ANNO TERTIO

GEORGII IV. REGIS.

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29G3. c. 103. Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and varying the Powers of certain Acts of Parliament of the First, Seventeenth, and Thirtieth Years of His late Majesty, for repairing several Roads leading from the Borough of* Evesham, *and several other Roads in the Counties of* Worcester *and* Gloucester: And whereas the Trustees appointed in or by virtue of the said Acts, have in the Execution of the said Acts borrowed a considerable Sum of Money on the Credit of the Tolls authorized to be collected on the said Roads, which Money is still owing and cannot be repaid, nor can the said Roads be effectually amended and kept in Repair unless the Term of the said Acts be enlarged and further Powers granted and the Tolls increased: And whereas a certain Public Carriage Road branching out of the Turnpike Road in or near the Village of *Broadway* in the County of *Worcester*, and extending from thence through or into the several Parishes, Hamlets, Tithings, or Places of *Broadway* in the said County of *Worcester*, *Buckland*, *Stanton*, *Stanway*, and *Didbrook*, all in the said County of *Gloucester*, to its Termination in *Didbrook* aforesaid, at or near the Turnpike Road commonly called the *Tewkesbury* and *Stow Road*, and a certain other Public Carriage Road branching out of the Turnpike Road in the Village of *Bretforton* in the County of *Worcester*, near the Church there, commonly called the *Bretforton Road*, and extending from thence through or into the several Parishes, Hamlets, Tithings, and Places of *Bretforton* in the said County of *Worcester*, *Cowhoneybourne*, *Saintbury*, *Weston-Subedge*, *Aston-Subedge*, and *Mickleton* in the said County of *Gloucester*, to its Termination at or near a certain House called *Paul's House*, and also a certain other Public Carriage Road, branching out of the same Turnpike Road at or near the Middle of the Village of *Bretforton* aforesaid, and extending from thence through or into the several Parishes, Hamlets, Tithings, and Places of *Bretforton* aforesaid, *Cowhoneybourne* in the said County of *Gloucester*, *Churchhoneybourne* in the said County of *Worcester*, *Pebworth*, *Broadmarston*, *Dorsington*, and *Longmarston*, in the said County of *Gloucester*, to its Termination in the Parish of *Longmarston* aforesaid; and also a certain other Public Carriage Road branching out of the Turnpike Road leading from *Evesham* to *Alcester*, at a certain Place called the *Causeway-head*, at the Foot of a certain Hill called *Green Hill*, and extending from thence through or into the Parish of *Saint Lawrence*, in the said Borough of *Evesham*, and *Norton* and *Lenchwick* in the said County of *Worcester*, to its Termination at a Place called *Long Small*, at or near the Turnpike Road there; and also a certain other Public Carriage Road commencing at or near a certain Hill called *Wyre Piddle Hill*, at the Turnpike Road there, and extending from thence through or into the several Parishes, Hamlets, Tithings, and Places of *Pinvin*, *Holy Cross*, and *Saint Andrew* in *Pershore*, in the said County of *Worcester*, to its Termination at or near a certain Place called the *Three Springs*, adjoining the Turnpike Road there, leading to *Upton-upon-Severn* in the said County of *Worcester*; and also a certain other Public Carriage Road commencing at or near the South-west End of a certain Lane called the *Hurst Lane*, in the Parish of *Holy Cross*, and extending from thence through or into the several Parishes, Hamlets,

Hamlets, Tithings, and Places of *Holy Cross* and *Pinvin* aforesaid, *Peopleton*, *Naunton*, *Beauchamp*, and *Upton-Snodsbury* in the said County of *Worcester*, to its Termination at or near the *Worcester* and *Alcester* Turnpike Road in the Village of *Upton-Snodsbury* aforesaid, cannot be improved and kept in Repair by the ordinary Course of Law, and it is desirable that such Public Carriage Roads should be put under the Care and Management of the Trustees appointed for the Management of the said Turnpike Roads; and it is also desirable that the said Acts should be repealed, and that the Powers thereby granted for maintaining the said Turnpike Roads, and such further Powers as may be necessary for varying, improving, and keeping in Repair such Turnpike Roads and such Public Carriage Roads as before mentioned, should be granted and comprized 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 Second *Thursday* in the Month of *July* next after the passing of this Act, the said recited Acts passed in the First, Seventeenth, and Thirtieth Years of the Reign of His late Majesty King *George* the Second, and the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for more effectually repairing, amending, widening, and improving the several Roads herein-after particularly described.

Repeal of former Acts.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Worcester* and *Gloucester*, and *Henry Abbot*, *William Acton*, *John Acton*, *John Agg*, *Maurice Appleby*, *Edward Appleby*, *John Ashley* Clerk, *Joseph Ashmore*, *James Ashwin*, *William Barnes*, *Joseph Bayliss* Clerk, *Samuel Beale*, *John Bedford*, *William Bennett*, *Joseph Benton*, *John Millard Benton*, *Henry Benton*, *Robert Berkeley*, *Robert Berkeley* the younger, *Richard Birlingham*, *Thomas Blayney*, *Thomas Bomford*, *William Bonaker*, *William Baldwin Bonaker* Clerk, Sir *William Edward Rouse Boughton* Baronet M.P., the Honourable and Reverend *George Rushout Bowles*, *William Brayne*, *Francis Brookes*, *Henry Brown*, *Thomas Brown*, *Thomas Henry Bund*, *John Burne*, *William Byrch*, *Thomas Byrd*, *John Mosley Gilbert Cheek*, *William Claridge*, *John Clarke*, Sir *Charles Cockerell* Baronet M.P., *William Collett*, *William Coombe*, *Thomas Beale Cooper*, *Henry Portmore Cooper* Clerk, *Robert Cooper*, *Michael Corbett*, *Cotterill Corbett*, Sir *John Geers Cotterell* Baronet M.P., *Robert Cotterell*, the Honourable *William George Coventry* commonly called Viscount *Deerhurst* M.P., the Honourable *John Coventry*, the Honourable and Reverend *Thomas Henry Coventry*, the Honourable *William James Coventry*, the Honourable *John Coventry* of *Springhill*, *John Coventry* the younger, *Frederick Coventry*, *Richard Darke* Clerk, *Thomas Henry Hastings Davies* M.P., *George Day*, *George Day* the younger, *William Digby* Clerk, *Frederick Dineley*, *George Dineley* Clerk, *George Dineley* the younger,

Trustees for First District of Roads.

younger, Clerk, *William Dodeswell*, *Pearsehouse Drury*, *Charles Dunn* Clerk, the Honourable *Fortescue* commonly called Viscount *Ebrington*, *William Eden*, *William Eden* the younger, *Daniel Edge*, *John Edwin*, *John Fletcher*, *Richard Fletcher*, *Thomas Foster*, *Thomas Foster* the younger, *Thomas Ganderton*, *Richard Ganderton*, *John Gardner*, *John Gask*, *Samuel George*, *James George*, *Richard Gibbs*, *John Gibbs*, *John Gibbs* the younger, *William Hale*, *John Hall*, *Penny Hancock*, *Charles Edward Hanford*, *Charles Edward Hanford* the younger, *Nathaniel Hartland*, *Nathaniel Hartland* the younger, *John Allis Hartland*, *John Hatch*, *Thomas Hill*, *Samuel Hirons*, *Charles Hodson*, *Francis Holland*, *Corbet Holland*, *William Holmes*, *John Parsons Hopton* Clerk, *Thomas Charles Horneyhold*, *Richard Hudson*, *Thomas Hudson*, *Henry Hudson*, *Abraham Hughes*, *William Hughes*, *John Hunt*, *John Hunter*, *William Hutchinson* Clerk, *Benjamin Johnson*, *Piercy Jones*, *Joseph Jones*, *Nathan Izod*, *William Izod*, *John Walford Izod*, *Samuel Kensey*, *William Kent*, *John Kent*, *Joseph Wesney Lavender*, Sir *Anthony Lechmere* Baronet, *Edmund Hungerford Lechmere*, *Berwick Lechmere*, *Charles Lewis*, *Thomas Lloyd*, *Nicholas Loggin*, *William Loggin* Clerk, *Alexander Luder* Clerk, *Robert Lunn*, *William Lunn*, *Stephen Lunn*, *George Lunn*, *Thomas Lunn*, *Peter Lunn*, the Honourable *John Pindar Lygon*, the Honourable *Henry Beauchamp Lygon*, the Honourable *Edward Pyndar Lygon*, *Marriott*, *Nicholas Marshall*, *Thomas Gould Marshall*, *John Marshall*, *John Marshall* the younger, *William Hawkes Marshall*, *John Martin* M.P., *John Martin* the younger, *Joseph Martin*, *Joseph Martin* Clerk, *James Martin*, *John Williams Martin*, *Joseph Martin*, *George Matthews*, *George Evans Meads*, *Leonard Middleton* Clerk, *Richard Miles*, *John Morris*, *Benjamin Murrell*, *Richard Nash*, *John New* (Hop-merchant), *Anthony New*, *Anthony New* the younger, *John New* Son of *Anthony New*, *Caleb New*, *Anthony New* of *Bewdley Street*, *George New*, *James Wakeman Newport*, Sir *Gerard Noel Noel* Baronet, the Honourable and Reverend *Gerard Noel*, the Honourable *Charles Noel*, *Charles Oldaker*, *Edmund Wells Oldaker*, *Francis Allcock Oldaker*, *George Oldaker*, *David Parry* Clerk, *George Penrice*, *George Penrice* the younger, *Thomas Edmund Perrott*, *George Wigley Perrott*, *William Phelps*, *William Law Phelps*, *Frederick Phelps*, *William Phillips*, *John Heming Phipps*, *Thomas Chinall Porter*, *Benjamin Pratt*, *William Preedy*, *William Frederick Preedy*, *Robert Preedy*, *William Price*, *Timothy Price*, *John Price*, *Joseph Price*, *William Prior*, *William Probyn* Clerk, *George Probyn*, *John Procter*, *William Pruen* Clerk, *John Racster*, *Benjamin Risdon*, *Richard Rodd*, *Anthony Roper*, *Edward Rudge*, *Samuel Rudge*, *Edward John Rudge*, the Honourable *Ryder* commonly called Viscount *Sandon*, *William Sands*, *Thomas Sanson*, *Robert Clavering Savage*, *Edward Savage*, Sir *John Saunders Sebright* Baronet M. P., *Henry Seymour*, *Thomas Shekell*, *John Bonner Shekell*, *John Shaw* Clerk, *Thomas Sheaf*, *James Skey*, *John Smith*, *John Smith* of *Church Honeyborne*, *Martin Stafford Smith* Clerk, *Hugh Smith* Clerk, *Henry Smith*, *William Soley*, *William Spooner* Clerk, *John Allen Stokes*, *Matthias Stratton*, Sir *George Throckmorton* Baronet, *James Tidmarsh*, *John Timbrill* Doctor of Divinity, *John Tomes*, *John Tomes* the younger, *Thomas Bennett Tomes*, *Fisher Tomes*, *Charles Tysoe*, *James Wagstaff*, *William*

