



ANNO TERTIO

GEORGIIV. REGIS.

Cap. lxxxix.

An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King *George* the Third, for more effectually amending, widening, improving, and keeping in Repair several Roads leading from the *Hundred House* in the County of *Worcester*, and also several other Roads therein mentioned.

[24th *June* 1822.]

WHEREAS an Act was passed in the Thirty-ninth and Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, widening, improving, and keeping in Repair several Roads leading from the Hundred House in the County of Worcester, and also several other Roads therein mentioned*: And whereas by the said Act it was enacted, that certain Roads therein mentioned should be called *The First District of the Hundred House Turnpike Roads*, and a certain other Road also therein described should be called *The Second District of the Hundred House Turnpike Roads*, and it would be convenient that the same Roads should remain and continue in such separate Districts during the Continuance of this Act: And whereas considerable Sums of Money have been borrowed, and are still due and owing on the Credit of the Tolls authorized to be taken upon the respective Districts of the said several Roads, which cannot be paid off, nor

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c. 95.

[*Local.*]

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can

Recited Act
continued.

can the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said Act be further continued, and the Powers and Provisions thereof in some respects amended and enlarged: 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 the said recited Act, and all the Authorities, Powers, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained and now in force (except such Parts thereof as are hereby altered or repealed), shall be and are hereby further continued for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Variations, and Alterations herein contained, and which shall commence and take effect from and after the passing thereof; and this Act, and the additional Term and Powers hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said former Act, or which shall be borrowed on the Credit of the said Act and this Act, and the Interest due and to grow due thereon respectively.

New Trus-
tees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Worcester* and *Hereford*, together with *James Adams* of *Woodson*, *James Adams* the younger, *Giles Adnams*, *Sir Edward Blount* Baronet, *Henry Bromley*, the Reverend Doctor *Henry Rowland Berkeley*, the Reverend Doctor *Thomas Rowland Berkeley*, *Thomas Clutton Brock*, *Thomas Bury*, *Thomas Bury* the younger, *John Bury*, *Joseph Beddard*, *John Bishop* of *Eastham*, the Honourable and Reverend *George Rushout Bowles*, *Samuel Barnett*, the Reverend *Denham James Joseph Cookes*, *Thomas Henry Cookes*, *Denham Charles Johnstone Cookes*, *Henry Winford Cookes*, *John Russell Cookes*, *Edmund Lechmere Charlton*, *William Childe*, *William Lacon Childe*, *Henry Clutton*, *Henry Chellingworth*, *John Cheese*, *William Cliffe*, *Thomas Crane* of *Areley*, *John Crane* of *Dunley*, *Edward Crane* of *Astley*, *Josiah Croydon*, *Charles Cooke*, *Richard Chambers*, *William Cooke*, *William Drowding*, the Reverend *Thomas Davies*, *Richard Dansey*, *Thomas Davis*, the Reverend *David Davies*, *Francis Davies* of *Newnham*, the Reverend *William Andrew Foley*, *John Hodgetts Hodgetts Foley* of *Presswood*, the Reverend *John Foley*, the Honourable *Thomas Frederick Foley*, *John Freeman* of *Gaines*, *Richard Griffiths* of *Thorngrove*, the Reverend *Edward Green*, *Thomas Good Good*, *Richard Hall Green*, *William Green* of *Astley*, *John Griffiths*, *William Godson*, *Moses Harper*, *Joseph Harris*, the Reverend *Henry William Hill*, *Henry Hill*, *Butler Harris*, *Edward Harris*, *William Harrison*, *Henry Hide*, *Joseph Hodgetts*, the Reverend *George Hulme*, *George Hallen*, *William Hyde* of the *Lea*, *Thomas Hyde*, the Reverend *Edward Winnington Ingram*, *Francis Edward Ingram*, *Edward Winnington Ingram* the younger, *Thomas Onslow Ingram*, *Arthur Henry Ingram*, *Herbert Frederick Ingram*, *Richard Jukes*, *John Jackson*, *William Jones*, *Sir Anthony Lechmere* Baronet, the Honourable *Henry Beauchamp Lygon*, *James Lamb*, the Reverend *Henry Lingen*, *William Wharton Lingen*, the Reverend *Thomas Lowe*, *Walter Michael Moseley*, *Walter Moseley*, the Reverend *Thomas Elton Miller*, the Reverend *Joseph Kirkman Miller*, the Reverend *John Miller*, the Reverend

