons to whom the same shall be respectively made a Security, his, her, or their Executors, Administrators, or Assigns, to any other Person or Persons; and that the Mortgages and Assignments so to be made as aforesaid, and all Orders, Matters, and Things, relating to the Execution of the Trusts of this Act, shall be entered at Length in a Book to be kept by the Clerk or Treasurer to the said Trustees respectively; which Book shall and may be inspected at all seasonable Times by any Person or Persons whomsoever; and the Sum of Six Pence, and no more, shall be paid to the Person keeping the said Book for every such Inspection; but no Money shall be borrowed on the Credit of the Tolls made payable on the said last-mentioned Road; nor shall any Order, made by the said last-mentioned Trustees, and entered as aforesaid, be vacated or altered, unless Notice in Writing be given of the borrowing such Money, or vacating or altering such Order, by affixing such Notice on Two or more of the Turnpikes to be erected

Application of the Money borrowed.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

on the said last-mentioned Road, at least Twenty one Days before the borrowing such Money, or vacating or altering such Order, as aforesaid.

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

And be it further enacted, That for continuing a sufficient Number of fit Persons to be Trustees for the said last-mentioned Road, it shall and may be lawful to and for the said Trustees for the same Road, or any Seven or more of them, at a publick Meeting, as often as any Trustee for the same Road shall die, or refuse to act, by any Writing under their Hands and Seals, from time to time, to elect and appoint another fit Person in the Place of such Trustee so dying or refusing to act; and all such Persons, so elected and appointed, shall be joined with such surviving Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act, so far as the same relate to the said last-mentioned Road; and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Person or Persons had been particularly named in, and appointed Trustees by, this Act; but

Notice to be given of future Elections of Trustees.

Notice of the Time and Place of Meeting, for the Election of all such new Trustees, shall be given by the Clerk or Clerks, who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on Two or more of the Turnpikes to be erected on the said last-mentioned Road, at least Fourteen Days before such Meeting.

Counties, &c. liable to the Repair of the Roads, &c. to continue so.

Provided always, and it is hereby enacted by the Authority aforesaid, That if any County, Town, Liberty, Parish, or other Place, Body Politick or Corporate, private Person or Persons, by reason of the Tenure of any Lands or Tenements; or if any Lands or Tenements, or any Rents or Profits issuing out of the same, is or are liable and chargeable towards the repairing the said last-mentioned Road, or any Part thereof, or any Bridges, Causeways, Drains, or Sewers, lying and being in the said last-mentioned Road, or any Part thereof, such County, Town, Liberty, Parish, or other Place, Body Politick or Corporate, private Person or Persons, Lands, Tenements, Rents, and Profits, shall, notwithstanding this present Act, still remain liable and chargeable; and

Justices to determine Differences.

in case any Differences shall arise between the said Trustees for the said last-mentioned Road, and the Inhabitants of such County, Town, Liberty, Parish, or other Place, or such Body Politick or Corporate, private Person or Persons, touching the Time when, or Manner in which, such particular Part or Parts of the said Road, or such Bridges, Causeways, Drains, or Sewers, ought to be repaired and amended; that then it

it shall and may be lawful to and for the Justices of the Peace, or any Two or more of them, for the County or Division in which such Part or Parts of the said last-mentioned Road doth lie, at their Petty or Special Sessions, upon Application to them made by the said Trustees for the said last-mentioned Road, or any Five or more of them, or by their Clerk or Clerks, to adjudge and determine when, and in what Manner, such Part or Parts of the said Road, Bridges, Causeways, Drains, or Sewers, ought to be repaired and amended, as aforesaid; and every such County, Town, Liberty, Parish, or other Place, Body Politick or Corporate, private Person or Persons, shall, and is and are hereby required, within Two Months after such Judgement or Determination, to do and perform such Repairs in the Manner the same shall be adjudged and determined to be done and performed by the said Justices, as aforesaid.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee for the said last-mentioned Road, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above all Reprizes, or shall be possessed of a Personal Estate of the Value of One thousand Pounds: And if any Person or Persons so made incapable, as aforesaid, shall presume to act as a Trustee, contrary to the true Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on Persons acting, if not duly qualified.