William Wakeman, *Walter Wakeman*, *Charles Wakeman*, *Edmund Wells*, *William Welsh*, *James West*, *James Roberts West*, *Thomas Whitaker*, *Edmund Maysey Wigley*, *Henry Wigley*, *William Williams* Clerk, *Edward Wilson*, Sir *Thomas Edward Winnington* Baronet M.P., *Herbert Woodward*, *William Woodward*, *Benjamin Workman*, *William Wormington* Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, varying, altering, improving, and maintaining in Repair the several Roads herein-after described, and to be called *The First District of Roads*; (that is to say), the Turnpike Road leading from the *Blue Bell* in the Parish of *Earl's Cromb* near *Upton-upon-Severn* in the County of *Worcester*, to a Place called the *Mill Tail* in the Town of *Pershore*, and from thence to the *Great Bridge* at *Evesham*, and also the Turnpike Road leading from or near *Battlewell* through *Wyre Piddle* to *Stonebow*; and also the Turnpike Road commonly called the *Bretforton Road*, leading from or near the *London* Turnpike Road, in the Parish of *Saint Peter* in *Bengeworth* in the said County of *Worcester* into the Village of *Bretforton* aforesaid, and to the Gate in *Offenham Lane* leading to *South Littleton*; and a certain Public Highway or Carriage Road branching out of the Turnpike Road in the Village of *Bretforton* in the County of *Worcester*, near the Church there, commonly called the *Bretforton Road*, and extending from thence through or into the several Parishes, Hamlets, Tithings and Places of *Bretforton* in the said County of *Worcester*, *Cowhoneybourne*, *Saintbury*, *Weston-Subedge*, *Aston-Subedge*, and *Mickleton*, in the said County of *Gloucester*, to its Termination at or near a certain House called *Paul's House*; and also a certain other Public Highway or Carriage Road branching out of the same Turnpike Road at or near the Middle of the Village of *Bretforton* aforesaid, and extending from thence through or into the several Parishes, Hamlets, Tithings and Places of *Bretforton* aforesaid, *Cowhoneybourne* in the said County of *Gloucester*, *Churchhoneybourne* in the said County of *Worcester*, *Pebworth*, *Broadmarston*, *Dorsington*, and *Longmarston*, in the said County of *Gloucester*, to its Termination in the Parish of *Longmarston* aforesaid; and also a certain other Public Highway or Carriage Road branching out of the Turnpike Road leading from *Evesham* to *Alcester* at a certain Place called *The Causeway Head*, at the Foot of a certain Hill called *Green Hill*, and extending from thence through or into the Parish of *Saint Lawrence* in the said Borough of *Evesham*, and *Norton* and *Lenchwick* in the said County of *Worcester*, to its Termination at a Place called *Long Small*, at or near the Turnpike Road there; and also a certain other Public Highway or Carriage Road, commencing at or near a certain Hill called *Wyre Piddle Hill* at the Turnpike Road there, and extending from thence through or into the several Parishes, Hamlets, Tithings and Places of *Pinvin*, *Holy Cross*, and *Saint Andrew* in *Pershore* in the said County of *Worcester*, to its Termination at or near a certain Place called *The Three Springs* adjoining the Turnpike Road there leading to *Upton-upon-Severn* in the said County of *Worcester*; and also a certain other Public Highway or Carriage Road, commencing at or near the South-west End of a certain Lane called the *Hurst Lane* in the Parish of *Holy Cross* in *Pershore* aforesaid, and extending from thence through or into the several

Parishes, Hamlets, Tithings and Places of *Holy Cross* and *Pinvin* aforesaid, *Peopleton*, *Naunton*, *Beauchamp*, and *Upton Snodsbury* in the said County of *Worcester*, to its Termination at or near the *Worcester* and *Alcester* Turnpike Road in the Village of *Upton Snodsbury* aforesaid, and for putting this Act in all other respects in Execution as far as relates to the said First District of Roads.

Trustees for Second District of Roads.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Worcester* and *Gloucester*, and *James Adams* Clerk, *John Agg*, *Isaac Averill* the elder, *Stephen Averill*, *Robert Berkeley*, *Robert Berkeley* the younger, *Thomas Blayney*, *Thomas Bowen* Clerk, the Honourable and Reverend *George Rushout Bowles*, *Edmund John Chamberlayne*, *Jackson Clarke*, Sir *Charles Cockerell* Baronet M.P., *Richard Collier* Clerk, *Edward Collier*, Sir *John Geers Cotterell* Baronet M.P., the Honourable *John Coventry*, *George Day*, *John Vernon Dolphin*, the Reverend Sir *Henry Dryden* Baronet, *Richard Ford* Clerk, *Thomas Fretwell*, *Samuel Gist*, *John Robert Hall* Clerk, *Leonard Hayward*, *John Hippesley* Clerk, *Henry Hippesley* Clerk, *Christopher Jeaffreson* Clerk, Sir *John Dashwood King* Baronet M.P., *Joseph Knight*, *Chandos Leigh*, *Egerton Leigh*, *Gilbert Malcolmb* Clerk, *Charles Marshall*, *John Marshall*, *Joseph Martin* Clerk, Sir *Gerard Noel Noel* Baronet, *William Osbourne*, Sir *Thomas Phillipps* Baronet, *Charles Pole*, *John Proctor*, *William Raine* Clerk, Sir *John Reade* Baronet, the Honourable and Reverend *Edward Rice* Clerk, *Joseph Roberts*, *Richard Russell*, *Thomas Smith*, *James Sperry*, *William Spooner* Clerk, *George Talbot*, *Henry Tracy*, *Samuel Wilson Warneford* LLD., *Thomas Williams* Clerk, Sir *Thomas Edward Winnington* Baronet M.P., *Francis Edward Witts* Clerk, *Reginald Wynniatt* Clerk, *Thomas Wynniatt*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, varying, altering, improving, and maintaining in Repair the several Roads herein-after described, and to be called *The Second District of Roads*; that is to say, the present Turnpike Road leading from the Great Bridge at *Evesham* aforesaid, through *Broadway* to the Top of *Broadway Hill*, and from thence to the Top of *Bourton Hill*, and also the Turnpike Road leading from the End of *Upton Wold Lane* towards the Town of *Stow-on-the-Wold*, and also the Public Highway or Carriage Road branching out of the Turnpike Road in or near the Village of *Broadway* in the County of *Worcester*, and extending from thence through or into the several Parishes, Hamlets, Tithings, or Places of *Broadway* in the County of *Worcester*, *Buckland*, *Stanton*, *Stanway*, and *Didbrook*, all in the said County of *Gloucester*, to its Termination in *Didbrook* aforesaid, at or near the Turnpike Road commonly called *The Tewkesbury and Stow Road*, and for putting this Act in all other respects in Execution as far as relates to the said Second District of Roads.

Power to appoint Five additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered at their First Meeting or at any Annual Meeting to be holden in pursuance of this Act within their respective Districts, to elect any Number of Persons not exceeding Five in the whole in each District, to

to be Trustees for the Purposes of this Act in addition to the Trustees hereby appointed, and such Trustees so elected and being duly qualified shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

For electing Trustees on Deaths, &c.

V. And be it further enacted, That when and as often as any of the Trustees (save and except the Justices for the said respective Counties of *Worcester* and *Gloucester*) hereby appointed or to be appointed by virtue of this Act shall die, or by Bankruptcy or Insolvency or otherwise shall become disqualified, or by Writing under their or his Hands or Hand delivered to any Clerk or Clerks of the said Trustees, shall refuse to act, it shall and may be lawful for the Trustees assembled at any Annual Meeting to be holden for the District of Roads in which such Vacancy may occur, in Manner hereinafter mentioned, but at no other Time, to elect and appoint some other Persons or Person to be Trustees or a Trustee in the Room of the Trustees or Trustee so dying, becoming disqualified, or refusing to act as aforesaid; and every Person so elected and appointed and being duly qualified, shall be invested with the same Powers and Authorities for executing this Act as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees.

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, at the Time of his acting, be in his own Right or in the Right of his Wife seised or possessed of and in the actual Possession and Enjoyment of or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of a Person seised or possessed of and in the actual Possession and Enjoyment of, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees for executing this Act, an Oath or Affirmation in the following Form of Words, and which Oath or Affirmation any One or more of the said Trustees, at any of their Meetings to be holden in pursuance of this Act, is and are hereby authorized to administer:

Oath.

'I do swear, [*or being one of the People called Quakers* 'I do solemnly affirm], That I am truly and *bonâ fide* in my own Right '(*or* in the Right of my Wife) seised or possessed and in the actual 'Possession and Enjoyment of or in the Receipt of Rents and Profits 'issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds; or am 'Heir Apparent of , who to the best of my Know-'ledge and Belief is truly and *bonâ fide* seised or possessed of and in 'the actual Possession and Enjoyment of or in the Receipt of the 'Rents and Profits issuing out of Freehold or Copyhold Lands, Tene-'ments, or Hereditaments of the clear yearly Value of One hundred 'and fifty Pounds (*as the Case may be*); and that I will truly and

'faithfully

'faithfully execute the Powers and Trusts reposed in me by an Act 'of Parliament passed in the Third Year of the Reign of His Majesty 'King *George* the Fourth, intituled [*here set forth the Title of this Act*], 'according to the best of my Skill and Judgment, and without Favour 'or Affection to any Person or Persons whomsoever.

'So help me GOD.

'[*Or being a Quaker, omit the Words* 'So help me God.']

No Person except a Justice to act at the same Meeting at which he shall qualify, except the first Meeting.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act at the same Meeting at which he shall have qualified to act as a Trustee except the First Meeting, unless he be One of His Majesty's Justices of the Peace acting for the respective Counties of *Worcester* or *Gloucester*.

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

VIII. Provided also, and be it further enacted, That no Person appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit, or shall be concerned or interested in any Contract or Contracts under the said Trustees or this Act, and no Person shall be capable of being appointed a Trustee or of acting as such during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail, or who shall be a Lessee or Farmer of the Tolls or of any Part or Parts thereof under this Act; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath as herein mentioned, or being a Quaker not having made and subscribed the Affirmation as herein mentioned, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or is not under any of the Disabilities to act herein mentioned (as the Case may require) and that he has subscribed an Oath or Affirmation according to the Directions of this Act, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings touching the Execution of this Act, which shall be done and performed by any such Person previously to his being convicted of any such Offence as before mentioned, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act, or had not been under any of the Disabilities in this Act mentioned: Provided also, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that

account be deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees may act as Justices.

IX. And be it further enacted, That any of the Trustees appointed or to be appointed by virtue of this Act, who are or shall be in the Commission of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees as aforesaid, except in Cases where they shall be personally interested otherwise than as Mortgagees, Assignees, Lenders of Money, or Holders of any Security on the Credit of the Tolls granted by virtue of this Act.

Acts done by Three Trustees valid, unless otherwise directed,

X. 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 the major Part of the Trustees who shall be present at their several Meetings to be holden by virtue of this Act, the whole Number present not being less than Three, except only in Cases where any greater or less Number of them is or may be herein particularly required or authorized to act, and at every Meeting of the said Trustees a Chairman shall be appointed; and when and as often as there shall happen to 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 be lawful for the Chairman to give an additional or casting Vote; and the said Trustees at their Meetings shall pay their own Expences, but shall not be liable to pay for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act.

Meetings of Trustees.

XI. And be it further enacted, That the said Trustees for the said First District of Roads shall meet at the House known by the Name or Sign of the *Crown Inn*, situate at *Evesham* in the County of *Worcester*, or at some other convenient House at *Evesham* aforesaid, on the Second *Thursday* in the Month of *July* next after the passing of this Act or as soon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon; and the Trustees for the said Second District of Roads shall meet at the House known by the Sign of *The Horse and Groom*, at *Bourton-on-the-Hill* in the County of *Gloucester*, or at some other convenient Place in *Bourton* aforesaid, on the Second *Friday* in the Month of *July* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Nine of the Clock in the Forenoon and Two of the Clock in the Afternoon; and if there shall be Three Trustees present at any such Meeting, shall then proceed to carry this Act into Execution; and in case there shall not be Three Trustees present at such Meeting, then such Meeting shall be adjourned by the Trustees or Trustee who shall be present, and so from Time to Time until there shall be Three Trustees at the least present at a Meeting for carrying this Act into Execution; and when there shall be a Meeting at which Three Trustees shall be present, then the Trustees who shall be so present, or the Majority of them, shall or may proceed to carry this Act into Execution, and may adjourn to meet at such other Time and Place, or Times and Places, as they shall think proper and appoint for the managing and repairing the said Roads and executing all other the Purposes of this Act within their respective Districts;

and it shall be lawful for the Trustees appointed or to be appointed by virtue of this Act, or any Three or more of them, from Time to Time to adjourn any subsequent Meeting to be held for carrying this Act into Execution to such Time and Place or Times and Places as they shall think proper and appoint for the better managing and repairing of the said Roads, and executing all other the Purposes of this Act; and the said Trustees shall and may at their First or at any Annual Meeting at which Three Trustees at the least shall be present, if they shall think it necessary for the better Management and Repairs of the said Roads, form the Roads within their respective Districts into Two or more Divisions, under such Names and Appellations as may be most convenient; and if at any Meeting appointed to be held by virtue of this Act, there shall not be present Three Trustees, then the Trustees or Trustee who shall or may be present at any such Meeting shall and may adjourn such Meeting to such other Time and Place as they or he shall think proper; and if at any such Meeting there shall not be present One Trustee, or in case the Trustees or Trustee present at any such Meeting shall omit to adjourn such Meeting, any Clerk to the said Trustees shall and may from Time to Time, as often as any such Case shall happen, adjourn any Meeting to the Place where the last Meeting was appointed to be or have been holden, at such Time as he shall think fit, within Three Calendar Months from the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Three of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be held.