James

James Meakin, Edward Moore, Philip Morris, the Reverend Henry Matthews, Samuel Milward, James Wakeman Newport, the Reverend Slade Nash, George Nash, John Nott of Warsley, Edward Nott of Stockton, John Nixon, the Reverend Thomas Newport, Benjamin Wynne Ottley, the Reverend Richard Francis Onslow, Josiah Patricks, Adam Prattinton, Peter Prattinton, the Reverend Reginald Pyndar, the Reverend Thomas Pearson, Thomas Pearson the younger, Robert Pardoe, the Reverend George Pardoe, Thomas Pickernell, Thomas Pickernell the younger, John Pickernell, the Reverend Thomas Price, the Reverend Thomas Rocke, Wilson Aylesbury Roberts, James Robinson, James Rickards, Sir Christopher Sydney Smith Baronet, John Soley, Thomas Smith, the Reverend Francis Severne, Thomas Severne, the Reverend Francis Severne the younger, Edward Smith, Nathaniel Smith, Joseph Southall, John Southall, William Turton, Samuel Tearne, Thomas Mawthill Tearne, John Thomas, the Reverend John Thomas, Thomas Shrawley Vernon, Thomas Vernon, Sir Thomas Edward Winnington Baronet, Thomas Winnington, John Taylor Winnington, Edward Winnington, the Reverend Francis Winnington, the Reverend Charles Fox Winnington, Henry Jeffreys Winnington, Edmund Meysey Wigley, Charles Meysey Wigley, the Reverend Vincent Wood, Edward Wheeler of Kyrewood, Vincent Wood Wheeler, the Reverend Edward Whitehead, the Reverend William Bailey Whitehead, John White, Henry White, Thomas White, Joseph White, John Wheeler, the Reverend Allen Wheeler, Edward Wheeler of Warsley, Philip Whitcombe, Humphrey Wheeler, Jonathan Worthington, Kenrick Watson, Samuel Weaver the elder, Joseph West, and their Successors, to be elected in Manner directed by the said recited Act, shall be and they are hereby appointed the Trustees for amending, widening, improving, and keeping in Repair the several Roads mentioned and described in the said recited Act, and for putting the said Act and this Act into Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees (after giving such Notice as in the said recited Act is directed respecting the Appointment of Trustees on Vacancies) to elect, nominate, and appoint any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of the said Act and this Act in addition to the Trustees hereby nominated and appointed.

Power to elect additional Trustees.

IV. And whereas it is by the said recited Act enacted, that no Person shall be capable of acting as a Trustee in the Execution thereof, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, over and above what shall satisfy and discharge all Reprizes and Incumbrances affecting the same, or shall be Heir Apparent of some Person or Persons who shall in like Manner be possessed of a like Estate as aforesaid of the yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate to the Amount of One thousand Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of Qualification of Trustees.

V. And be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, unless at the Time of his acting therein he shall be in his own Right, or in Right of

Qualification of Trustees.

of his Wife, in the actual Possession and Enjoyment or in the Receipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent to a Person seised or possessed or in the actual Receipt of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; and if any Person not being so qualified, or being disqualified by Bankruptcy, Insolvency, or otherwise, or not having taken and subscribed the Oath herein-after mentioned (or being a Quaker not having made and subscribed the Affirmation herein-after mentioned), shall act as a Trustee in the Execution of the said recited Act and 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, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said recited Act and this Act, or either of them: Provided nevertheless, that all the Acts and Proceedings by any such Person as a Trustee in the Execution of the said recited Act and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to
take an Oath.

VI. 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), shall take and subscribe an Oath (or being a Quaker make and subscribe an Affirmation), before Two or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife, as the Case may be*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, *or am Heir Apparent of* who, to the best of my Knowledge and Belief, is *bonâ fide* seised or possessed of or in the actual Possession or Receipt of Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes; *or am possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds;* and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers vested and reposed in me by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of the Act*].

‘ So help me GOD.’

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

VII. And

VII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Act and this Act, may be done and executed by the Majority of the Trustees nominated and appointed in pursuance of the said Act and this Act, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Three; and all Acts, Matters, and Things so done by any such Majority shall be as good, valid, and effectual as if the same had been done by all the Trustees appointed or to be appointed, except in the Cases by the said Act or this Act particularly directed to be done and executed by a less Number.

Three Trustees sufficient to form a Meeting.

VIII. And be it further enacted, That no Adjournment shall be made, at any of the Meetings of the Trustees to be held in pursuance of the said recited Act or this Act, for any longer Time than Three Calendar Months.

Adjournments.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Act and this Act during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Act and this Act, but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Act and this Act, or receiving Interest thereout for the same, nor any Creditor upon the said Roads, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Act and this Act.