Persons chargeable to Repair of the Roads, &c. to continue so.

And be it further enacted, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said several Roads, shall still continue chargeable, and do their respective Days Work in the several Parishes, Townships, and Places, in which the said Roads do lie, in such Manner as he, she, or they, ought to have done, before the passing of this Act.

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

Provided always, and it is further enacted, That for preventing Differences which may arise touching the Statute-work Duty to be done on the said several Roads, it shall and may be lawful for any Five or more of the Trustees for the said several Roads, yearly and every Year, at any of their publick Meetings, to adjudge and determine what Part

Part or Proportion of Statute-work shall be done upon the said several Roads by the Inhabitants of each or any of the Parishes, Townships, or Hamlets, in which the several Roads do lie, so that the same shall not exceed Four Days Work upon the said Roads; and that the respective Surveyor or Surveyors of the Highways for the time being, for all and every the Parishes, Townships, and Hamlets, in which the said several Roads do lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing, by the said Turnpike Surveyor or Surveyors, give and deliver to such Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of all Persons who are chargeable towards the repairing the Highways in such respective Parishes, Townships, or Hamlets; and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said Surveyor or Surveyors for such Parishes, Townships, and Hamlets respectively, within Six Days after Notice shall be given to him or them, or either of them, by such Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work so adjudged or appointed as aforesaid, in or upon any Part or Parts of the Roads respectively, shall summon or give Notice thereof to such Persons; and if any Surveyor or Surveyors for any such Parish, Township, or Hamlet, shall neglect or refuse to do as he or they are hereby required and directed, they for every such Neglect or Refusal, shall forfeit and pay the Sum of Forty Shillings; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, shall, after Summons or Notice given him or them, by the said Surveyor or Surveyors for the Parish, Township, or Hamlet, or by the Turnpike Surveyor or Surveyors, in Writing or otherwise, neglect or refuse to send their respective Teams, Draughts, or Carts, according to such Summons or Notice, each Team, Draught, or Cart, not to contain less than Five able Horses or Beasts of Draught, with One Man to attend the same, to do and perform such their appointed Days Work on the said several Roads; he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Twenty Shillings for every Team, Draught, or Cart, making Default each of the said respective Days; and if any Labourer or other Person by this Act liable to

Penalty on Surveyors, &c. neglecting to give in such Lists,

and on Persons not performing Statute-work.

Statute-labour, shall at any Time neglect or refuse, after Summons or Notice as aforesaid, to do and perform, or cause to be done and performed, such his or their appointed Day's Work on the said last-mentioned Roads, every such Person shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default; and if any Person who shall come to work as a Labourer, or be sent with any Team, Draught, or Cart, to work on either of the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, or shall not perform his or her Work in such Manner as shall be appointed and directed by such Surveyor or Surveyors, in each and every such Case, such Surveyor or Surveyors may and is hereby impowered and required to discharge every such Person; and it shall be deemed as if such Person had not come, or sent any Team, Draught, or Cart, to work on the same Road; and he or they, or the Person or Persons hiring or employing him or them, shall be subject to the respective Forfeitures above-mentioned.

Penalty on Labourers Neglect.

And whereas some of the Inhabitants of One or more of the Parishes, Townships, or Hamlets, in which the said several Roads do lie, occupy very large Quantities of Pasture or Grazing Ground, and keep no Team or Draught, and others keep only One; now it is further enacted, That every Person or Persons renting or occupying, or that shall rent or occupy, any Lands within the said Parishes, Townships, or Hamlets, in which the said several Roads do lie, shall be liable to send, hire, or provide, a Team or Draught, with Five able Horses, or other Beasts of Draught, and with One Man to attend the same, to do Statute-work on the said several Roads, for every Fifty Pounds a Year, be the same Pasture or Arable Land, that such Person or Persons shall rent or occupy within any of the Parishes, Townships, or Hamlets, in which the said several Roads do lie; but it shall and may be lawful to and for the Trustees for the said Roads, or any Five or more of them respectively, to accept and take, of such Person or Persons who shall not keep a Team or Teams sufficient to do the Statute-work he, she, or they, shall be liable to as aforesaid, the Sum of Ten Shillings for each and every Day's Work such Team or Teams ought to do and perform as aforesaid; and in case any Person or Persons liable to send, hire, or provide, such Team or Teams as aforesaid, shall, after Notice to him or them given by the Turnpike Surveyor or Surveyors, or the Surveyor or Surveyors of any of the said Parishes, Townships, or Hamlets, as aforesaid, neglect or refuse to send, hire, or provide, the same as aforesaid,

Persons renting 50*l.* a Year to be deemed Team holders.