Annual Meetings and Meetings on Emergencies.

XII. And be it further enacted, That a Meeting of the Trustees for executing this Act for the First District of the said Roads shall be held annually on the First *Thursday* in the Month of *May*, at the *Crown Inn* in *Evesham* aforesaid, or at such other Place as the said Trustees may from Time to Time appoint for carrying this Act into Execution; and that a Meeting of the Trustees for the said Second District of Roads shall be held annually on the Second *Tuesday* in the Month of *July* at *The Horse and Groom* in *Bourton* aforesaid, or at such other Place as the said Trustees may from Time to Time appoint for carrying this Act into Execution; and if after any Adjournment of any Meeting of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or if for Want of proper Adjournment or otherwise it shall at any Time or Times be thought necessary to call a Meeting of the said Trustees for either of the said Districts, it shall and may be lawful for any Three or more of the said Trustees, or for any Clerk of the said Trustees, upon an Order in Writing delivered to him, signed by Three or more of the said Trustees (although not assembled at a Meeting), authorizing him to call a Meeting to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in the Manner hereinafter directed respecting the Meetings of Trustees (such Meeting not being less than Fourteen Days after such Notice); and every such Meeting shall and may be held accordingly, and all Proceedings

of the said Trustees (the Number present not being less than Three) at any such Meeting, shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

How Orders of Trustees are to be made and revoked.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, at all their Meetings to be held in pursuance of this Act, and they are hereby empowered from Time to Time to make such Orders, Rules, and Regulations as they shall think proper for effectually carrying this Act into Execution; but no such Orders, Rules, and Regulations shall be valid, unless the Majority of the Trustees present at every such Meeting shall concur therein; nor shall any such Orders, Rules, and Regulations be revoked or altered at any subsequent Meeting, unless a greater Number of the Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of any such Orders, Rules, and Regulations, nor unless Notice of any such Revocation or Alteration being intended shall have been given at a previous Meeting, and entered in the Book of Proceedings of such Meeting, nor unless Notice of the Meeting at which any such Revocation or Alteration is intended to be made, and the Object of the Meeting shall have been published Twice in *The Worcester Journal* and *Gloucester Journal*, or some other Newspapers circulated in the said Counties of *Worcester* and *Gloucester* Twenty-one Days at the least before the holding of such Meeting.

Notice of Meetings.

XIV. And be it further enacted, That of all Meetings to be held in pursuance of this Act (except where it shall be herein otherwise directed), Notice shall be inserted in the said *Worcester Journal* and *Gloucester Journal*, or in some other Newspapers circulated in the said Counties of *Worcester* and *Gloucester*, at least Ten Days before the Day appointed for any Meeting; or such other Notice thereof shall be given and published in such Manner as the said Trustees at their said First Meeting, or at any Annual Meeting to be held by virtue of this Act, shall order and direct.

Orders to be entered in Books.

XV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to provide and keep or cause to be provided and kept by their Clerk or Clerks for the Time being, One or more Book or Books, wherein all Orders and Proceedings of the said Trustees at their several Meetings shall be regularly entered, and such Orders and Proceedings so entered shall be signed by the Trustees making the same; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Demises or Mortgages and Assignments of the Tolls, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be kept of Receipts and Disbursements.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks 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,

Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and 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 or Clerks shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

For appointing Officers.

XVII. And be it further enacted, That the said Trustees assembled at their First or any subsequent Meeting may and they are hereby empowered, within their respective Districts to appoint such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officers, as the said Trustees may think proper, and may from Time to Time remove such Treasurers, Clerks, Collectors, Surveyors, or other Officers respectively, and on such Removal or on the Death, Resignation, or Incapability of any of such several Officers, shall and may appoint other or others in his or their Place or Stead, and shall and may by and out of the Monies arising on the several Roads herein-before described within their respective Districts, allow and pay unto such Treasurers, Clerks, Collectors, and Surveyors, and also to such other Persons as shall be aiding or assisting them in their respective Offices, or in any ways employed in the Execution of this Act, such Salaries, Rewards, and Allowances as to the said Trustees shall seem reasonable: Provided always, that all Meetings of the Trustees of the said Second District of Roads at which any Officer or Officers shall be elected for such District, shall be holden at *Bourton-on-the-Hill*, and not elsewhere: Provided also, that no Person shall be capable of being appointed to or of taking or holding or acting in the Execution of any Place of Trust or Profit under the said Trustees during the Time he shall keep a Victualling House or other House of Public Entertainment, or who shall sell Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, but no such Person shall be precluded from farming the Tolls by this Act granted, provided he or she shall employ some other Person or Persons to collect such Tolls who shall not be under any such Incapacity.

Treasurers to give Security.

XVIII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, before such Treasurer enters upon his Office; and if they shall so think proper shall and may also take such Security from any other Officer to be appointed by virtue of this Act.

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

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint any Person or Persons who has or have been or may be appointed to act as their Clerk or Clerks,

Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, a Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person who has been or may be appointed a Treasurer for the Purposes of this Act, or the Partner or Partners of any such Treasurer, the Clerk or Clerks 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, together with full Costs of Suit, 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 Imparlance shall be allowed.

Power to appoint temporary Collectors.

XX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of any of the Tolls to be collected by virtue of this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or be imprisoned for any Debt or Offence, it shall be lawful for any Three or more of the said Trustees within their respective Districts, although not assembled at any Meeting of Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, any Three or more of the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged, or shall die, to continue until the said Trustees shall, at a Meeting holden in pursuance of this Act, appoint a Collector or Receiver of such Tolls in his Room or Stead; which Person so nominated and appointed shall have the like Power and Authority, and shall be answerable and accountable and removable in the same Manner in all respects as if he had been nominated and appointed at a Meeting holden by virtue of this Act.

Officers to account.

XXI. And be it further enacted, That every Officer and other Person who shall be appointed or employed under or by virtue of this Act to or in any Office shall from Time to Time when thereunto required by the said Trustees, within their respective Districts, by an Order made at any Meeting respectively, make out and deliver to such Trustees, or to such Person or Persons as they the said Trustees shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees at any Meeting shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such

Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall neglect or refuse to deliver up to the said Trustees or to such Person or Persons as they shall, in Manner aforesaid appoint, within Ten Days after being thereunto required by the said Trustees, by an Order made at any Meeting, all Books, Papers, and Writings in his, her, or their Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees or by any One of their Clerks or any other Person or Persons on their Behalf of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered to administer), or upon the Inspection of the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and required upon Non-payment thereof, by Warrant 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 Person respectively, together with the Costs and Charges attending such Distress and Sale; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Costs and Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear (without sufficient Excuse) before the said Justice, at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice is hereby authorized and required by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any), as shall in that respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid such Books, Papers, and

and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or Person as shall be committed for want of a sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Books, Monies, and Effects under the former Acts to be delivered up to the Trustees of the respective Districts.

XXII. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the said former Acts hereby repealed, or shall have in his or her Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired or any of them, shall, when required so to do, account for and deliver the same to the said Trustees acting for the District in which such Roads shall be respectively situated, or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are herein-before directed with respect to any Officer or Person appointed under or by virtue of this Act.

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

XXIII. And be it further enacted, That the said Trustees may sue and be sued for any Thing done by them in the Execution of this Act, or for or on account or in respect of any Orders, Acts, or other Proceedings of the said Trustees at any of their Meetings, in the Name or Names of any One of the Trustees or of any Clerk or Clerks for the Time being to the said Trustees; and that no Action or Suit to be brought or commenced by or against the said Trustees or any of them by virtue of this Act, in the Name or Names of any One of the said Trustees or of their Clerk or Clerks, shall abate or be discontinued by the Death, Resignation, or Removal of such Trustee, Clerk or Clerks, or any or either of them, or by the Act of any such Trustee, Clerk or Clerks, without the Consent of the said Trustees: Provided always, that all and every such Trustee, Clerk and Clerks shall be reimbursed and paid forthwith out of the Monies to be received by virtue of this Act, by the Treasurer or Treasurers for the Time being for the District of Roads in which such Monies shall be expended, all such Costs, Charges, and Expences as he or they shall be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

Power to erect Toll Gates and Toll Houses.

XXIV. And be it further enacted, That the present Toll Gates, with the Toll Houses, Weighing Engines, and Appurtenances on the said District of Roads, shall or may be continued until removed by Order of the said Trustees of the District of Roads whereon the same now stand, at any of their Meetings; and the said Trustees at any of their Meetings shall and may, as they shall think proper, continue or remove all or any of the Turnpikes, or Toll Gates, or Bars, and all or any of the Toll Houses and Weighing Engines already erected on the said Roads within their respective Districts; and also may erect and set up any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the Roads by this Act authorized to be repaired, and upon the Side or Sides thereof, and also in, upon, or

across

across any Lane or Way leading into or out of the same respectively; and also may erect or provide a Toll House, with suitable Outbuildings and Conveniences, and One or more Weighing Engine or Engines, at or near each or any such Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates, Toll Houses, or Weighing Engines as they the said Trustees shall think expedient; and also may take in and inclose from any Waste Lands on the Sides of the said Roads convenient Garden Spots, for the said Toll Houses respectively, not exceeding One-eighth Part of an Acre to each Toll House: Provided always, that it shall not be lawful for the Trustees to remove the present Toll Bar erected at *Bengeworth* aforesaid, upon the said Second District of Roads, nor to erect any other Toll Bar nearer to the Town of *Evesham* than where the present Toll Bar at *Bengeworth* now stands.

Notice to be given previous to removing or erecting Toll Gates.

XXV. Provided always, and be it further enacted, That no Toll Gate, Bar, or Chain shall be removed or erected from, upon, or across any Part or Parts of the Roads by this Act directed to be repaired, or from or on the Side or Sides of any of the said Roads, or from, upon, or across any Lane or Way, Lanes or Ways leading into the same Roads, unless Twenty-one Days Notice be given for that Purpose by Advertisement to be inserted Twice in the *Worcester Journal* and in the *Gloucester Journal*, or in some other Newspapers circulated in the said Counties of *Worcester* and *Gloucester*, previous to any Meeting to be held for removing or erecting any such Toll Gate, Bar, or Chain.

Lamps to be lighted at Toll Houses.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in Front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer of the Tolls authorized by this Act to be taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Power to enter into an Agreement with the Trustees of the Act of 58 G. 3. for Removal of Paul's House Side Gate.

XXVII. And whereas it might be commodious for the Public that a certain Gate called *Paul's House Side Gate*, situate in the Turnpike Road leading from *Clifford's Elm* to the Town of *Chipping Campden* in the County of *Gloucester*, should be surrendered and given up by the Trustees for putting in Execution an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from* Chipping Campden *in the County of* Gloucester *to* Clifford's Side Gate *in the Parish of* Old Stratford *in the County of* Warwick, to the Trustees for executing this

Act, and that the Tolls now taken thereat should cease, and that the Trustees for executing the said recited Act should not be permitted to erect any other Gate instead thereof between *Clifford's Elm* aforesaid and the Town of *Chipping Campden* aforesaid, and that the Trustees for executing this Act as far as relates to the First District of Roads should be empowered to enter into an Agreement with the Trustees for executing the said recited Act, for discontinuing or removing such Toll Gate, and for making a Compensation for any Loss or Diminution of Toll, which the Trustees for executing the said recited Act may sustain thereby; be it therefore further enacted, That it shall be lawful for the Trustees for executing this Act, as far as relates to the First District of Roads, to enter into an Agreement with the Trustees for executing the said recited Act for the Discontinuance or Removal of the said Side Gate or Toll Bar called *Paul's House Side Gate*, and in consideration thereof for making an Allowance or Compensation by annual Payment or otherwise out of the Tolls and Monies to be collected or received by virtue of this Act to the Trustees for executing the said recited Act; and in case any such Agreement shall be entered into, it shall be lawful for the said Trustees acting in the Execution of this Act, and they are hereby required to pay or cause to be paid out of the Monies to arise by virtue of this Act, and be applicable to the Repairs of the said First District of Roads, any annual Sum of Money so to be agreed upon, not exceeding Fifty Pounds, to the Treasurer of the said Trustees for executing the said recited Act, or to such Person or Persons as such Trustees shall appoint, at such Times and in such Manner as shall be so agreed upon, and then and thenceforth so long as the Trustees for executing this Act shall perform their Parts of such Agreement, it shall not be lawful for the Trustees for executing the said recited Act to continue or erect any Side Bar or Toll Gate, or to demand or receive any Toll or Tolls at the said Place called *Paul's House Side Gate*, or to erect or cause to be erected any Gate or Bar which may occasion Obstruction to Persons desirous of passing to or from the said Road leading from *Clifford's Elm* to *Chipping Campden* into or out of any of the Roads to be repaired by virtue of this Act; and all Sum and Sums of Money to be paid by virtue of this Act to or to the Order of the said Trustees for executing the said recited Act, shall be applicable and applied in like Manner as any Tolls which might be collected or received at the said Side Gate called *Paul's House Side Gate*, would be applicable in case no such Agreement as aforesaid should be entered into.

