



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.



## Cap. v.

An Act for repairing the Road from the Cross Hands, on the *Worcester* and *Oxford* Turnpike Road, to *Halford Bridge*, and other Roads therein mentioned, in the Counties of *Gloucester*, *Warwick*, and *Worcester*. [17th March 1817.]

WHEREAS the public Carriage Road leading from the Cross Hands, upon *Broad Campden Hill*, on the *Worcester* and *Oxford* Turnpike Road, through the Town and Parishes of *Chipping Campden* and *Ebrington*, in the County of *Gloucester*, the Parishes of *Ilmington* in the County of *Warwick*, and *Tredington* in the County of *Worcester*, into the Turnpike Road from *Warwick* to *Stow*, near to a Bridge over the River *Stour* known by the Name of *Halford Bridge*; and also the public Carriage Road leading from the lower or North end of the Village of *Ilmington* aforesaid, through the Parishes of *Whitchurch* in the County of *Warwick*, and *Alderminster* in the County of *Worcester*, into the Turnpike Road from *Stratford on Avon* to *Oxford*, near to the Fourth Mile Stone from *Stratford on Avon* aforesaid, are in some Parts in a ruinous Condition, and cannot be amended, widened, improved, and kept in good Repair, by the ordinary Course of Law: 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 *William Bateson*, Trustees. *George Bowles*, the Reverend *William Boughton*, *J. C. Champion*, *Francis Canning*, *Robert Canning*, *Sir Charles Cockerell* Baronet, the Honourable [Local.] *John*



*John Coventry, the Honourable Thomas Henry Coventry, the Honourable William James Coventry, Michael Corbett, Thomas Corbett, George Cotterell, Robert Cotterell, William Cotterell, Dugdale Stratford Dugdale, Thomas Eden, William Eden, Thomas Fretwell, the Reverend Morgan Graves, John Graves, Sir Berkeley William Guise Baronet, the Reverend John Robert Holt, Samuel Hyson, John Hickman, Thomas Halford, Thomas Stanley Hill, William Izod, John Jordan, James Kettle, Sir John Dashwood King Baronet, the Honourable Henry Beauchamp Lygon, the Honourable William Henry Lyttleton, Richard Miles, George Matthews, Sir Charles Mordaunt Baronet, Charles Marshall, Sir Gerard Noel Noel Baronet, the Honourable Charles Noel, the Honourable William Noel, Thomas Phillipps, Thomas Phillipps the younger, Joseph Roberts, the Honourable and Reverend George Rusbout, William Coleman Russell, the Honourable Robert Edward Henry Somerset commonly called Lord Robert Edward Henry Somerset, the Reverend William Spooner, the Reverend John Smith, George Talbot, Gore Townsend, the Reverend Henry Townsend, the Reverend Edward Townsend, John Hathaway Turbitt, the Reverend Samuel Wilson Warnford, James Roberts West, the Reverend Charles White, George Wilkes, Thomas Wynniatt, the Reverend Reginald Wynniatt, and the Reverend Philip Wren, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, shortening, improving, and keeping in Repair the said Roads herein-before described, and for otherwise putting this Act in Execution.*

Power to appoint additional Trustees.

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

Power to elect other Trustees.

III. And be it further enacted, That when and as often as any of the Trustees hereby appointed or to be elected and appointed in Manner herein mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time to elect and appoint One or more fit and proper Person or Persons to be a Trustee or Trustees in the Room of every Trustee or Trustees dying or refusing to act as aforesaid, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk, to be appointed by the said Trustees, as herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected and being upon the said Roads, and by inserting such Notice in One or more of the Newspapers published within the Counties of Gloucester, Warwick, and Worcester, Thirty Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by this Act.



IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes; or shall be Heir Apparent of a Person so seized of Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; or shall be possessed of a clear Personal Estate of the Amount or Value of Three thousand Pounds; and if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record 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; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification  
of Trustees.

V. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath next herein-after mentioned, at the First or Second Meeting of the said Trustees), shall take an Oath before One or more of the said Trustees (who is or are hereby empowered to administer the same) in the Form or to the Effect following; (that is to say),

Trustees to  
take an Oath.

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

VI. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit, or shall be interested or concerned in any Contract, or shall be a Lessee or Farmer of the Tolls under this Act; and that

Trustees  
holding  
Places of  
Profit not  
to act.



Justices may  
act in both  
Characters.

that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees (except only in Cases where they shall be personally interested); nor shall any Mortgagee, or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

Victuallers  
not to be  
Officers, or  
act as  
Trustees.

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

General  
Meetings of  
Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the *Noel Arms*, in the Town of *Chipping Campden*, or at some other convenient House or Place in *Chipping Campden* aforesaid, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be and shall then proceed to carry this Act into Execution; and the said Trustees shall then and from Time to Time afterwards adjourn themselves, and meet at the same Place, or at such other Place upon any of the said Roads, and at such Times, as the said Trustees shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the sides of the said Roads, and to be inserted in One or more of the Newspapers published and circulated within the Counties of *Gloucester*, *Warwick*, and *Worcester*, at least Fourteen Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Month next after the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be holden under this Act, before the Hour of Twelve in the Forenoon, nor shall any Adjournment be made, or any Meeting appointed to be held at any later Hour than Four in the Afternoon, of the Day on which such Meeting is appointed to be held.

Meetings on  
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing,

ing, signed by Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Meeting not being less than Fourteen Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees or the Majority of them at all Meetings held in pursuance of this Act are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the said Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Fourteen Days before, in some public Newspaper usually circulated in the said Counties, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof, than concurred in the making of any such Order, Agreement, or Determination; and the said Trustees, at all their Meetings, shall defray their own Expences; and at every Meeting of the said Trustees, a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful to and for the Chairman to give the decisive or casting Vote.

Trustees to pay their own Expences at Meetings.  
Chairman to have a casting Vote.

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 any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

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

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Clerk; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders, &c. to be entered.

XII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements; and of the several Articles for which such Sums have been disbursed; which Book shall be kept by the Treasurer or Clerk, in order that any of the Trustees, or any Creditor or Creditors on the said Tolls, may at all reasonable Times have Access thereto, and take Copies or Extracts therefrom, without paying any thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or

Accounts of the Trustees to be open to the Inspection of Creditors.

[Local.]

Z

take



take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Appointing  
Officers  
Salaries, &c.

How Officers  
shall account.

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



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

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk not to be Treasurer, and vice versa.

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

Treasurer, &c. to give Security.

XVI. And be it further enacted, That upon the Death, Incapacity, absconding, or Absence of any Collector or Receiver of Tolls, any Three

Trustees may appoint temporary or



Collectors  
in certain  
Cases.

or more of the said Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; and every Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said Counties of *Gloucester*, *Warwick* and *Worcester*, within their respective Jurisdictions, 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 such House or Buildings in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees or any Three or more of them, or any of their Officers, in the Possession thereof.

No Trustee  
shall vote for  
Officers, unless  
he has acted in the  
preceding  
Year..

XVII. Provided always, and be it enacted, That after the first Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death, or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act at least Once within the Space of One Year next preceding the Time of such last-mentioned Nomination or Appointment.

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

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees; but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant as aforesaid, as the Case may be, in every such Action: Provided always, that every such Clerk and Treasurer in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages and Expences, as by the Event or in consequence of any such  
Action



Action of Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

XIX. And for the Purpose of collecting and receiving the Tolls herein granted and made payable, be it enacted, That the said Trustees, or such other Person or Persons as they shall direct and appoint, shall and may erect or cause to be erected such and so many Toll Gates or Toll Bars in, upon, or across such Parts and in such Places of the said Roads, and also such and so many Toll Gates or Toll Bars on the Sides of the said Roads, and in, upon, or across any Road, Street, Lane, or Byway that does or shall lead into or out of the same, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same); and also shall or may erect or provide a Toll House, with suitable Buildings, a Garden and other Conveniences, not exceeding One Rood of Land, at or near each of the said Toll Gates or Toll Bars.