Trustees may compound for their Statute-work, at the Rate of 10*s.* *per* Team.

Penalty of not performing Statute-work.

said, and shall also neglect or refuse to pay to the same Trustees as aforesaid, at their next publick Meeting after such Notice, the Sum of Ten Shillings for every Day's Work such Team or Teams ought to have performed as aforesaid, that then every such Person shall forfeit and pay the Sum of Twenty Shillings for every Day's Work such Team or Teams ought to have performed as aforesaid.

Labourers, and Persons renting 10*l.* a Year or under, to do Statute-work.

And be it further enacted by the Authority aforesaid, That every Labourer and other Person now by Law liable to do Statute-work, and also every other Person or Persons that shall rent or occupy any Messuage, Cottage, Lands, or Tenements, of the yearly Value of Ten Pounds or under, within any of the Parishes, Townships, or Hamlets, in which the said several Roads do lie, shall be deemed, and are hereby declared to be liable to do or cause to be done Statute-work on the same Roads.

And, in order that all Persons not keeping a Team of Five Horses, or Beasts of Draught, renting or occupying any Lands, Tenements, or Hereditaments, above Ten Pounds, and under Fifty Pounds a Year, within any of the Parishes, Townships, or Hamlets, in which the said several Roads do lie, may contribute in Value towards repairing the said same Roads, in Proportion to the Statute-work which all other Persons by this present Act are liable to do and perform; be it further enacted by the Authority aforesaid, That all such Person and Persons not keeping a Team of Five Horses, or Beasts of Draught, renting or occupying any Lands, Tenements, or Hereditaments, above Ten Pounds a Year, and under Fifty Pounds a Year, within any of the Parishes, Townships, or Hamlets, in which the said several Roads do lie, shall yearly and every Year, well and truly pay or cause to be paid unto the said Trustees for the said Roads respectively, or any Five or more of them, or to their Treasurer for the time being, Eight Pence in the Pound yearly for all such Lands or Grounds he, she, or they shall rent or occupy as aforesaid, in lieu of Statute-work; and the Trustees for the said several Roads respectively, or any Five or more of them, shall, at a publick Meeting, Once in every Year, make a Rate of Eight Pence in the Pound, or as near thereto as may be, on all such Persons; which said Rate shall be signed by such Trustees, or any Five or more of them respectively, and entered in a Book by their Clerk or Treasurer, to be seen by all Persons desiring the same, without Fee or Reward; and all Person and Persons rated as aforesaid, shall pay such Sum or Sums of Money he, she, or they, shall be so rated at as afore-

Persons renting above 10*l.* and under 50*l.* to pay 8*d.* in the Pound, in lieu of Statute-work.

Trustees to make a Rate accordingly.

said,

said, by Two equal Payments in the Year, that is to say, at Lady-day and Michaelmas in each Year: And in case any Person or Persons rated as aforesaid, shall, for the Space of Fourteen Days after Demand made, neglect or refuse to pay such Sum or Sums as the same shall become payable as aforesaid, that then every Person or Persons, as often as he or they shall neglect or refuse to pay the same as aforesaid, shall forfeit and pay the Sum of Forty Shillings for every such Neglect or Refusal, over and above the Sum he, she, or they, shall be rated at, as aforesaid.

Rate to be paid Half yearly.