Toll Gates, Toll Houses, &c. vested in the Trustees.

XXVIII. And be it further enacted, That the Right and Property in all the Turnpikes, Toll Gates, Toll Houses, and Weighing Engines, and the several Conveniencies and Appurtenances thereunto belonging, already erected or made upon or by the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and in all Materials for building and repairing the same, and for repairing or making the said Roads or any Part thereof, and all Milestones and Direction Posts already set up or erected or hereafter to be set up or erected on or by the Sides of the said Roads, and all other Materials, Articles, and Things which have been provided for the Purposes of the former Acts hereby repealed, or which shall be purchased, collected,

lected, or provided for the Purposes of this Act, shall be vested in the Trustees appointed or to be appointed for the said District of Roads whereon or wherein such Toll Gates or other Erections shall be; and the said Trustees within their respective Districts are hereby authorized and empowered to sell and dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall break down or damage, steal or take away, spoil, injure, or destroy any of such Turnpikes, Toll Gates, Toll Houses, Weighing Engines, Conveniences, Appurtenances, Materials, Articles, or Things, or any Part of any of them, or disturb the said Trustees or their Agents or Servants in the Possession thereof; and in all such Actions and Proceedings whatsoever, whether civil or criminal, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or in respect of which such Actions or Proceedings shall be brought and preferred is or are the Property of "The Trustees for repairing and amending several Roads leading to and from the Borough of *Evesham* in the County of *Worcester*, and several other Roads in the Counties of *Worcester* and *Gloucester*."

Trustees, &c. competent Witnesses.

XXIX. And be it further enacted, That in all civil and criminal Proceedings whatsoever relating to the said Roads, and in all Disputes, Suits, or Litigations, touching or in anywise relating to the Execution of this Act, no Person or Persons shall be incompetent to give Testimony or Evidence therein by reason only of being a Trustee or Trustees, Collector or Collectors of the Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer or Officers, Servant or Servants of or other Person or Persons employed by or under the said Trustees, or any Inhabitant or Inhabitants of any Township, Parish, or Place through which the said Roads do or shall pass.

Power to take Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take at each and every Turnpike, or Toll Gate, Bar, or Chain, continued or to be erected by virtue of this Act from the Owner or Owners of or Person or Persons using, leading, driving, or attending any Horse, Beast, Cattle or Carriage, before any such Horse, Beast, Cattle or Carriage shall be permitted to pass through the same (subject to the Provisions and Restrictions herein-after contained) the following Sums or Tolls; that is to say,

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sole or Bottom of the Fellies of the Wheels whereof shall be of the Breadth of Five Inches or upwards, and having Wheels commonly called Cylindrical Wheels, the Sum of Three-pence:

For every Horse, Mule, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels

Wheels whereof shall be of less Breadth than Six Inches and not having cylindrical Wheels, the Sum of Sixpence :

For every Horse, Mule or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches and upwards, and not having cylindrical Wheels, the Sum of Four-pence :

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number.

Collectors to give Tickets denoting Gates freed.

And upon Payment of any of the said Tolls the Collector or Receiver shall and he is hereby required to deliver *gratis* to every Person paying such Toll, a Note or Ticket denoting such Payment; and all such Notes or Tickets shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate at which the Toll is received, and of the Gate or Gates which shall be freed from Toll by such Payment.

Limiting the Payments at each Turnpike for the same Horse, &c. in One Day, to One (except as after mentioned).

XXXI. Provided always, and be it further enacted, That no Person or Persons shall be subject to the Payment of any of the Tolls authorized to be taken by this Act more than Once in any One Day (the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing and repassing on any of the said Roads on the same Day with the same Horse or Horses, Beast or Cattle, through any of the said Turnpikes or Toll Gates continued or to be erected by virtue of this Act (except with Horses drawing Post Chaises or other Carriages travelling for Hire as herein-after mentioned), such Person or Persons producing a Note or Ticket denoting the Payment of such Toll, and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis* on Payment of the Toll as herein-before mentioned.

Limiting the Number of Tolls to be taken on the Roads in One Day.

XXXII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector or Collectors, to demand or take in any One Day more than Eleven full Tolls on the whole of the Roads by this Act directed to be kept in repair; (that is to say), on the Turnpike Road leading from the *Blue Bell* to the *Mill Tail* in the Town of *Pershore*, and from thence to the great Bridge at *Evesham*, Two full Tolls; on the Turnpike Road leading from the great Bridge at *Evesham* to the Top of *Broadway Hill*, and from thence to the Top of *Bourton Hill*, and also on the Turnpike Road leading from the End of *Upton Wold Lane* to *Stow-on-the-Wold*, Three full Tolls; on the Turnpike Road leading from or near *Battlewell*, through *Wyre Piddle* to *Stonebow* aforesaid, One full Toll; on the Turnpike Road commonly called the *Bretforton Road*, One full Toll; on the Public Highway or Carriage Road branching out of the Turnpike Road in or near the Village of *Broadway*

Broadway aforesaid, and extending from thence to its Termination in *Didbrook* aforesaid, at or near the Turnpike Road commonly called the *Tewkesbury* and *Stow Road*, One full Toll; on the Public Highway or Carriage Road branching out of the Turnpike Road in the Village of *Bretforton* aforesaid, and extending from thence to its Termination at or near a certain House called *Paul's House*, One full Toll; on the Public Highway or Carriage Road branching out of the Turnpike Road in the Village of *Bretforton* aforesaid, and extending from thence to its Termination in the Parish of *Long Marston* aforesaid, One full Toll; and on the Public Highway or Carriage Road commencing at or near the South-west End of a certain Lane called the *Hurst Lane* aforesaid, and extending from thence to its Termination at or near the *Worcester* and *Alcester* Turnpike Road in the Village of *Upton Snodsbury* aforesaid, One full Toll.

As to Payment of Toll for Post Chaises, &c.

XXXIII. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing and repassing through any of the same Turnpikes or Toll Gates on the same Day (the Day to be computed as aforesaid), with a Ticket denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall on returning without the Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day: Provided also, that no greater Number of Tolls be taken on the respective Parts of the said Roads for each Time such Post Chaises or other Carriages travelling for Hire shall pass and repass thereon, than is by this Act authorized to be taken for the Passage of any Horses or other Description of Carriages in any One Day.

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

XXXIV. Provided always, and be it further enacted, That for or in respect of every Waggon, Wain, Cart, or other such Carriage, having the Wheels of the Width and Description and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for or in respect of the several Horses and other Beasts drawing the same, the several Privileges and Exemptions granted and allowed by the said Act shall be granted and allowed to the several Waggons, Wains, Carts, and other Carriages, and to the several Horses and other Beasts drawing the same passing along the said Roads, or any of them.

No Additional Tolls for Narrow Wheels.

XXXV. Provided also, and be it further enacted, That the respective Tolls hereby granted and made payable, or any of them, shall not be increased in respect of Narrow Wheels attached or belonging to any Waggon, Wain, Cart, or other such Carriage, by the Provisions of any General Statute or Act of Parliament now in force.

XXXVI. And

Carriages drawn only by One Horse or Ox to be subject to Payment for Overweight.

XXXVI. And whereas great Injury may be done to the aforesaid Roads from the heavy Loads carried thereon in a Cart or other Carriage drawn by One Horse, or by One Ox, Mule, or other Beast of Draught only; be it therefore enacted, That it shall be lawful for the said Trustees to order or cause any such Cart or other Carriage, although the same shall be drawn only by One Horse or One Ox, Mule, or other Beast of Draught, to be weighed at any Weighing Engine now or hereafter to be erected upon any Part of the said Roads; and in case any such Cart or other Carriage with the Lading thereof shall exceed One Ton Weight in Summer or Fifteen Hundred Weight in Winter (the same to be computed as in an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, 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*, is specified), to cause to be demanded and taken such Sum of Money for Overweight as would have been payable by virtue of the said Act, or any subsequent Act made for altering or amending the same Act, in case such Cart or other Carriage had been drawn by more than One Horse or more than One Ox, and which Sum of Money shall be recovered in like Manner as by the said Act is directed with respect to the Sums thereby made payable for Overweight of Lading; any thing in the said Act contained to the contrary notwithstanding.

13 G. 3. c. 78.

Fences may be erected on Commons, &c. to prevent Evasion of Tolls.

XXXVII. And be it further enacted, That the said Trustees shall and may cause Fences and Ditches to be erected and made upon or over such Parts of any Commons, Waste Grounds, Wood Grounds, Common Fields or other uninclosed Lands, over or by the Sides whereof any Part or Parts of the said respective Roads do or shall lead as they shall think necessary, in order to prevent Payment of the Toll being avoided, not exceeding in Length Half a Mile on either Side of any Turnpike Gate to be continued or erected by virtue of this Act; and if any Person or Persons shall pull down or otherwise displace, damage, or carry away any such Fence or any Part thereof, or shall fill in or spoil any such Ditch, every such Person shall for every such offence forfeit and pay any Sum not exceeding Five Pounds over and above any Damages which may be thereby occasioned.

Penalty for destroying the same.

To prevent Evasion of Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage whatsoever, in order to avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued or to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or 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 any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Beast or Cattle to pass through the same (save and except as aforesaid), with Intent to avoid the Payment of any of the said Tolls or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or

counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls; or if any Person or Persons shall take off or suffer to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads; or shall unload any Goods, Articles, or Things from any Carriage, in order that such Carriage may pass empty or with an exempted Load only; or if any Person or Persons shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast or Carriage; every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Powers for Recovery of Tolls.

XXXIX. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand being made thereof, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls as aforesaid, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize or distrain any Horse, Beast, Cattle, Carriage or other Thing upon or in respect of which any Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, (but it shall not be lawful for any Person or Persons to seize or distrain the Bridle or Reins of any Horse or other Beast separate from the Horse or Beast) or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which the Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Beast, Cattle, Carriage or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold upon Demand, to the Owner thereof after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted.

Disputes concerning Tolls to be settled by a Justice.

XL. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses (which Oath the said Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Toll due and other Matters in Dispute between the Parties, and may

may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs and the Costs of such Distress and Sale, shall be returned upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Exempting the Royal Family from Tolls.

XLI. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to charge with Toll any Horses or Carriages conveying or attending His Majesty or any of the Royal Family, or returning after having been so employed.

Exemptions from Tolls.