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

XX. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences which shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads, shall be vested in the said Trustees for the Time being; and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Posts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid.

Toll Houses &c. vested in Trustees.

XXI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby empowered, from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars which shall be erected in, upon, or across, or on the Side or Sides of the said Roads, by virtue of this Act, to be removed to, and erected in, or discontinued upon or across or on the Side or Sides of such other Part or Parts of the said Roads, as the said Trustees or any Five or more of them shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed or discontinued as aforesaid, unless Fourteen Days previous Notice of the Intention to remove or discontinue the same shall have been given in One or more of the Newspapers published or circulated within the Counties of Gloucester, Warwick, and Worcester aforesaid, and also affixed in Writing upon all the Toll Gates then standing upon the said Roads.

Power to remove Toll Gates.

[Local.]

A a

XXII. And



Power to  
take Tolls.

XXII. 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 the several Tolls and Duties following at each and every of the respective Toll Gates or Toll Bars, or Toll Gate or Toll Bar, which shall be erected in, upon, or across, or on the Side or Sides of the said Roads, by this Act directed to be amended, widened, shortened, improved, and kept in Repair, or in, upon, or on the Side of any Street, Lane, or Way leading into or out of any Part of the said Roads, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

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

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

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of the Breadth of Six Inches and less than Nine Inches, or which shall not be upright and cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, the Sum of Four-pence Halfpenny :

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

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

For every Score of Oxen, Cows, or Neat Cattle, and so in proportion, the Sum of One Shilling and Eight-pence :

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

Tolls vested  
in Trustees.

And the said respective Tolls shall be demanded and taken, before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever, be permitted to pass through any such Toll Gate or Toll Bar; and all and every Sum and Sums of Money which shall arise and be produced therefrom shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned, in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seize and distrain any Horse, Cattle, or Beast, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage with its Lading, upon which any Toll is by this Act imposed, (but no such Bridle, Saddle, Harness, or Accoutrements shall be so seized, without detaining and seizing the Horse or other Beast bearing the same), or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress, and keeping the same, shall not be paid within the Space of Five Days after the Day of  
making



making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, or a sufficient Part of such Goods and Chattels, and out of the Money which shall arise by such Sale, pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), on Demand, to the Owner or Owners thereof.

XXIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Ticket shall free, or which ought under the Provisions of this Act to be passed free for One Payment of Toll. Tickets to be printed.

XXIV. Provided always, and it is hereby enacted and declared, That no more than One Toll shall be demanded or taken from any Person or Persons passing and repassing the same Day with or driving the same Horses, Cattle, Sheep, Beasts, or Carriage, through all or any of the Toll Gates or Toll Bars which shall be erected by virtue of this Act upon that Part of the said Roads which lies between the Cross Hands aforesaid and the Town of *Chipping Campden* aforesaid; and that no more than One Toll shall be demanded from any Person or Persons passing or repassing the same Day in Manner aforesaid through all or any of the Toll Gates or Toll Bars which shall be erected by virtue of this Act upon that Part of the said Roads which lies between the Town of *Chipping Campden*, and the Upper or South-west End of the Village of *Ilmington* aforesaid; and that no more than One Toll shall be demanded or taken from any Person or Persons passing or repassing the same Day in Manner aforesaid through all or any of the Toll Gates or Toll Bars which shall be erected by virtue of this Act upon that Part of the said Roads which lies between the Upper or South-west End of the Village of *Ilmington* and the *Warwick* and *Stow* Turnpike Road; and that no more than One Toll shall be demanded or taken from any Person or Persons passing or repassing the same Day in Manner aforesaid through all or any of the Toll Gates or Toll Bars which shall be erected by virtue of this Act on that Part of the said Roads which lies between the Lower or North End of the Village of *Ilmington* aforesaid, and the Fourth Mile Stone from *Stratford*, on the Turnpike Road leading from *Stratford on Avon* to *Oxford*; and that all and every Person or Persons having paid the full Toll imposed by this Act at any One of such Toll Gates to be erected on that Part of the said Roads which lies between the Cross Hands aforesaid and the Town of *Chipping Campden*, and producing a Note or Ticket denoting the Payment thereof (which Ticket the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall pass and repass during the same Day any Number of Times with the same Horses, Cattle, and Carriages, Toll-free, through all other the Toll Gates so to be erected on that Part of the said Roads; and that all and every Person or Persons having paid the full Toll as aforesaid at any One of such Toll Gates to be erected on that Part of the said Roads which lies between the Town of *Chipping Campden* and the Upper or Number of Tolls limited.  
South-west