Penalty of not duly paying the same.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the said several Roads, or any Seven or more of them, to compound and agree with any Person or Persons for a certain Sum of Money, by the Year, or otherwise, in lieu of the Statute-work he or they are liable to perform, and the Rates he or they are liable to pay as aforesaid; and it shall and may be lawful for the Surveyor or Surveyors of the Highways of any Parish, Township, or Hamlet, or any other Person, with the Consent of the Inhabitants first had at a Vestry, or other publick Meeting to be held for that Purpose, to compound and agree from time to time, by the Year, with the same Trustees respectively, or any Seven or more of them, for a certain Sum of Money, in lieu of the Statute-work to be performed, and the Rates to be paid by such Inhabitants, upon any Part of the said several Roads; and in case such Composition-money shall not be paid within Fifteen Days next after the same shall become payable, and be demanded, it shall and may be lawful to and for the same Trustees respectively, or any Seven or more of them, by Warrant under their Hands and Seals, Oath being first made that the same is due, has been demanded, and remains unpaid (which Oath the same Trustees, or any Seven or more of them respectively, are hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods and Chattles of such Person or Persons, Surveyor or Surveyors, who shall have made such Composition as aforesaid, returning the Overplus, after the Charges of such Distress and Sale are deducted; and all such Surveyors, by whom such Composition shall be made as aforesaid, shall be reimbursed the Composition-money so paid by or recovered of them, as aforesaid, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the Highways.

Trustees may compound for Statute-work.

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

Composition-money how to be recovered.

Surveyors, &c. paying the Composition-money to be reimbursed.

And

And whereas several Disputes have arisen in relation to a Gate called Halford Gate, in the County of Worcester, near Halford Bridge, in the County of Warwick; be it enacted by the Authority aforesaid, That nothing in this present Act, or in the said former Acts, or either of them, shall extend or be construed to extend, to impower the Trustees for the Road directed to be repaired by the said former Acts, to erect any Toll-gates, or demand or take any Toll or Duty, from and immediately after the Commencement of this present Act, on the Road leading from Halford Bridge aforesaid, into the said Shipston Road; and that the said last-mentioned Trustees, or any Five or more of them, shall, and they are hereby required, from and immediately after the Commencement of this present Act, to order, direct, and cause the said Halford Gate, with the Appurtenances, to be taken down.

Halford Gate to be taken down.

Provided also, and it is hereby declared, That no Toll shall be demanded or taken on the said Road leading to Andover's Ford aforesaid, for any Cattle or Carriage conveying Materials for repairing the same, or any other Road whatsoever, or carrying Dung, Mould, Soil, or Compost of any Nature or Kind soever, for manuring Gardens or Lands, or Hay, Corn, or Grain in the Straw, to be laid up in the Houses, Out-houses, or Backsides of the respective Inhabitants, Land-owners, and Landholders, in the several Parishes in which the said last-mentioned Road doth lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, going or returning from Use; nor for any Post-horse carrying the Mail; nor for any Horse or Cattle going to or returning from Water, Shoeing, or Pasture; or for any Person or Persons attending the Funeral of any Person who shall die and be buried in any One of the Parishes in which the said last-mentioned Road doth lie; or for the Horses of Soldiers upon their March, or for any Carriages attending them; nor for any Horses or Carriages going to or returning from the Election or Elections of any Knight or Knights of the Shire to serve in Parliament for the Counties of Warwick and Gloucester; any thing herein contained to the contrary notwithstanding.

Persons and Things exempted from Toll.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalty on claiming the Exemptions of this Act, not being intitled thereto.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall ex-

tend, or be construed to extend, to impower the said Trustees for the Road leading to Andover's Ford aforesaid, to erect or cause to be erected, any Gate or Turnpike between Campden aforesaid, and Andover's Ford aforesaid, within Ten Years next after the Commencement of this present Act.

No Turnpike to be erected between *Campden* and *Andover's Ford*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees for the said Road directed to be repaired by the said former Acts, and also for the Trustees for the said Road leading from the said First Mile-stone to Andover's Ford aforesaid, or any Seven or more of them respectively, from time to time, whenever it shall appear to them respectively requisite and proper so to do, after the Commencement of this present Act, to lessen all or any of the Tolls and Duties hereby granted and made payable on the said several Roads, with the Consent of the Mortgagee or Mortgagees of the said several Tolls, and also to advance, raise, and alter the same again, as they, or any Seven or more of them respectively, shall think proper; so as the same shall not exceed the Rates by this present Act granted and made payable on the said several Roads; and such Tolls so lessened, raised, or altered, as aforesaid, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Trustees with Consent of the Creditors, may lessen the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale and draw, or cause to be haled and drawn, any Timber in, upon, or along the last-mentioned Road, or any Part thereof, otherwise than and except upon Wheels or Carriages; that then each and every such Person so offending, shall forfeit and pay the Sum of Forty Shillings for each Offence.