XLII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act, of or from any Person or Persons for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stone, Bricks, Timber, Wood, Gravel, Lime, or other Materials for making or repairing the said Roads, or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place in which any Part of the said Roads lies, or for erecting, setting up, rebuilding, building, or repairing any present or any future Toll House or Toll Houses, Toll Gate or Toll Gates, Weighing Engine or Weighing Engines, Bridge or Bridges, or any of the Fences thereof, on or on the Sides of any of the said Roads authorized to be repaired by virtue of this Act; or in carrying or conveying any Seed for seeding the Ground, or Hay, Grass, Sainfoin, Fodder, Rushes, Teazles, Vetches, Straw, or Corn, or Pulse in the Straw only, Turnips, Potatoes, or other Agricultural Produce, or Milk for the Use of the Owner and not for Sale, or not sold or disposed of, or not going to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof; or for any Load Horse carrying a Grist to or from any Mill, or of or from any Surveyor of the said Roads for the Time being; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other thing not herein exempted from Toll), or for any Mould, Dung, Soil, Marl, Manure, or Compost employed in Husbandry for manuring or improving Land, or any Lime to be employed for that Purpose, or any Tiles or other Materials for the Purpose of draining, or for any Horses, Oxen, or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried; nor for any Horse,

Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon either before or after passing through any Toll Gate to be continued or erected on the said Roads, unless such crossing shall be with Intent to evade the Payment of Toll at any of the said Turnpikes, and the Payment of such Toll shall be thereby evaded; or for the Horses of any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Ministerial Duty, or from any other Person or Persons who shall pass through any of the said Toll Gates or Toll Bars to or from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or for any Horses or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmasters General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Waggon, Cart, Wain, or other Carriage employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty after having been so employed; or for any Carriage conveying Volunteer Infantry, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages employed only in carrying or conveying Vagrants sent by legal Passes; or any Prisoner or Prisoners in Custody under any legal Warrant, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Worcester* or *Gloucester*, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded respectively; and if any Person shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not ex-

eeeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Exempting Stores from Overweight.

XLIII. 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, or Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage, or the Horse or Horses drawing the same 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 the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Power to reduce Tolls.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts at any of their annual Meetings, at which Three Trustees shall be present, to lessen or reduce all or any of the Tolls by this Act granted, and which shall be arising and payable on the whole or any Part or Parts of the said Roads, and for such Time and Times as they the said Trustees shall think proper, and from Time to Time afterwards at any such Meeting to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with respect to Overweight, and such reduced Tolls shall and may be collected and levied and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied: Provided always, that it shall not be lawful for the said Trustees to reduce the said Tolls or any of them without the Consent in Writing of Five-sixths in Value of the Creditors on the said Tolls respectively, nor unless Twenty-one Days previous Notice at the least of such intended Reduction or Advancement shall be given by Advertisement to be inserted Twice in *The Worcester Journal* and in *The Gloucester Journal*, or some other public Newspapers to be circulated in the Counties of *Worcester* and *Gloucester*, and also in Writing to be affixed upon such of the Turnpikes or Toll Gates, the Tolls whereof are intended to be so reduced or advanced: Provided always, that it shall be lawful for the said Trustees at their 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 within their respective Districts, without any such Consent or Notice as aforesaid, so that such Tolls, or any of them, be not reduced below the several Amounts authorized to be collected by the said recited Acts or any of them.

Tolls not to be reduced without the Consent of Five-sixths of the Creditors.

Trustees may compound for Tolls.

XLV. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings from Time to Time to compound or agree for any Term not exceeding One Year at any one Time, with any

any Person or Persons for the passing of any Carriage or Carriages, Horses, Beasts, or Cattle travelling on either District of the said Roads through all or any of the Toll Gates or Toll Bars erected or to be erected on any Part of the said Roads; and all such Composition Money shall be paid in advance, and in default thereof the Composition or Agreement shall be void.

Trustees may let and lease the Tolls.

XLVI. And be it further enacted, That the said Trustees shall be and they are hereby empowered, after giving Fourteen Days Notice thereof by Advertisement to be inserted Twice in *The Worcester Journal* and in *The Gloucester Journal* or some other public Newspapers to be circulated in the Counties of *Worcester* and *Gloucester*, and also in Writing, to be affixed upon every Turnpike or Toll Gate, the Tolls whereof shall be intended to be let or leased, from Time to Time to let, lease, and demise, by Writing under their Hands and Seals, the Tolls granted by this Act, or any Part or Parts of such Tolls for any Term not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times to such Person or Persons, under such Conditions and Agreements, and with such Surety or Sureties for the Payment of the Rent and Performance of the Conditions and Agreements as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased and demised are under this Act directed to be applied, any Law or Statute to the contrary thereof notwithstanding; and if the said Trustees at any Meeting for letting the said Tolls shall be of Opinion that a Combination exists among the Bidders to undervalue the same, they may then proceed in such Letting in such Manner as to them shall seem most likely to create a real *bona fide* and advantageous Competition for the same; and at all such Lettings the Trustees shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Clerks or Treasurer or other Person by them authorized, to the Intent that such Tolls may not be let for less than an adequate Value; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been then last let; any thing in any Law or Statute to the contrary notwithstanding.

Lessees or Persons appointed by them may collect the Tolls.

XLVII. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is by this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the

Regulations of this Act, and 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 by the said Trustees is made subject or liable to by virtue of this Act.

Penalty on Renters, &c taking greater or less Tolls.

XLVIII. And be it further enacted, That if any Lessee, Farmer, Renter, or Collector of the said Tolls shall demand and take or cause to be demanded and taken from any Person or Persons any Toll not authorized by this Act to be taken, or a greater or less Toll than authorized to be taken by or under this Act, or by or under any Act or Acts of Parliament now in force and effect with respect to Overweights, or by or under any Order of the Trustees made under the Powers of this Act, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, such Lessee, Farmer, or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated if the said Trustees shall think fit to vacate the same; and every such Collector not being the Lessee, Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter or Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for any such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties or wholly to exonerate the Offender therefrom as such Justice shall think fit.

For preventing Toll Collectors from Misbehaving, &c.

XLIX. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either under this Act or by the Trustees for executing the same, or by any such Lessee, to collect the Tolls payable at any Turnpike or Toll Gate, Turnpikes or Toll Gates to be continued or erected by virtue of this Act, shall and he is hereby required to place the Name of such Turnpike or Toll Gate, and also his Christian and Surnames, painted on One or more Board or Boards in legible Characters, in the Front or some other conspicuous Part of every Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters on such Board or Boards to be at least Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector or Receiver of the Tolls shall not place such Board or Boards painted as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading the Words to be painted on such Board or Boards, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give or tender a Ticket denoting the Payment of the Toll, and specifying the Name of the Gate at which such Payment shall have been made, and also the Name or Names of the Gate or Gates

which

which such Ticket will free or clear, or shall unnecessarily detain, or upon the legal Toll being paid or tendered, shall wilfully obstruct, hinder or prevent any Passenger, Horse, Beast, Carriage, or Cattle, from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, or to any Treasurer, Clerk, Surveyor, or other Officer employed under this Act, or to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder or molest any Collector or Surveyor on the said Roads, who shall or may be employed by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Penalty on obstructing Collectors.

Enabling Trustees to take Possession of Toll Houses in certain Cases.

L. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in Arrear or unpaid, for the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case any Collector or Receiver of the Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, with the Buildings, Gardens and Appurtenances thereto respectively belonging, erected, or set up, or to be erected or set up by virtue of this Act, for the Space of Four Days next after Demand thereof made in Writing, signed by any Three or more of the said Trustees, or by their Clerk or Treasurer, and left at such Toll House or in any Toll Houses, Weighing Machine or Weighing Machines; or in case such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Town, or Place in which any such Toll House shall be situated, upon Application made by any One or more of the said Trustees, or by any Person by him or them appointed on his or their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging in the Day-time, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons, who

who shall be found therein, together with his, her, or their Goods out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees or other Persons acting by or under their Authority Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligation, Covenants, or Agreements, on the Lessee's Part), as if such Lease, Contract, or Agreement had never been made; and it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

Present Leases and Bonds to continue until Monthly Days of Payment of Rent after Commencement of Act.

LI. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Roads by this Act authorized to be repaired, or on any of such Roads which shall be in Existence at the Commencement of this Act, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessees Part, shall respectively continue in force until the respective Monthly Days on which the Rents therein respectively reserved shall become payable, and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time (save as to the Obligations, Covenants, or Agreements for Payment of Rent and Performance of Covenants in such Leases, Bonds, or Securities on the respective Lessees and Obligors Part to be observed and performed during the Continuance of such Leases, Bonds, or Securities by virtue of this Act), and until such Determination of such Leases respectively, the respective Lessees thereof shall be entitled to collect and receive from the Commencement of this Act the respective Tolls by this Act granted and made payable.

Differences in vacating Leases how to be settled.

LII. And be it further enacted, That in case any of the Lessees of the said Tolls shall claim to be entitled to any Compensation or Satisfaction for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Power to borrow Money by mortgaging the Tolls.

LIII. And be it further enacted, That it shall be lawful for the said Trustees assembled at any of their Meetings to borrow and take up at Interest on the Credit of all and every or any of the Tolls arising by virtue of this Act in such Manner as they shall think proper, such

further Sum or Sums of Money as they the said Trustees shall in their Discretion think necessary and expedient for the Use or Benefit of all or any Part of the said Roads by this Act authorized to be repaired and improved within their respective Districts, provided that Notice of every such Meeting and the Purpose thereof be given by Advertisement to be inserted Twice in *The Worcester Journal* and in *The Gloucester Journal*, or some other public Newspapers circulating in the said Counties of *Worcester* and *Gloucester*, at least Fourteen Days before every such Meeting; and for securing the same Money, together with Interest thereon not exceeding Five Pounds *per Centum per Annum*, the said Trustees are hereby authorized and empowered from Time to Time either at any such Meeting, or any Meeting to be held in pursuance of Adjournment thereof, by any Writing or Instrument, Writings or Instruments under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to demise or assign by way of Mortgage all or any of the Tolls granted by this Act, and all or any of the Turnpikes and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging for collecting the same Tolls within the District of Roads for which such Trustees are appointed, as a Security to any Person or Persons, or his, her, or their Trustee or Trustees, who shall advance or lend such Sum or Sums of Money; which Writing or Writings may be made in the Form following, or in other Words to the like Effect; that is to say,

'BY virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*] we, Three of the Trustees for putting the said Act in Execution, in consideration of the Sum of in hand advanced and paid by to the Treasurer [*or* to One of the Treasurers] of the said Roads, do hereby grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, for and during the Continuance of the said Act, such Proportion of the Tolls to arise upon the District of Roads [*or, upon any particular Part or Parts of the said Roads, as the Case may require*], and the Toll Gates, Toll Bars, and Toll Houses already made and erected 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 of the Tolls to arise upon the said District of Roads [*or, upon such particular Part or Parts thereof, as the Case may require*], to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of with Interest at *per Centum per Annum*, shall be sooner paid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord .'

And the Costs and Charges of all such Demises or Mortgages shall be paid out of the Tolls thereby demised, and Copies of all such Demises or Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees for such District, for which Entry the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more out of the Tolls hereby granted; and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees or any Creditor

or Creditors having Security on the said Tolls or any Part thereof without Fee or Reward; and all Persons to whom any Demise or Mortgage shall be made as aforesaid, or who shall be possessed of any Demise or Mortgage made by virtue of the said former Acts or any of them, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Demise or Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Demise or Mortgage, or by any other Writing or Writings to be written under the same or thereunto annexed, and signed and sealed in the Presence of and attested by One or more credible Witness or Witnesses, which Assignment or Transfer may be made in the following Words, or Words to the like Effect; that is to say,

Power to transfer Mortgages.

'I the within named or I Assignee,
'Executor, or Administrator of the within named
'[*as the Case may be*] do hereby assign and transfer this Mortgage
'Security with all my Right and Title to the Principal Money thereby
'secured, and all Interest now due and hereafter to grow due upon
'the same, unto of his Executors, Admini-
'strators, and Assigns. Dated this Day of in
'the Year of our Lord
'Witness to the signing hereof .'

Which said Transfer shall be produced and notified to the said Clerk or Clerks within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the before-mentioned Book or Books to be kept for entering Copies of the several Demises or Mortgages which shall be made as aforesaid, for the Entry of each of which Transfers the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, out of the Tolls hereby granted; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of every such Demise or Mortgage which shall be so transferred, and to the Payment of the Principal Money thereby secured, and the Interest due and to grow due thereon, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies 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 which shall have been demised and assigned by any such Mortgage or Transfer, and on the Turnpike Gates and Toll Houses, Bars, Weighing Machines, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another, and no Person shall have Preference in respect of the Priority of advancing his or her Money, or the Date of his or her Security.

Old Mortgages may be cancelled, and new ones granted.

LIV. And be it further enacted, That the said Trustees may and shall, if thereunto required by the Person or Persons entitled thereto, destroy

destroy and cancel all or any of the Mortgages, Assignments, or Transfers now subsisting, that have been made by virtue of the said Acts hereby repealed, of the Tolls thereby authorized to be collected on the said Roads or any of them, and to give and execute a Mortgage or Mortgages of all or any of the Tolls by this Act granted in Manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage, Assignment, or Transfer to be cancelled by virtue of this Act.