South-west End of the Village of *Ilmington*, and producing a Ticket as aforesaid, shall pass and repass during the same Day any Number of Times as aforesaid, Toll-free, through all other the Toll Gates to be erected on that Part of the said Roads; and that all and every Person or Persons having paid the full Toll as aforesaid at any One of such Toll Gates to be erected on that Part of the said Roads which lies between the Upper or South-west End of the Village of *Ilmington* and the *Warwick* and *Stow* Turnpike Road, and producing a Ticket as aforesaid, shall pass and repass during the same Day any Number of Times as aforesaid, Toll-free, through all other the Toll Gates so to be erected on that Part of the said Roads; and that all and every Person or Persons having paid the full Toll as aforesaid at any One of such Toll Gates to be erected on that Part of the said Roads which leads from the Lower or North End of the Village of *Ilmington* to the Turnpike Road leading from *Stratford on Avon* to *Oxford*, and producing a Ticket as aforesaid, shall pass and repass during the same Day any Number of Times as aforesaid, Toll-free, through all other the Toll Gates so to be erected on that Part of the said Roads.

Persons paying Two Tolls may pass free the whole Line of Road.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Trustees, or any Collector to be by them appointed, to ask, demand, or receive any further Toll from any Person or Persons who shall produce Tickets of having paid the full Toll on the same Day at any Two of the Toll Gates or Toll Bars to be erected by virtue of this Act on any Part of the said Roads; but such Person or Persons shall be permitted to pass through all the other Toll Gates or Toll Bars to be erected by virtue of this Act, on the same Day on which he shall have so paid Two Tolls as aforesaid, without any further Payment whatever; any Thing in this Act contained to the contrary notwithstanding.

For settling Disputes concerning Tolls.

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

Collectors declared competent Witnesses.

XXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent, on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

XXVIII. And



XXVIII. 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 to be erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his or their Servant or Servants, or any Person or Persons in his 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, Cattle, Beast, or Carriage, to pass through the same, 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 shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast or Carriage; or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts of the said Tolls, shall be evaded; or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Carriage, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

To prevent  
Evasion of  
Tolls.

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

Trustees to  
erect Fences  
upon Com-  
mons.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Cattle drawing any Carriage passing through any of the Toll Gates or Toll Bars to be erected upon or on the Sides of the said Roads, going for or carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Roads, or for repairing any of the Highways in the Parishes or Places which are liable to perform Statute Duty upon any Part of the said Roads, or on returning empty, having been so employed; or carrying or conveying Hay, Straw, or Corn in the Straw, not sold or to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or returning empty, having been so employed; or any Plough, Harrow, or other Implement of Husbandry to be used in the Cultivation of Lands; or any Mould, Dung, Ashes, Soil, or Compost for the manuring of Lands (Lime and Soap Ashes excepted), or when going for or returning empty, having been so employed; or from any Clergyman going to or returning from visiting any

Exemptions  
from Toll.

[Local.]