Penalty on drawing Timber, &c. otherwise than upon Wheels or Carriages.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said last-mentioned Road, or any Seven or more of them, at their First Meeting after the passing of this Act, or any succeeding Meeting, by any Writing or Writings under their Hands, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties made payable on the said last-mentioned Road, and also One or more Surveyor or Surveyors for the same Road, and such other Officer or Officers, as the same Trustees, or any Seven or more of them, shall think necessary; and the same Trustees, or any Seven or more of them, shall, and they are hereby required to

Trustees to nominate Officers;

 [illegible]e

Officers to give Security.

take Security from such Treasurer or Treasurers, and other Officer or Officers, for the due Execution of their

Trustees to allow Officers Salaries;

several Offices; and the same Trustees, or any Seven or more of them, shall and may allow the said Officers, so to be appointed, reasonable Salaries, and shall, from time

and may remove them, and appoint others.

to time, as Occasion may require, remove and displace them, or any of them, and appoint new Ones in case of Death or such Removals, and call them, or any of them,

Officers to account upon Oath.

to account; and the Officer or Officers so appointed, as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace residing near any of the said Roads (which Oath such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby required and impowered to administer) at any General Meeting, or oftener, if required by the said Trustees, or any Five or more of them, give in a true, exact, and perfect Account in Writing, under their respective Hands, of what he, they, and every or any of them, shall have received, paid, and disbursed, by reason of their respective Offices, and shall produce proper Receipts and Vouchers for such Payments; and in case any Money shall remain in their or either of their Hands, shall pay the same to such Trustees, or any Five or more of

Officers not making Account and Payment,

them, or as they shall appoint; and in case such Officer or Officers, or any or either of them, shall not give or make such Account, or verify the same, or make such Payment, in such Manner as the said Trustees, or any Five or more of them, shall appoint, that then the said Trustees, or any

Justices upon Complaint to enquire into the Default;

Five or more of them, or the said Justice or Justices, shall make Inquiry of and concerning such Default in a summary Way, as well by the Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Trustees, or any Five or more of them, and also the said Justice or Justices, are hereby authorized and required to administer) and if any such Officer or Officers shall be convicted of any such Default, that then the said Trustees, or any Five or more of them, or the said Ju-

and commit the Offender until he shall conform,

stice or Justices, shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize, until he or they, shall have made a true and perfect Account and Payment,

or compound with the Trustees.

as aforesaid, or shall have compounded and agreed with the said Trustees; which Composition the said Trustees, or any Five or more of them, are hereby authorized and impowered to make.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the said last-mentioned Road, or any Five or more of them, from time to time, to compound and agree with any Person or Persons, who shall carry any Materials for building or repairing any Buildings, through any Turnpike Gate or Gates to be erected on the said last-mentioned Road, for such Sum or Sums of Money as such Trustees shall think proper, in lieu of the Tolls hereby granted and made payable. Trustees may compound for Building Materials.

And whereas some Persons travelling but on a small Part of the Road leading to Andover's Ford aforesaid, may be liable to pay Toll at some or one of the Turnpikes to be erected by virtue of this present Act: For Remedy whereof; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees for the said last-mentioned Road, or any Five or more of them, from time to time, to compound and agree with any Person or Persons whomsoever, from Year to Year, or for a less Time, or for any Term not exceeding Three Years, for a certain Sum of Money, to be paid yearly, or otherwise, in lieu of the Tolls hereby granted and made payable, or any Part thereof, Trustees may compound with Passengers.