An Action of Ejectment may be supported by One Mortgagee.

LV. And be it further enacted, That if any Mortgagee or Mortgagees, Assignee or Assignees of all or any of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of such Toll Gates, Bars, Chains, Toll Houses, and Buildings in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise, the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings and Premises *pari passu*, and in proportion to the several Sums which may be due to them as Mortgagees.

Application of the Tolls.

LVI. And be it further enacted, That all the Costs, Charges and Expences relative to or attending the obtaining and passing of this Act, together with Interest for any Money which may be advanced for those Purposes, shall be paid and discharged in preference to all other Payments whatsoever by the said Trustees or their Treasurers, out of the Monies already received by virtue of the said Acts hereby repealed; or out of the first Money which shall arise or be received by virtue of this Act, in Manner following; that is to say, One Moiety thereof out of the Tolls or other Money arising within or on account of the said First District of Roads, and the other Moiety thereof out of the Tolls or other Money arising within or on account of the Second District of the said Roads; and the Remainder of all such Monies arising within or on account of the said First District of Roads shall from Time to Time be applied in keeping down the Interest of the Principal Monies borrowed or raised or due on Mortgage of the said Tolls respectively arising on the said Roads, comprizing such Districts, under or by virtue of the said Acts hereby repealed, and which may hereafter be by the said Trustees borrowed, raised, or secured on Mortgage of the respective Tolls arising by virtue of this Act within the First District of the said Roads or on the Credit thereof, and in making, repairing, and improving the said Roads comprized in the said First District of Roads, and in paying off and discharging the Principal Monies already borrowed or to be borrowed or raised by virtue of this Act upon the Credit of the Tolls respectively arising within or upon the said Roads forming the First District of Roads, and for otherwise putting this Act in Execution as far as respects the said First District of Roads; and the Remainder of all such Monies

Monies arising within or on account of the said Second District of Roads shall from Time to Time be applied in keeping down the Interest of the Principal Monies borrowed or raised and due on Mortgage of the Tolls arising by virtue of the said Acts hereby repealed, on the said Roads comprising such Second District, and which may be by the said Trustees borrowed or raised, or become due on Mortgage of the Tolls arising by virtue of this Act, within the Second District of the said Roads or on the Credit thereof, and in making, repairing, and improving the said Roads comprized in the Second District of Roads, and in otherwise putting this Act in Execution as far as the same relates to the said Second District of Roads, and in repaying the Principal Monies already borrowed or raised under or by virtue of the said Acts hereby repealed or to be by them the said Trustees borrowed or raised by virtue of this Act upon the Credit of the Tolls arising within or upon the Roads forming the said Second District.

No Money to be laid out on particular Parts of the Roads until the Sums now secured thereon shall be paid off.

LVII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on that Part of the present Turnpike Road leading from the *Blue Bell* in *Earls Croome* to the *Mill Tail* in *Pershore*, and from thence to the *Great Bridge* at *Evesham*, or on the said Carriage Road from *Wyre Piddle* to its Termination at or near the *Three Springs* aforesaid, or which may be borrowed on the Security of such Tolls or which may be received in lieu of or as a Composition for Statute Duty, which ought to be done and performed on such last-mentioned Roads, on any other Part or Parts of the Roads comprising the First District of Roads by this Act directed to be repaired and improved, until the Principal Monies and Interest now due and owing on the Security of the said Tolls to be collected on the said First District of Roads, or which may be hereafter borrowed on the Credit thereof, shall be fully paid off and discharged, nor until so much of all such Monies as aforesaid shall have been laid out and expended in the Repairs and Improvement of the said Turnpike Road from the *Blue Bell* in *Earls Croome* to the *Mill Tail* in *Pershore*, and from thence to the *Great Bridge* at *Evesham*, and also of the said Carriage Road from *Wyre Piddle* to the *Three Springs* aforesaid, as the said Trustees shall think proper and requisite to be made or done thereon; nor shall it be lawful for the said Trustees for the said First District of Roads to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on the Turnpike Road leading from or near *Battlewell* through *Wyre Piddle* to *Stonebow*, or on the Road from the *Green Hill* to the Turnpike Road at *Long Small* aforesaid, or which may be borrowed on the Security of such last-mentioned Tolls, or which may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on such last described Roads, on any other Part or Parts of the said Roads comprising the First District of Roads by this Act directed to be repaired and improved, until the Principal Monies and Interest now due and owing on the Security of the Tolls to be collected on such last-mentioned Roads, or which may be hereafter borrowed on the Credit thereof, shall be fully paid off and discharged, nor until

so much of such Monies so arising shall have been laid out and expended in the Repairs and Improvements of the said Roads leading from *Battlewell* through *Wyre Piddle* to *Stonebow*, and from the *Green Hill* to the Turnpike Road at *Long Small* aforesaid, as the said Trustees shall think proper and requisite to be made and done thereon; nor shall it be lawful for the said Trustees of the said First District of Roads to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on the said Turnpike Road commonly called the *Bretforton Road*, leading from the *London* Turnpike Road into the Village of *Bretforton* aforesaid, and to the Gate in *Offenham Lane*, leading to *South Littleton*, or which may be borrowed on the Security of such last-mentioned Tolls, or which may be received in lieu of or as a Composition for Statute Duty, which ought to be done and performed on such last described Roads, on any other Part or Parts of the said Roads, comprizing the First District of Roads by this Act directed to be repaired and improved, until the Principal Monies and Interest now due and owing on the Security of the Tolls to be collected on such last-mentioned Roads, or which may be hereafter borrowed on the Credit thereof, shall be fully paid off and discharged, nor until so much of such Monies so arising shall have been laid out and expended in the Repairs and Improvements of the said Road commonly called the *Bretforton Road*, leading from the *London* Turnpike Road into the Village of *Bretforton* aforesaid, and to the Gate in *Offenham Lane* leading to *South Littleton*, as the said Trustees shall think proper and requisite to be made and done thereon; nor shall it be lawful for the said Trustees of the said Second District of Roads to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on that Part of the present Turnpike Road from the *Great Bridge* at *Evesham* aforesaid, through *Broadway* to the Top of *Broadway Hill*, and from thence to the Top of *Bourton Hill*, or from *Upton Wold Lane* to the Town of *Stow-on-the-Wold*, or which may be borrowed on the Security of such last-mentioned Tolls, or which may be received in lieu of or as a Composition for Statute Duty, which ought to be done and performed on such last-mentioned Roads, on any other Part or Parts of the Roads comprising the Second District of Roads by this Act directed to be repaired and improved, until the Principal Monies and Interest now due and owing on the Security of the Tolls to be collected on such last-mentioned Turnpike Roads, or which may be hereafter borrowed on the Credit thereof, shall be fully paid off and discharged, nor until so much of such Monies so arising shall have been laid out and expended in the Repairs and Improvement of the said Roads, from the *Great Bridge* at *Evesham* to the Top of *Broadway Hill*, and from thence to the Top of *Bourton Hill*, and from *Upton Wold Lane* to the Town of *Stow-on-the-Wold*, as the Trustees shall think proper and requisite to be made and done thereon; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

No Toll to be taken or Money expended on

LVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to erect any Toll Gate or Bar, or take any Toll, or to lay out any Money in the improving

or amending the aforesaid Carriage Road, branching out of the Village of *Broadway*, and extending to its Termination at *Didbrook*, until Two hundred Pounds has been subscribed and paid into the Hands of the Treasurer or Treasurers of the Second District of the said Roads; nor to erect any Toll Gate or Bar, or lay out any Money in improving or amending the aforesaid Carriage Road, branching from the Village of *Bretforton* to its Termination at *Paul's House*, until Four hundred and fifty Pounds has been subscribed and paid into the Hands of the Treasurer or Treasurers of the said First District of Roads; nor to erect any Toll Gate or Bar, or lay out any Money in repairing or amending the aforesaid Carriage Road, leading from the Village of *Bretforton* to its Termination in the said Parish of *Long Marston*, until One thousand Pounds has been subscribed and paid into the Hands of the Treasurer or Treasurers of the First District of the said Roads; nor to erect any Toll Gate or Bar, or lay out any Money in improving or amending the aforesaid Carriage Road from the End of the *Hurst Lane* to its Termination in *Upton Snodsbury*, until One thousand Pounds has been subscribed and paid into the Hands of the Treasurer or Treasurers for the said First District of Roads; which said several Sums shall and may be secured upon the Tolls arising from the said Roads within such Districts respectively.

the several Public Carriage Roads, until certain Sums have been subscribed and paid to the Treasurer.

LIX. And whereas there are now due and owing divers Sums of Money, amounting to Two thousand and five Pounds, on the Security of the Tolls authorized by the said Acts hereby repealed to be collected on the said Turnpike Roads, comprized in the First District of Roads herein mentioned, and divers other Sums of Money, amounting to Three thousand one hundred and forty Pounds, are due and owing on the Security of the Tolls authorized by the said Acts hereby repealed, to be collected on the said Turnpike Roads comprized in the said Second District of Roads herein mentioned; be it therefore further enacted, That this Act and the Term hereby granted, and the Tolls authorized to be collected on the said First District of Roads, 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 Security of the Tolls authorized by the said Acts hereby repealed, to be collected on any Part of the said Turnpike Roads comprized in the First District of Roads in this Act described, as fully and effectually as if such Monies had been borrowed or secured on the Tolls by this Act authorized to be collected on any such Parts of the said First District of Roads; and this Act and the Term hereby granted, and the Tolls authorized to be collected on the said Second District of Roads, 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 Security of the respective Tolls authorized by the said Acts hereby repealed, to be collected on any Part of the said Turnpike Roads comprized in the said Second District in this Act described, as fully and effectually as if such Monies had been borrowed or secured on the Tolls by this Act authorized to be collected on any such Parts of the said Second District.

New Term and Tolls made liable to the existing Debts on the Two Districts of Roads.

LX. And

Property of Trustees under the former Acts vested in Trustees for executing this Act.

LX. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the said Trustees under or by virtue of the said Acts hereby repealed, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees respectively appointed for the First and Second Districts of Roads herein comprized in Manner following; that is to say, so much and such Parts of such Arrears of Tolls and other Monies, Property, and Rights as have arisen from or accrued upon or in respect of the Roads respectively comprising the said First District, shall be vested in and be taken by the said Trustees appointed for the said First District, and so much and such Parts of such Arrears of Rents and other Monies, Property, and Rights as have arisen from or accrued upon or in respect of the Roads comprising the said Second District, shall be vested in and taken by the Trustees appointed for the said Second District; and such Trustees respectively are hereby enabled to receive and take Possession of the same, and to recover the same or any Part thereof which may be withheld from them, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity; and all the Costs to be incurred by such Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed out of the Monies to be raised within their respective Districts of Roads, and all such Monies when recovered shall be paid over to the Treasurer or Treasurers of the District of Roads to which the same is hereby directed to belong, to be applied for the Use of such District of Roads, according to the Directions of this Act.

Powers for widening, altering, &c. Roads.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to widen, divert, turn, shorten, vary, alter, and improve the Line, Course, or Path of any Part or Parts of the aforesaid present Turnpike Roads, and of any Part or Parts of the aforesaid Public Highways or Carriage Roads by this Act directed to be repaired, maintained, or supported, or any of them, in such Manner as they shall think fit, according to the Provisions and Directions of this Act, upon, through, or over any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction as herein-after mentioned, and also to widen, divert, vary, turn, alter, and make the same several Roads, or any of them, upon, through, or over any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and it shall and may be lawful to and for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any such private Lands, Grounds, or Hereditaments as aforesaid, through which or whereupon the said Roads, Widenings, and Alterations shall be intended to pass or be made, and to stake out and make the same in such Manner as the said Trustees shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, and Hereditaments respectively for any of the Purposes of this Act, making or tendering Satisfaction to the

the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and if any Person or Persons shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making, widening, diverting, turning, shortening, varying, altering, or improving such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, provided that the said Roads when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least, and shall not be more than Sixty Feet wide; and provided also that it shall not be lawful for the Trustees acting in the Execution of this Act, or any of them, in widening, diverting, turning, shortening, varying, altering, and improving any Part or Parts of the said Roads by this Act authorized to be repaired, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners for the Time being of the Estates, Lands, or Grounds through or upon which any such Deviation may be made.