B b

of



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 Church, Chapel, or other Place of Religious Worship, on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes or Places; or for any Horse, Mare, Gelding, Mule, Ass, or Cattle kept within such Parishes or Places, going to or returning from Work, in cultivating Lands therein; or for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod or farried, or for any Sheep going to or returning from any Wash, Dike, River, or other Place used for the washing of Sheep in any such Parishes, or for any Sheep going to or returning from any Place used for shearing of Sheep in any such Parishes; or for any Horse or Carriage of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Officers and Soldiers on their March or on Duty; or for Carriages, or Horses, or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption, and not otherwise; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance or Barrack, or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; or for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Gloucester*, *Warwick*, and *Worcester*, or any or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid (not being entitled thereto), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that no Toll shall be demanded and taken for any Horse, Cattle or Carriage, which shall not go or pass more than Two hundred Yards upon the said Roads.

Carriages  
employed in  
His Majesty's  
Service not  
to be subject  
to Regula-

XXXI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any



Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart, or other Carriage, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

tions for  
Overweight.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable at all or any of the Toll Gates to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates then erected across the said Roads, and also inserted in One or more of the Newspapers published or generally circulated in the Counties of *Gloucester, Warwick and Worcester*.

Tolls may  
be reduced.

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

Trustees may  
compound  
for Tolls.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees in such Manner and Form as is mentioned and directed in that Behalf in and by an Act of Parliament passed in the Thirtieth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Roads or any Part or Parts thereof, for any Time or Term of Years, not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit; they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person and Persons to whom such Tolls shall be leased and demised, for Payment of the

Power to  
lease the  
Tolls.

Rents



Rents and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees shall think fit.

Lessees of Tolls may appoint Persons to receive the same.

XXXV. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, 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, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Penalty on Renters of Tolls compounding for Overweight.

XXXVI. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls, at any Toll Gate or Toll Bar to be erected upon the said Roads, or his or their Deputy or Deputies, Agent or Agents, shall make any Composition by the Year or otherwise with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the said Roads, for or in respect of the Overweight thereof; and in case any Lessee or Farmer, or Deputy or Agent, shall offend herein, every such Lessee or Farmer, or Deputy or Agent shall, on Conviction thereof, by Confession, or upon the Oath of one Witness before any Two of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Forty Shillings, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees or any Five or more of them shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and that One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Roads, to be applied towards the Repairs thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

For borrowing Money on Security of Tolls.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them at any Meeting to borrow and take up at Interest upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they or any Five or more of them shall think fit; and for securing the Repayment of all such Sum and Sums, with Interest, they the said Trustees or any Five or more of them are hereby empowered from Time to Time, by any Writing or Writings under



under their Hands, to demise or mortgage the said Tolls, or any Part or Parcel thereof, and the Toll Gates and Toll Houses for collecting the same, during the Continuance of this Act (the Charges of such Mortgages to be paid out of such Tolls), as a Security or Securities to any Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

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

And Copies of all such Mortgages or Mortgage Securities shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; but no Money shall be borrowed on Security of the Tolls beyond the Sum which shall be fixed upon by the said Trustees at the First Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Toll Gates then erected by virtue of this Act, and also inserted in One or more of the Newspapers published or circulated within the said Counties of *Gloucester*, *Warwick*, and *Worcester*, at least Fourteen Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then Creditors shall consent thereto; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be endorsed on such Mortgage Security, or to be underwritten, or thereunto annexed, and signed in the Presence of and attested by One or more credible Witness or Witnesses; (that is to say),

‘ I the within-named *A. B.* or I, *C. D.* Assignee, Executor, or Admini- Form of  
 ‘ strator of the within-named *A. B.* [*as the Case may happen*] do here- Transfer.  
 ‘ by assign and transfer this Mortgage Security, with all my Right and  
 ‘ [Local.] \_\_\_\_\_ C c \_\_\_\_\_ Title



‘ Title to the Principal Money thereby secured, and all Interest now due  
 ‘ and hereafter to grow due upon the same, unto E. F. of  
 ‘ his Executors, Administrators, and Assigns. Dated this  
 ‘ Day of  
 ‘ Witness to the signing hereof

Transfer to  
be entered.