Trustees holding Places of Profit not to act.

X. And be it further enacted, That so much of the said recited Act as requires any Officer or other Person to verify his Account upon Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Act or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Repeal of Penalties for verifying Accounts upon Oath.

XI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of the said recited Act and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered separately and distinctly, for each of the said Districts of Roads, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said respective Districts of Roads, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors of the Tolls granted by the said recited Act and this Act, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit,

Accounts to be kept of Receipts and Disbursements.

or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner in the said recited Act directed.

Trustees
may appoint
temporary
Collectors,
&c. in cer-
tain Cases.

XII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls; any Two 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; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall 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 the 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 Building erected or to be erected or set up by virtue of the said recited Act and this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Three or more of the said Trustees, or by the 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 County or Place where the Offence shall be committed, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building 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 of their Officers, in the Possession thereof.

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

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees, for executing the said recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them, 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 the said recited Act or this Act, or either of them, 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 with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or

by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

XIV. 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 Collector of the Tolls, for the faithful Execution of his or their Office. Treasurer, &c. to give Security.

XV. And be it further enacted, That the said Trustees may sue and be sued in the Name of one of the said Trustees, or of their Clerk for the Time being, and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of any one of the said Trustees, or of their Clerk, shall abate or be discontinued by the Death or Removal of such Trustee or Clerk, or by the Act of such Trustee or Clerk, without the Consent of the said Trustees or any Three or more of them; but that any one of the said Trustees, or their Clerk for the Time being, shall always be deemed the Plaintiff or Defendant in such Actions or Suits, as the Case may be: Provided always, that every such Trustee or Clerk shall be reimbursed out of the Monies to be received by virtue of this Act all such Costs, Charges, and Expences as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant. Trustees may sue and be sued in the Name of their Clerk.

XVI. And be it further enacted, That a Table of the Tolls payable under the said Act and this Act shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls. Table of Tolls to be put up.

XVII. Provided always, and be it enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage, for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning within the Space of Twelve Hours after having so passed without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day. Post Horses may return without paying.

XVIII. And be it further enacted, That upon Payment of the Tolls by the said recited Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* on Request to the Person paying such Tolls, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees or their Lessees, and there shall be printed and specified thereon the Name of the Gate where such Payment shall have been made, and the Name of the Gate or Gates freed by such Payment. Tickets to be provided.

XIX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family, or returning therefrom. Carriages attending the Royal Family exempted,

XX. Provided always, and it is hereby further enacted and declared, That no Toll shall be demanded or taken for any Carriage, or for the Horses, Exemptions from Toll.

Horses, Beasts, or other Cattle drawing the same, which shall be loaded with or employed in the carrying any Gravel, Stones, or other Materials for repairing any of the public Highways in the same, or any adjacent Parishes or Places through which any of the said Roads do pass; or carrying or going for any Quantity of Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing the aforesaid Roads, or any Part thereof; or carrying or going for any Dung, Mould, or other Compost whatsoever (Lime excepted), for manuring of Lands; or carrying or conveying Hay, Straw, or Corn in the Straw, or Produce of any Lands, not bought, sold, or disposed of, or carried for Sale, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or for any Ploughs, Harrows, or other Implements of Husbandry belonging to and employed by such Inhabitants respectively only in Husbandry, or in manuring or stocking of Lands in their Occupation, as shall pass through such Gate or Place where such Toll is to be received; nor shall any Toll or Duty be taken for any Horses or Cattle going to or returning from being shod or farried, or to or from Pasture or Watering Places belonging to such Parishes or Places in which the said Roads do lie, and lying within the Distance of One Mile of the Gate or Turnpike through which they shall pass; nor from any Persons going to or returning from any Election of a Knight of the Shire to serve in Parliament for the said County of *Worcester* on the Day of Election, and on the Day before and Day after any such Election shall begin and be concluded; or for the Horses of Soldiers passing on their March or on Duty, or for Carts, Waggon, or other Carriages attending them, or laden with their Arms or Baggage; or for Horses or Carriages travelling with Vagrants sent by legal Passes, or any Prisoner in Custody under any legal Warrant; nor shall any Toll be demanded or taken for any Horses or Carriages, 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 such Mails or Expresses, or in returning back from conveying or guarding the same; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship, tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes, Hamlets, or Places through which the said Roads lead; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds: Provided always, that in every such Case the Proof of Exemption shall lie on the Person claiming the same.

Carriages
employed in
His Majesty's
Service not
liable for
Overweight.