And whereas the Payment of the Tolls granted and made payable on the said last-mentioned Road, may be greatly evaded and lessened by the Passage through a certain Lane, called Bratch Lane, in the Parish of Campden aforesaid, consisting of about One hundred and fifty Yards in Length, which may be stopped up and discontinued, without Prejudice to the Inhabitants of that Part of the Country; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees for the said last-mentioned Road, or any Five or more of them, and they are hereby authorized and required, as soon as may be after the passing of this Act, to cause the said Lane, called Bratch Lane, to be inclosed and stopped up by such effectual Ways and Means as the said Trustees, or any Five or more of them, shall think proper, so as to prevent any Horses, Cattle, or Carriages whatsoever, from passing through the said Lane; and if any Person or Persons shall damage or destroy any Gate, Mound, or Fence, so to be erected for the Purpose aforesaid, or open any Passage into the said Lane, or shall pass through the same with any Horse, Cattle, or Carriage, with Intent to avoid the Payment of the said Tolls, or any Part thereof, every such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence. Trustees impowered to stop up *Bratch Lane*. Penalty on Persons destroying the Fence, &c.

And

Roads to be measured and Mile-stones erected.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees for the said last-mentioned Road, or any Five or more of them, may cause the same Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet; and

Penalty on defacing Mile-stones.

if any Person or Persons shall break any of the said Stones or Posts, or any Part thereof, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, every such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Trustee in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the said Trustees as are, or shall be, in the Commission of the Peace for the several Counties in which the said Roads do lie, shall and may act as Justices for the putting in Execution the several Powers in this Act contained.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further declared and enacted, That no Trustee shall have or accept of any Place of Profit arising out of, or by reason of, the said Tolls; but every such Person shall be incapable of acting as a Trustee from the Time of accepting, and during the Enjoyment, of such Place of Profit.

Surveyors may dig Gravel, &c. in Waste Grounds;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Turnpike Surveyor or Surveyors, and such Person or Persons as he or they shall direct or appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, in and from any River or Brook, or out of or from any Waste

without paying for the same;

or Common Grounds, without paying any Thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all the Holes and Pits from whence

levelling the Ground;

any such Materials shall be digged, gathered, or taken; and also it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees for either of the said Roads, or any Five or more of them, to dig, gather,

And where there is not sufficient of such Materials to be had there, they may be taken from private Grounds,

and take away, such Materials in, out of, and from, the several Grounds of any Person or Persons, not being the Ground whereon any Buildings stand, or the Site of any Building, or a Garden, Orchard, Yard, Court, Park, Paddock, planted Walk or Walks, Plantation, or Nursery for Trees, or Avenue to any House, where such Materials are or shall be found, paying such Rates for such

making Satisfaction to the Owners of the Grounds.

Materials, and for the Damage done to the Owners and

Occupiers respectively, of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees respectively for the said several Roads, or any Five or more of them, shall adjudge reasonable.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Turnpike Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings: And in case the Owners or Occupiers of the respective Lands or Grounds adjoining or near to the said Roads, or any Part thereof, shall refuse or neglect to turn, open, cleanse, or scour, any Watercourses, Ditches, Sinks, or Drains, running into, along, or out of, the said Roads, or adjoining thereto, and to make all such Watercourses or Ditches so deep and wide, as the said Trustees respectively, or any Five or more of them, shall appoint; and to cut down, lop, or top, any Trees or Bushes (except Timber Trees) growing in the said Roads, or in the Hedges or Banks adjacent thereto, for the Space of Twenty one Days after Notice in Writing given to such Owners or Occupiers, for all or any of the Purposes aforesaid; that then it shall and may be lawful to and for such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to turn, open, cleanse, or scour such Watercourses, Ditches, Sinks, or Drains, and to make the same so deep and wide as he or they shall think proper and necessary; and also to cut down, lop, or top, such Trees and Bushes, and to take and carry away the same for the Use of the said Roads; (the Charges whereof, to be settled by the said Trustees respectively, or any Five or more of them) shall be reimbursed the said Surveyor or Surveyors by such Owners or Occupiers; and, in case of Non-payment, shall be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered.

Surveyors may remove Annoyances, &c.

Penalty of a Second Offence.

Persons neglecting to scour their Ditches, &c. after Notice given for that Purpose;

Surveyors may set Men to cleanse the same,

and levy the Charge by Distress and Sale.