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities, or otherwise, except as herein-after mentioned.

For paying  
Creditors  
by Lot.

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

Application  
of Money.

XXXIX. And be it further enacted, That all the Monies that shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place, in Payment of all the Costs, Charges, and Expences which have been incurred or incidental to or attending the applying for or obtaining and passing this Act; in the second Place, in defraying the Expences of purchasing Land which may be necessary for the widening, varying, and improving of the said Roads; in the third Place, in paying the Interest accruing



from Time to Time upon the several Principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act; and in defraying the Expences of erecting and providing Toll Gates, Toll Houses, and other Buildings, and keeping the same in Repair, and otherwise executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall be secured in pursuance of this Act, either rateably or by Lot, as the said Trustees shall think proper.

XL. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part or Parts of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may in anywise sustain by such widening, turning, varying, or altering such Roads, and to pay, out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid, and the said Trustees, and for the Costs attending such Purchase; which Roads, when widened, turned, varied, or altered by virtue of this Act, shall be and remain Thirty Feet wide at the least; and such Lands and Grounds, when so purchased as aforesaid, shall by the Order and Direction of the said Trustees be laid into and made Part of such Roads in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall thenceforth be deemed and taken to be a Public or Common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act, in turning, varying, or altering any Part of the said Roads, 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 and Occupiers for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation respectively.

Trustees may widen or alter Roads, and purchase Lands.

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

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

XLII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whatsoever for and on behalf of any Infants, Females Covert, or Cestuique Trusts; Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seized, possessed

Corporations, &c. empowered to treat.



possessed of, or interested in any such Houses, Buildings, Lands, or Hereditaments, to treat or agree with the said Trustees or any Five or more of them for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees or any Five or more of them for the Purposes aforesaid; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be indemnified for what they shall do by virtue or in pursuance of this Act.

In case of  
Persons not  
treating for  
the Sale of  
such Lands,  
&c. a Jury  
to settle the  
Recompence.

XLIII. And be it further enacted, That if any Owner, Proprietor, or Occupier of or other Person or Persons interested in any Lands or Hereditaments which the said Trustees or any Five or more of them shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, shall, by the Space of Forty 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 or otherwise shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them shall cause it to be inquired into and ascertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments shall be situated (which Oaths the said Trustees or any Two or more of them are hereby empowered to administer), what Damages will be sustained by, and what Recompence or Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or on account of the taking or using of such Lands or Hereditaments for the Purposes of this Act; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required from Time to Time to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees or any Two or more of them are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in question, and use all other 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 so ascertained and settled such Damages and Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands and Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and

Verdict of  
the Jury to  
be final.



and for summoning and returning such Jury the said Trustees or any Five or more of them are hereby empowered to issue their Warrant or Warrants signed by them to the Sheriff of such County, thereby commanding and requiring the said Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees or any Two or more of them shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees or any Five or more of them are hereby empowered to impose any reasonable Fine or Fines on any such Sheriff or his Deputy who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or appearing shall refuse to be sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied; so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid, for any one Offence.

Jurors may be challenged.

Sheriff may be fined for Neglect of Duty.

XLIV. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning or returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money then raised or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and

How Expences of Jury, &c. shall be paid.

[Local.]

D d

returning



returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County in which such Difference shall have arisen, 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 on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

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

XLV. And be it further enacted, That every Sum of Money or Rempence to be agreed for or assessed as aforesaid shall be paid by the said Trustees or any Five or more of them out of the Money to be borrowed upon the Credit of or to be collected as Tolls by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or upon depositing the same in the Bank of *England* under the Direction of the Court of Chancery in Manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Houses, Buildings, Lands, or Hereditaments so to be agreed for or purchased as aforesaid, such Houses, Buildings, Lands, or Hereditaments shall and may be taken and used for the Purposes of this Act in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out as Part of the said Roads, and shall to all Intents and Purposes become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Roads by this Act directed to be maintained, improved, and kept in Repair; and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments.