Trustees restrained from taking down Dwelling Houses and taking Gardens, &c. without Consent.

LXII. Provided also, and be it further enacted, That the Powers and Authorities hereby given for diverting, making, and altering the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, save and except Two Messuages or Dwelling Houses, and the several small Tenements thereto adjoining and belonging, now the Estate and Inheritance of the Dean and Chapter of *Westminster* and *Joseph Martin* Grocer, respectively, or of *William Foster* Butcher and the said *Joseph Martin*, and in the respective Occupations of the said *William Foster* and *Joseph Martin*, or their respective Under-tenants respectively, situate at the Corner of the *Broad Street* which leads into and communicates with the *High Street* in the Town of *Pershore* aforesaid; and also save and except a Yard, Garden, and Orchard, now the Estate and Inheritance of *John Fletcher* Gentleman, and in the Occupation of *Susannah Howslip* Widow, situate in the Village of *Boughton* in the Parish of *Hill Croome* in the said County of *Worcester*; and also save and except a certain other Orchard called *Whapman's Close*, and one other Orchard and Garden now the joint Estate and Inheritance of *James Skey* Esquire, Mrs. *Elizabeth Wells* Widow, and *Susannah Brookes* Spinster, and in the Occupation of *Ann Jones* Widow, also situate in the Village of *Boughton* in the Parish of *Hill Croome* aforesaid.

Trustees to fence any old Roads altered, and any new Roads.

LXIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Roads by this Act authorized to be repaired, or make any new Road over and through any private Lands, Grounds, or Hereditaments, or shall take away or remove any Fence for widening the said Roads, or any of them, or any Part thereof, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences, or other

good and sufficient Fences on both Sides of any such Road as shall be so turned or altered, or on the Side or Sides upon which any such Fence shall or may be so taken away or removed as aforesaid, with sufficient Ditches to the same, and sufficient Posts and Rails or other Fence to protect the Growth of any such Quickset Hedges or Fences, so as effectually to guard and fence off the Lands adjoining to the same Roads, and also proper Gates, Bridges, and Arches where necessary out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Lands, Grounds, or Hereditaments shall agree with the said Trustees to make or keep such Fences in Repair from an earlier Period.

Empowering Trustees to enter into an Agreement with the Trustees of the Worcester Turnpike Road respecting the Repairs of certain Roads.

LXIV. And whereas a Part of the Turnpike Road leading from the present Turnpike Gate at the Bottom of *Allesborough Hill*, at the Northern Extremity of the Town of *Pershore* aforesaid, to a Dwelling House in the Occupation of *William Foster* Butcher, at the Corner of a Street called the *Broad Street*, communicating with and leading into the *High Street* in the Town of *Pershore*, and containing in Length Nine hundred and ninety-one Yards, and now under the Care and Management of the Trustees appointed by or in pursuance of an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better repairing the several Roads leading into and from the City of* Worcester, forms a Junction with Part of the Roads herein-before described, and might be more conveniently and better kept in Repair by the Trustees appointed for the First District of Roads in this Act described, and they may find it desirable in the Execution of their Trusts to undertake the Repair thereof, on being paid and allowed a Sum of Money towards such Repair, and the Trustees for executing the said recited Act may be desirous of relinquishing the Repairs of such Road; be it therefore further enacted, That it shall be lawful for the Trustees for the said First District of Roads to enter into an Agreement with the Trustees for executing the said recited Act, respecting the Repairs of the said Piece of Road through the Town of *Pershore* aforesaid, and for the Discontinuance and Removal of any Toll House and Turnpike Gate now erected thereon, and the Sums to be paid for or on account thereof by the Trustees for executing the said recited Act; and in case any such Agreement shall be entered into, it shall be lawful for the Trustees acting in the Execution of the said recited Act, to pay such Sum or Sums of Money so to be agreed upon out of any Monies to arise by virtue of the said recited Act to the Trustees for the said First District of Roads: Provided always, that no such Agreement shall exonerate or discharge any Person or Persons liable to perform Statute Duty on the said Piece of Road, or to contribute in any Manner to the Repair thereof (other than the Trustees for executing the said recited Act), but all and every such Person and Persons shall continue subject and liable to perform Statute Duty thereon, and contribute to the Repair thereof in like Manner as they would or might have been in case no such Agreement had been entered into.

LXV. And

Trustees may purchase Lands for making and altering Roads.

LXV. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts to treat, contract, and agree with the Owners of and Persons interested in any Lands, Houses, Buildings, Tenements, Hereditaments and Premises which they are enabled to purchase by virtue of this Act for making, widening, diverting, altering and improving the said Roads or any of them, and also for making all necessary Fences on the Sides of the said Roads, and for the Erection of Toll Houses with the Garden Spots thereto, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of or interested in any such Lands, Houses, Buildings, Tenements, Hereditaments or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Trustees for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and to sell and convey by Conveyance, Lease and Release, or Bargain and Sale enrolled, unto the said Trustees all or any such Lands, Houses, Buildings, Tenements, Hereditaments or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales and Conveyances which shall be so made, shall be good, valid and effectual to all Intents and Purposes without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts and Interests whatsoever, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat for Sale of Lands, &c.

LXVI. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Houses, Buildings, Tenements, Hereditaments and Premises, which the said Trustees are by this Act enabled to purchase, or sustaining any Damage as aforesaid, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, shall for

for the Space of Twenty Days 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 shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein any such Lands, Houses, Buildings, Tenements, Hereditaments and Premises do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Trustees or any or either of them are and is hereby empowered to administer), and such Trustees shall by ordering a View or otherwise use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested according to the Verdict or Inquisition of such Jury, and such Verdict or Inquisition and Judgment, Order, and Determination thereon shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession or Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County wherein such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises do lie, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing

Trustees to issue Warrants to the Sheriff to impannel a Jury.

Trustees may impose Fines on Sheriffs making Default, and on Jury and Witnesses.

appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no One Fine be more than Twenty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, or more than Five Pounds on any other Person for One Offence.

How the Expences of Jury and Witnesses to be borne.

LXVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, 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 or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest. or Property, or for any Loss or Damage as aforesaid, then and in any such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be 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), and shall be borne and paid by the Treasurer or Treasurers to the said Trustees, in such Manner as the said Trustees shall direct, out of any Money which shall then be in his or their Hands, or out of any Monies to be received by virtue of this Act; and in default of Payment thereof by the said Treasurer within Five Days after the said Costs shall be so settled, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Treasurer, by Warrant under the Hand and Seal of such Justice; but if any Jury or Juries so summoned and sworn as aforesaid, 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 the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, in any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid; 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 for the County or Place wherein the Cause of Dispute shall arise, not interested in

the Matter in question, who is hereby required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by any Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

LXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees of the District of Roads requiring such Lands or Premises, out of any Monies in the Hands of the said Trustees, or their said Treasurer or Treasurers, or out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in Manner by this Act directed (as the Case may require); and upon such Payment to such Parties or Persons, or their Agents, or into the Bank of *England*, then such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises respectively, shall and may be taken and used for the Purposes of this Act, and such Lands and the Site of such Houses, Buildings, Tenements, Hereditaments, and Premises shall be laid into and made Part of the said Roads in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Roads for ever thereafter, and the said Roads shall be repaired and kept in Repair by the said Trustees, and also by the same Ways and Means as any other Highway is or ought by Law to be kept in Repair, and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Roads shall be completed, the Lands constituting any former Road or Roads, which may thereby become useless or unnecessary, shall or may be stopped up or discontinued, unless leading over some Moor, Common, uncultivated Land or Waste Ground, or to some Village, Town, or Place to which such new Road or Roads doth not or do not lead, and shall be vested in and shall and may be sold and conveyed by the said Trustees in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and all Conveyances being executed by the said Trustees, or any Three or more of them, and enrolled

Old Roads may be stopped up or sold.

in the Office of the Clerk of the Peace for the County wherein such Road shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

LXIX. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground within their respective Districts, not wanted for the Purposes of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof), to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Ground is situate (who is hereby empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be), and the said Trustees may then proceed in the Sale of such Piece or Pieces of Ground, or Piece or Pieces of old Road to any other Person or Persons whomsoever, in such Manner as they shall think proper, and will be most for the Benefit and Advantage of the said Roads; and in case any such Person or Persons to whom a first Offer is directed to be made, shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied by the Trustees to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

Application of Compensation if amounting to 200*l.*

LXX. And be it further enacted, That the Money agreed or awarded to be paid for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian,

dian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Houses, Buildings, Tenements, Hereditaments, and Premises are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, or affecting other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises 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 or Settlement shall be existing, undetermined, or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.* and exceeding 20*l.*

LXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases,

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, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, 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 said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the 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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When not exceeding 20*l.*

LXXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Houses, Buildings, Tenements, Hereditaments, and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

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

LXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Houses, Buildings, Tenements, Hereditaments, and Premises to be purchased, taken, or used under or by virtue of the Powers 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 any Three or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to any such Lands, Houses, Buildings, Tenements, Hereditaments, and Premises be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there; to the Credit of the Parties interested in the said Lands, Houses, Buildings, Tenements, Hereditaments, and Premises (describing them) subject to the Order, Controul,

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

In case of disputed Titles.

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

Court may order reasonable Expences to be paid by Trustees.

LXXV. 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, Houses, Buildings, Tenements, Hereditaments, and Premises, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Houses, Buildings, Tenements, Hereditaments, and Premises, to be settled to the like Uses

in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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.

Power to get Materials;

LXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any Materials for making or repairing the said Roads, out of any common River or common Brook, or out of or from any Waste or Common in any Parish, Hamlet, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Hamlet, or Place, and to haul or carry away any such Materials, when got, over any Common or Waste Lands, without paying any Thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person in any Parish or Place in which the said Roads or any of them lie or are situate (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damages done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any open Land or Common, any Stone or other Materials for making or repairing the said Roads, brought on any River, Stream, or Canal, in any Parish, Hamlet, or Place in which any Part of the said Roads lies, paying or tendering for the Damages done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County wherein the Place from whence such Materials shall have been taken shall

and to land Materials and carry same over Lands adjoining any River, &c.

shall be situate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining of the same.

Notice to be given before Materials taken from inclosed Grounds.

LXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads out of or from any inclosed Land or Ground, until Three Days Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two Justices of the Peace acting in and for the County where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person, to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they 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 Owner or Occupier, or his or her Agent had attended.

Powers to contract for Land to get Materials.

LXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them of any Land or Ground for the Purpose of digging Stone and Materials therefrom for the Repairs or Use of the said Roads, or any Part thereof respectively, and at any Time afterwards to sell the Land or Ground (so purchased) by public Auction or Tender: Provided always, nevertheless, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same: Provided also, that the said Trustees shall not purchase or hold at any one Time or Period a greater Quantity of such Land or Ground in the whole than Three Acres for each District of the said Roads.

Penalty on taking away Materials raised by the Surveyor.

LXXIX. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making

and

and repairing the said Roads before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made as to Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Flood Gates or Obstructions in the Watercourses to be made so as to injure the Roads.

LXXX. And be it further enacted, That if any Person shall, after the Commencement of this Act, erect or place any Sluices, Dam, Flood Gate or other Obstruction in any Brook or Watercourse whereby or by Means whereof the said Roads or any Part thereof shall be flooded, damaged, or injured or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the said Roads or any of them, or shall deepen or widen any Ditch, Drain, or Watercourse already made into or on the Sides of the said Roads or any of them, or shall enclose or take in any Ditch, Drain, Pipe, or Watercourse, lying on the Outside of his, her, or their Paling, Hedges, or other Fences, without Licence or Consent in Writing for that Purpose first had and obtained from the said Trustees, or from the Surveyor or Surveyors of the said Trustees for the Time being, then and in every such Case it shall be lawful for the Surveyor or Surveyors to the said Trustees, and the several Workmen to be employed by him or them, to take down and remove every such Sluice, Dam, Flood Gate or other Obstruction, and to convert the Materials thereof for the Benefit of the said Roads, and also to stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and to pull down and remove the Buildings, Walls, Palings, or other Fences so enclosing such Ditches, Drains, Pipes or Watercourses, and the Person erecting or placing such Sluice, Dam, Flood Gate, or other Obstruction,, or making, opening, deepening, widening or inclosing such Ditch, Drain, Pipe, or Watercourse, without such Licence or Consent respectively as aforesaid, or causing or procuring the same so to be done, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds over and above the Costs and Charges of taking up and removing such Sluice, Dam, Flood Gate or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse, or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

Penalty for erecting Buildings or Encroachments on the Sides of Roads.