And be it further enacted by the Authority aforesaid, That the said Trustees for the said several Roads, or any Seven or more of them respectively, may, and they are hereby impowered to contract for and purchase such Lands and Hereditaments, as they, or any Seven or more of them respectively, shall think proper and necessary, for widening, turning, or altering, the Way or Path of

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

any Part or Parts of either of the said Roads; and out of the Tolls collected or to be collected, or out of the Money borrowed or to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and all the Charges attending such Purchase; and if it shall happen, that any of the Owners or Occupiers of such Lands or Hereditaments shall refuse, or shall not be able, by reason of any Incapacity, to agree for the Sale of the same, or any Part thereof, as aforesaid, that then it shall and may be lawful to and for the Justices of the County wherein such Lands or Hereditaments lie, or any Two or more of such Justices, and they are hereby impowered and required, at the Request of the said respective Trustees, or any Seven or more of them, to impanel a Jury before them the said Justices, consisting of Inhabitants of such respective County; which said Jury, upon their Oaths, to be administered by the said Justices (who are hereby impowered and required to administer such Oaths accordingly) shall assess such Recompence to be made to the said Owners and Occupiers for their respective Estates and Interests in the said Lands or Hereditaments, as they the said Jury shall think reasonable; and, upon Payment of the Money so to be awarded or assessed, or leaving the same in the Hands of the Clerk of the Peace for the County of which such Jury shall be impanelled, for the Use of the Person or Persons to whom the same shall be awarded, that then, and from thenceforth, the Interest and Property in and of such Lands and Hereditaments shall be vested in such Trustees respectively; and the same shall, as soon as may be, be laid into, or made Part of, such respective Roads; and such Lands or Hereditaments, so taken into, or made Part of, the said Roads, shall be deemed and taken to be, and shall be, to all Intents and Purposes, a publick and common Highway, and shall be repaired, and kept in Repair, by such Ways and Means as the Roads hereby appointed to be repaired and widened are, by this or any other Law, to be repaired: And, after any such new Road shall be completed, the Lands and Grounds constituting the former Roads shall be vested in, and shall and may be sold and conveyed by the said Trustees respectively, or any Seven or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby granted are directed to be applied.

Persons neglecting to treat for the Sale of such Lands;

the Damage and Recompence to be assessed by a Jury.

After Payment or Tender of the Money,

the Lands, &c. vested in the Trustees.

Lands, &c. purchased to be made Part of the Road,

and esteemed as publick Highways.

Old Road may be sold.

Buildings, &c. not to be injured by this Act.

Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees respectively, for the turning or altering the said Roads

Roads as aforesaid, shall not extend to the pulling down any Dwelling-house, or other Building, or taking in the Site of any Building, or any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

And whereas divers Persons owning or occupying Lands abutting and shooting to and upon the said Roads, do frequently, in plowing such their Lands, turn their Ploughs upon the said Roads, and thereby break up and damage the same; For Remedy whereof, be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning or occupying any Lands abutting or shooting in or upon the said Roads, or either of them, shall, either by himself, or his, her, or their Servant or Servants, directly or indirectly, after the passing of this present Act, plow or cause his, her, or their Ploughs to be turned in or upon the said Roads, so as to turn up or damage the same, every such Owner or Occupier of such Lands, or his, her, or their Servant or Servants, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings. Penalty on Persons plowing the Road.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, or other Writing whatsoever, under the Hands, or under the Hands and Seals of any of the Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices respectively, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for both the said Roads, or any Five or more of them respectively, to direct their Clerk or Clerks for the time being, to summon and call before them any Witness or Witnesses, to be by the said Trustees respectively, or any Five or more of them, examined on Oath (which Oath they, or any Five or more of them, are hereby authorized to administer) to prove any Offence which shall be committed against the said former Acts, or this present Act, or any Matter or Thing concerning the same, and to pay such Witness or Witnesses for their Expences and Trouble; and if any Person or Persons summoned as aforesaid, shall neglect or refuse to appear before the said Trustees respectively, at the Time by them Witnesses may be summoned and examined upon Oath.