In case of Refales, First Offer to whom to be made.

XLVI. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, or any old Road to be stopped up or discontinued by virtue of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such



Piece of old Road or Ground is situated (who are hereby respectively empowered to take such Affidavit), by some Person or Persons not interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the behalf of the said 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 in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in the Manner by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

XLVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money 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 *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 Houses, Buildings, Lands, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Encumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Houses, Buildings, Lands, or Hereditaments, or affecting other Houses, Buildings, Lands, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Houses, Buildings, Lands, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name,

Application  
of Money  
awarded  
amounting  
to 200l.



Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, and Hereditaments so hereby directed to be purchased under the Authority of this Act, in case such Purchase or Settlement were made.

Where less than 200l. and exceeding 20l.

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

Where not more than 20l.

XLIX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next 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 Houses, Buildings, Lands, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

L. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such  
Lands



Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Five 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 said High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums 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 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 as aforesaid.

Subject to the Order of the Court of Chancery on Motion or Petition.

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

When any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

LII. 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 Houses, Buildings, Lands, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Houses, Buildings, Lands, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the

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

[Local.]

E e

Monies



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.

Fences made  
across the  
Roads may  
be removed  
by Trustees.

LIII. And be it further enacted, That it shall be lawful for the said Trustees to remove or cause to be removed any Fences which have been made across the said Roads, and to erect or cause to be erected new Fences where necessary along the Side or Sides of the said Roads, so that the said Roads, when so fenced off, shall be of the Breadth of not less than Thirty Feet; the Expence of removing such Fences, and of making such new Fences, to be defrayed out of the Monies to be collected by virtue of this Act.

Compensation for  
Herbage.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, to make Compensation out of the Monies to be collected by virtue of this Act to such Person or Persons as may be entitled to the Bite of the Herbage growing on the Sides of the Roads or any Part thereof; the Amount of such Compensation to be determined, in case of any Dispute between the Trustees and the Persons entitled thereto, in Manner herein-after mentioned in the Case of digging for or carrying away Materials out of private Grounds.

For getting  
Materials for  
repairing the  
Roads, &c.

LV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials proper and convenient for making, widening, altering, improving, or repairing the said Roads, or for other the Purposes of this Act, out of any Common or Waste Ground, Common River or Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty in any Parish, Town, Village, or Hamlet within which the said Roads or any Part thereof do lie, or is or are intended to be made and pass; and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Common or Waste Ground, Common River or Brook, not being within the like Distance from any Bridge, Dam, Weir, and Jetty in any adjoining Parish, Town, Village or Hamlet, without making any Recompence for the same; the said Surveyor or Surveyors filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Commons or Waste Grounds, Common Rivers and Brooks as aforesaid, it shall be lawful for such Surveyor and Surveyors, by Order of any Two or more Justices of the Peace for the County in which the Land may be situated, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Yard, Paddock, Park, planted Walk, or Avenue to any House, or inclosed Grounds planted, set apart, or used as a Plantation or Nursery for Trees) where such Materials are or may be found in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for making, widening, repairing, and improving the said Roads, paying such Recompence for the same, and for the Damage done, to the Owners and  
Occupiers



Occupiers of the respective Grounds where, through, and whence the same shall be dug and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for the County in which such Materials shall be gathered or taken, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for such County as is herein-after directed.

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

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

LVII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty Days, except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, all and every such Persons and Person so offending shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds.

Penalty on taking away Materials got by Surveyors.

LVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads or any Part or Parts thereof; and also to cut down, top, or lop, at proper Seasons of the Year, any Trees, Branches, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto (except Trees or Hedges planted as an Ornament or Shelter to any House, Building, Garden, or Orchard, or in any planted Walk or Avenue to any House), which over-

Surveyors may remove Annoyances.

hang



hang any Part of the said Roads, and reduce such Hedges to any Height not less than Four Feet, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Ten Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by any One of His Majesty's Justices of the Peace for the said Counties respectively) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as any Forfeiture or Penalty is herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall for every such Second or other repeated Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Causeways, cut Drains, &c.