LXXXI. And be it further enacted, That if any Person shall encroach upon any of the said Roads by erecting or making, or causing to be erected or made, any Dwelling House or other Building, Hedge, Ditch or other Fence (except Turnpike Houses or other Buildings or Fences erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees by Order under their Hands, made at a Meeting or some Adjournment thereof, directed to their Surveyor or Surveyors, to cause any such Dwelling House, Building, Hedge, Ditch, or other Fence to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of

the Peace in and for the County or Place where the Premises shall be situate, upon Proof thereof to him or them made upon Oath (which Oath any such Justice is hereby empowered to administer), to levy as well the Expences of taking down any such Dwelling House, Building, Hedge, and Fence, and filling up of Ditches aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners on Demand.

Gates not to project over the Roads.

LXXXII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads as that no Part of such Gate shall, when open, project over any Part of the said Roads, or any of the Footpaths thereof; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the Meaning of this Act, shall within Twenty Days after Notice to him, her, or them given, either personally or in Writing from any Surveyor of the said Roads (such Surveyor being first authorized to give such Notice by Writing, under the Hands of the said Trustees), cause such Gate to be hung so that no Part of the Gate, when open, shall project over any Part of the said Roads or any Footpath belonging thereto, and in Default thereof, the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness (which Oath any Justice is hereby empowered to administer), pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

For removing Annoyances and Nuisances.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stones, Carriages, Sawpits or other Pits, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being placed, made, or laid, on any Part of the said Roads, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall think necessary, and to cut down or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Trees being an Ornament or Shelter to a House), and to

take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose, by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Branches, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or the Surveyor or Surveyors shall require, the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after the Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Roads.

LXXXIV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, or by the Sides thereof, except where any Part of the said Roads shall pass over any Commons or Waste Lands, and shall not be fenced off on both Sides thereof, it shall and may be lawful to and for the Surveyor or Surveyors of the said Trustees for the Time being, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish, Township, Tithing, or Place where the same shall be so found, or in such other Place as the said Trustees shall appoint, and the same there to detain, until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Ten Days after such impounding, it shall and may be lawful to and for the said Trustees, or the said Surveyor or Surveyors, to sell or cause to be sold every such Horse, Ass, Sheep, Swine or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

For punishing Persons guilty of Pound Breach.

LXXXV. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine,

Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness (and which Oath the said Justice is hereby authorized and empowered to administer), be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Power to make Causeways, Bridges, Drains, &c.

LXXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as they shall appoint by Order of the said Trustees, to make and keep in Repair or cause to be made and kept in Repair any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper; and also Ditches or Drains in, upon, and under the said Roads, and also through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (not being the Site of Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle and Carriages as a public Highway, whilst the old Road is repairing or widening, and till such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damages they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and such Trustees, then it shall and may be lawful for any Two or more Justices of the Peace acting in and for the County wherein such Ground shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Roads to be measured, and Milestones set up.

LXXXVII. And be it further enacted, That the said Trustees may and they are hereby empowered to cause the said respective Roads to be measured, and Stones or Posts to be set up in or near the same, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper, and also such and so many Direction Posts as they shall judge

judge necessary or proper, and may also set up or cause to be set up a boundary Stone or Post at the Termination of each of the said Roads, and of the respective Branches thereof.

Bridges, &c. to be repaired by Persons liable to the Repair of the same.

LXXXVIII. And be it further enacted, That all and every the Bridge or Bridges, Causeways, Arches, Drains, or Sewers in any Part of the said Roads which have been accustomed or ought to be repaired by any County, or any Hundred, Parish, Hamlet or Place, or by any particular Person or Persons, or Bodies Politic or Corporate, by reason of the Tenure of Lands or otherwise howsoever, shall be still liable to be maintained and kept in Repair as they were before the passing of this Act.

Statute Labour how to be regulated and enforced.

LXXXIX. 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, or liable to be charged towards repairing and amending the said Roads by this Act authorized to be repaired, or any Part or Parts thereof shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the respective Counties of *Worcester* and *Gloucester* and for the Burgh of *Evesham*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, 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 or Treasurers, Surveyor or Surveyors; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division or Place, to bring in Lists before such Justices at some Place and Time to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, Tithing, Hamlet, District, Division, or Place are by Law subject and liable to do and perform 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 Repair of the Public Highways; and out of such Lists the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as

the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Seed Time, Hay Time, or Harvest), and on such Part or Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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, Township, Tithing, Hamlet, District, Division or Place, for the Time being to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors, at such Time or Times as the said Justices shall direct; and in default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty 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 any 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 Highwys; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught Horse or Beast to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught Horse or Beast had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads.

Trustees may compound for Statute

XC. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors to be by them appointed, being

being authorized so to do by 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, Townships, Tithings, Hamlets or Places in which the said Roads lie or are situate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work or Duty, or to compound and agree with the Surveyor or Surveyors of the Highways for any such Parishes, Townships, Tithings, Hamlets, or Places for the Whole or any Part of the Statute Work liable to be performed within the same respectively; all which Composition Monies shall be from Time to Time paid in advance by every such Person so compounding to the said Trustees or their Treasurers or Surveyors, on or before the Fifth Day of *April* in each and every Year, and shall be applied in repair of the said Roads.

Duty with Inhabitants or Surveyors.

XCI. And be it further enacted, That the said Trustees within their respective Districts, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for amending, diverting, varying, altering, widening, making, improving and maintaining in Repair the said Roads or any Part thereof; and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workman or Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties or Persons as shall sign the same, his, her, and their Executors and Administrators; and Actions and Suits shall and may be maintained thereon, under the Order and Direction of the said Trustees, in the Name or Names of their Clerk or Clerks, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees may contract for Repairs of Roads.

XCII. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Pavement, through the Streets of any Town or Towns through which the said Roads pass, or any Causeway by the Side of the said Roads made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine or Cattle,, Wheelbarrow, or Carriage of any Description, upon any such Footpath, Pavement, or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull up or damage any

For preventing Damage to Roads and Annoyances to Travellers.

any Direction or Mile Post or Stone, erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully damage any Bridge, Wall, Toll Gate, Toll House, Weighing Machine, or other Erection made or erected by the said Trustees, or repaired or repairable by them; or break or damage any Lamp to be placed or fixed on or against any such Toll House; or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, otherwise than upon Wheel Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages, to drag or trail upon any Part of the said Roads, to the Prejudice thereof; or shall, in or upon any Part of the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or shall make or assist in making any Fire or Fires, commonly called Bonfires, or set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet from the Centre of any Part of the said Roads; or shall blow or blast any Rock or Quarry on any Part of the said Roads, or on the Sides thereof, or on the Banks thereof, or within Fifty Yards of the Centre thereof; or play at Football, or any other Game or Games upon the said Roads, or any Part thereof, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, or Cart upon any Part of the said Roads, or on the Side or Sides thereof, (except in Cases of Accident, or for the Purpose of loading or unloading such Waggon, Wain or Cart, and in such Cases, for such Time only as shall be necessary to remove and load or unload such Waggon, Wain, or Cart), or shall not place any such Waggon, Wain, or Cart, during the Time of loading or unloading thereof, as near to one Side of the Road as conveniently may be, either with or without any Horse or Horses, Beast or Beasts of Draught harnessed or yoked thereto; or shall lay and leave any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Roads, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, or Interruption of the Persons travelling thereon; or shall suffer any Water, Filth, Dirt, Matter or Thing whatsoever to run or flow into or upon the said Roads or Footpaths, or on the Side or Sides thereof, from any House, Building, Erection, Lands or Premises adjacent thereto, to the Injury of the said Roads; or if any Person or Persons in the Performance of Statute Work on any of the said Roads, or any Person or Persons employed to haul any Materials for the Repairs of the said Roads, shall place or deposit any Stones, or other Materials to be brought by him or them for the Repair of the said Roads, within Twenty Feet of the Centre of such Roads, where such Roads shall be of sufficient Width to admit of such Stones or other Materials being placed at that or a greater Distance from the Centre of the said Roads; or if any such Person or Persons in the Performance of Statute Work, or employed to haul Materials as aforesaid, shall not pile and heap the Stones and other Materials to be

brought by him or them for the Repairs of the said Roads, on the Sides of and without encroaching upon or interrupting the travelling upon such Roads; or if any Person shall turn, or suffer to be turned any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine, on or to be or remain upon the said Roads, to graze or depasture on the Sides thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer such Pigs or Swine to root up or damage the said Roads, or any Part thereof, or the Fences or Banks on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart or other Carriage in going up any Hill or rising Ground, cause or suffer to be or remain on the said Roads, or any Part thereof, the Stone or other Thing with which such Cart or other Carriage shall or may have been blocked or stopped; or if any Higler, Hawker, Gipsy, or other Person or Persons, travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, situate near the said Roads, and having a Window or Windows fronting to the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, meeting any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise, Waggon, Cart, or other Carriage under his or her Care upon the said Roads; or if any Person leading or driving on the said Roads any Horse, Mule, Ass, or other Beast, carrying any Rod or Bar of Iron, Basket, or Pannier, or other Matter or Thing, so that the same or any of them shall project more than Thirty Inches beyond either Side of such Horse, Mule, Ass or other Beast; or if any Person shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and the Hedges and Fences on the Sides thereof, 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 remove, take up, and carry away any Stones or Scrapings, or any Dung, Mould, Soil, Compost or Manure from the Sides of the said Roads, or from any Place or Places where the same shall have been laid or deposited, or placed by the said Trustees or any Person or Persons employed by them, without the Consent of some Surveyor or Surveyors of the said Roads first obtained for that Purpose; each and every Person offending in any of the Cases as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Directing how Costs and Damages are to be recovered from Trustees.

XCIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their

Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them, for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand, to the said Trustees or their Treasurer for the Time being, as the Case may be.

Recovery and Application of Penalties.

XCIV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County or Place where the Offence shall be committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, 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), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Information, Conviction, Distress, and Sale are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, One Moiety to the Informer, and the other Moiety to any Treasurer or Treasurers to the said Trustees, and applied towards the Repairs of the District of Roads in which such Penalty and Fine may be inflicted or recovered; and in case such Penalties, Forfeitures, and Fines respectively, shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such

Justice, for his, her, or their Appearance before him, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace, 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 of the County or Place as aforesaid, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For securing transient Offenders.

XCV. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of this Act.

Form of Conviction.

XCVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices or 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, as the Case shall happen; (that is to say),

' } BE it remembered, That on the Day of
' to wit. } in the Year of our Lord is convicted before
' } of His Majesty's Justices of the Peace for the
' of [*specifying the Offence, Time and Place when and where*
' *the same was committed as the Case shall be*]. Given under my Hand
' and Seal [*or* our Hands and Seals] the Day and Year first above
' mentioned.'

Proceedings not to be quashed for Want of Form.

XCVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money

Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought, or within Fourteen Days after the Cause of Action shall arise.

Persons aggrieved may appeal to the Quarter Sessions.

XCVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within Three Calendar Months next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County or Place in which the Cause of Complaint shall arise, as the Case may be, unless such Complaint shall arise within Ten Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Trustees, and within Four Days after such Notice entering into a sufficient Recognizance before some Justice of the Peace for such County or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such 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 award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, cause such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol or House

House of Correction within the County or Place (as the Case may be) where the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of Actions.

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

General Issue.

Treble Costs.

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

C. Provided also, and be it further enacted, That it shall be lawful for the said Trustees at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers to the said Trustees to pay and defray, out of the Money in his or their Hands arising from the Tolls and other Monies to be received by him or them, all such Costs, Charges, and reasonable Sums as they the said Trustees or any of them, or any Justice or Justices of the Peace shall have been at or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever, which they shall have done or ordered to be done in the Execution of this Act.

Public Act.

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

Commencement and Duration of the Act.

CII. And be it further enacted, That this Act shall commence on the Second *Thursday* in the Month of *July* next after the passing thereof, and shall continue and be in force for and during Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1822.