them in that Behalf appointed, or shall neglect or refuse his, her, or their Evidence, having had a reasonable and timely Notice by such Summons, and shall shew no sufficient Cause for his or her Non-attendance; that then, and in every such Case, such Person or Persons shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by the said former Acts, or this present Act imposed, touching which no other Provision is made, shall be recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of the said Trustees respectively, or any Five or more of them, or of One or more Justice or Justices of the Peace for the County wherein the Penalties and Forfeitures shall be incurred, or wherein the Offender or Offenders shall reside; which Warrant or Warrants the said Trustees respectively, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Trustees respectively, or any Five or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) and the said Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold, and after proper Satisfaction shall be made to the Informer or Informers, shall go and be applied, if not otherwise directed to be disposed of, for and towards repairing the Road where such Offence shall be committed; and in case the Person or Persons so offending shall have no Goods or Chattles upon which such Penalties and Forfeitures can be levied, then it shall and may be lawful to and for the said Trustees respectively, or any Five or more of them, or the said Justice or Justices, by Warrant under their Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction, or Common Gaol for the County, where the Offence shall be committed, there to remain for any Term not exceeding Three Months; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid such Forfeitures and Costs, or until the Expiration of such Term.

Time and Place of Trustees first Meeting.

And be it further enacted, That the Trustees for the said last-mentioned Road shall meet at the House of Nathanael Tidmarsh, known by the Sign of the George, in Campden aforesaid, on Friday the Third Day of June,

One thousand seven hundred and fifty seven, for putting this Act in Execution; and shall, after such first Meeting, adjourn themselves, and meet, from time to time, at such Place or Places near the said last-mentioned Road, as they, or any Five or more of them, shall think proper; and if it shall happen, that there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, that then the Clerk to the same Trustees, by Notice under his Hand, to be affixed on Two or more of the Turnpikes to be erected on the said last-mentioned Road, at least Ten Days before the next Meeting, shall appoint the same Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight on which such last Meeting was appointed.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That all Expences attending the procuring and passing this Act of Parliament, shall be borne and paid as follows; that is to say, Fifty Pounds, Part thereof, out of the Tolls and Duties collected, or to be collected, on the Road directed to be repaired by the said former Acts, or the Money borrowed, or to be borrowed, on the Credit thereof; and the remaining Part of such Expences shall be borne and paid out of the First Tolls and Duties to be collected on the Road leading from the said First Mile-stone to Andover's Ford aforesaid, or out of the First Money to be borrowed on the Credit of the said last-mentioned Road.

Charges of passing this Act to be first paid.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think him, her, or themselves aggrieved, by any thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed or appointed, it shall and may be lawful to and for him, her, or them, within the Space of Four Months, to appeal to the Justices at their next General Quarter Sessions of the Peace to be held in and for the County wherein the Cause of Complaint shall arise; who are hereby authorized and required to take Cognizance thereof, and to hear and determine such Appeals; and, if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any Part of the Penalties and Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty; or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretions, should seem reasonable; and to raise and levy, by their Order or Warrant,

Persons aggrieved may appeal to the Quarter Sessions.

2

such Costs so awarded, by Distress and Sale; and for want of sufficient Distress, to commit the Party or Parties to the House of Correction for Six Months, unless such Payment shall be sooner made; but the Person or Persons so appealing as aforesaid, shall and are hereby directed to give Notice in Writing to the Treasurer or Treasurers of the said Trustees respectively, of any such Appeal, Twenty Days before such Quarter Sessions; and shall, within Ten Days after such Notice given, enter into a Recognizance before some Justice of the Peace, with Two sufficient Sureties, with Condition to try such Appeal at the next Quarter Sessions; and also, in case such Appeal shall be disallowed, to pay such Costs as the said Justices shall direct in that Behalf; and every such Appeal shall, at the said next Sessions, be then heard, and finally determined, unless the said Justices shall see Cause to the contrary.

Notice of Appeal to be given,

and Recognizance to be entered into.

Provided also, and be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only; or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

Proceedings not to be quashed for want of Form,

nor removed by *Certiorari*.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid or brought in the Counties of Warwick or Gloucester, or One of them, and not elsewhere: And the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought after the Time before limited for bringing the same, as aforesaid, or shall be brought in any other County or Place; that then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his or her Action after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff

Limitation of Actions.

General Issue.

Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law. Treble Costs.

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

FINIS.