LIX. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Roads or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Roads, and also to make Ditches or Fences in such Places and in such Manner as such Surveyor and Surveyors by Order of the said Trustees shall judge necessary, and to make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, and also to make or cause to be made any temporary Road or Roads through, over, and along the Lands adjoining to any narrow or ruinous Parts of the said Roads (not having a House or other Building thereon, and not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or a Plantation or Nursery of Trees), to be made use of as a temporary Road whilst any Part of the said Roads shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees touching such Damages, the same shall be settled by the Justices of the Peace for the County in which such Difference shall arise, at their General Quarter Sessions of the Peace to be holden next after such Difference shall arise.

Roads to be measured, and Milestones erected.

Penalties for defacing, and committing any Nuisances.

LX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon denoting the Number of Miles and Distance of Places from any Town or Place, and also cause to be erected Guide Posts upon such Parts of the said Roads where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any  
Causeway



Causeway or Footpath upon or on the Side of or adjoining to the said Roads or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Causeway or Footpath; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Roads, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, or any other Game or Games whatsoever, on any Part of the said Roads; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be, or shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof between the said Roads and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground, and be carried away without being brought over any Part of the said Roads, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after directed.

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

Trustees may contract for Repairs or any other Works.

LXII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part or Parts of the said Roads by this Act directed to be widened, improved, or repaired, or any Bridge or Bridges, or other necessary Things thereon, or any Part or

Persons liable to repair the Roads to continue so.

[Local.]

Ff

Parts



Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent, but not in any other Manner, nor to any greater Extent, than as they were liable and chargeable before the passing of this Act.

Persons  
chargeable  
to Statute  
Work to  
continue so.

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



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

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

Trustees may compound for Statute Work.

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

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

LXVI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered,

Penalty for assaulting Collectors, or



obstructing  
the Execution  
of this Act.

hindered, any Collector of the Tolls or Gatekeeper employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

For securing  
transient  
Offenders.

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

Punishing  
Toll Col-  
lectors mis-  
behaving.

LXVIII. And be it further enacted, That all and every the Toll Collectors, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Toll Gate or Toll Bar to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, on the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll, or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names; or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded; or, upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Toll Gate or Toll Bar; or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; 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; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Toll Collec-  
tors not to  
make use of  
scurrilous  
Language to  
Travellers.

Penalties and  
Forfeitures

LXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying



levying and recovering thereof be not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Moiety thereof to the Informer, and the other Moiety thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant, or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

how to be recovered and applied.

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

Offences.

to wit. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year of our Lord \_\_\_\_\_  
 A. B. is convicted before me, one of His Majesty's Justices of the Peace for the said County, by virtue of an Act of the Fifty-seventh Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act, and specify the Offence, and when and where committed.*] Given under my Hand and Seal, the Day and Year above written.'

Form of Conviction.

LXXI. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Forty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt or on the Case, Bill, Complaint, or

Subscribers compellable to pay their Subscriptions.

[Local.]

Gg

Suit,



Suit, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiffs in all such Action and Actions, and Executions shall issue thereupon as the Case may require.

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

LXXII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done or omitted to be done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, or by any other Person or Persons whomsoever, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County in which the Cause of Complaint shall arise, such Appellant (if there be sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice, previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction for the County, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Proceedings  
not to be  
quashed for  
want of  
Form.

LXXIII. 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 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 dis-  
training



training be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-eight Days Notice thereof shall be given to the Clerk or Clerks of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially or the General Issue Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty-eight Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or 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 Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

LXXV. 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.

Public Act.

LXXVI. And be it further enacted, That this Act shall commence upon and have Continuance from the Day of the passing thereof for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

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