XXI. 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

subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horses or other Cattle drawing the same, 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 other Cattle, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or other Cattle to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

XXII. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected or hereafter to be erected on the said Roads, shall, and he is hereby required, to place his Christian and Surname, painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls 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 White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the Whole of the Time he shall collect such Tolls or be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and 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 who shall claim such Exemption, or shall refuse to permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on being 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 denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Toll Gate or Toll Gates (if any) freed by such Payment; or upon the legal Toll paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, 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 Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered, paid, and applied as other Penalties are by this Act to be recovered, paid, and applied.

Regulations
as to Toll
Collectors,

XXIII. And be it further enacted, That if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector or Collectors of the said Tolls, or any Surveyor or Surveyors of the said Roads, who shall or may be employed by virtue of or in Execution of the said

Penalty on
Persons ob-
structing
Collectors or
Surveyors in
their Duty.

[*Local.*]

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recited

recited Act or this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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to extend to
this Act.

XXIV. Provided also, and be it further enacted, That the several Privileges and Exemptions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to and be applicable to Waggon, Carts, or other Carriages passing along or over the said Roads, or any of them, and the several Horses or other Beasts drawing the same; any thing in this Act to the contrary notwithstanding.

Enabling
Trustees to
take Posses-
sion of Toll
Houses on
Non-per-
formance of
the Terms of
the Lease.

XXV. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act and this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in arrear for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Contract, or Agreement for demising or letting thereof, or in case such Lease or Agreement shall in any other Manner become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees, or any Three or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Three or more of them, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into and upon and take Possession of any or every Toll House or Toll Houses, Toll Gate, Weighing Machine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereat respectively, or other Person or Persons who shall be found therein, together with his, her, or their Goods out of the same and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees, or any Three or more of them (if they shall think fit), to vacate and determine the Lease, Contract, or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessees Part), as if such Lease, Contract, or Agreement had never been made; and in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees, or any Three or more of them, in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner.

Manner as if no former Lease, Contract, or Agreement had been made relative thereto.

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

Penalty on Lessees compounding for overweighted Carriages.

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

Penalty on Drivers of Waggons refusing to be weighed.

XXVIII. And be it further enacted, That the said Trustees may and are hereby authorized and empowered to compound and agree by the Year or otherwise, with any Person or Persons using to travel on the said Roads, for any Sum or Sums of Money which the said Trustees shall think fit, for and in lieu of Payment of any of the said Tolls, which Composition shall be instantly paid to the said Trustees, or to such Person or Persons as they or any Three or more of them shall appoint.

Trustees may compound for Tolls.

XXIX. Provided always, and be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such

In case of not making out a good Title Purchase Money to be paid into the Bank.

such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 same 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 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 of *England* as aforesaid.

Where any Question shall arise touching the Title, the Person in Possession to be deemed the Owner.

XXX. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said Act and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act; or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or 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 have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the said Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court of Chancery that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to order Expences to be paid by the Trustees.

XXXI. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Act and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments,

to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said 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 the Expences as the said Court shall deem reasonable; to be paid by the said Trustees out of the Monies to be received by virtue of the said Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXII. And be it further enacted, That it shall not be lawful for the said Trustees to make, divert, turn, or alter any Part or Parts of the said Roads beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Trustees not to divert Roads beyond a certain Extent.

XXXIII. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of the said Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of the said Act and this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell or dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the said Lands shall be situate (who are hereby empowered to administer the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused 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 or repurchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in manner herein directed by the said recited Act with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of the said Act and this Act, and the Expence of hearing and determining such Differences shall be borne and paid in like Manner as is directed with respect to 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 Parcel of Ground as aforesaid shall be applied to the Purposes of the said Act and this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the

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

said Trustees are hereby empowered to give in exchange any Part or Parts of the Land constituting the former Roads for any Part or Parts of such new Roads; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, shall be good and effectual in Law to all Intents and Purposes.

Allowing an Action of Ejectment to be supported by one Mortgagee.

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

Trustees may contract for repairing Roads.

XXXV. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, repairing, widening, altering, turning, or amending the said Roads, or any Part or Parts thereof, or for the erecting of any Building under the Power of this or the said former Act, or for doing any other Work to be performed in the Execution of the same Act, in such Manner and for such Sum and Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order made at any Meeting by the said Trustees, shall be binding to all Parties who shall sign the same, his, her, or their Executors or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contract or Agreement.

For getting Materials.

XXXVI. 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 search for, dig, take, and carry any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Roads, out of any Common or Waste, or common River or Brook (not being within the Distance of Thirty Yards from any Bridge, Dam, Weir, or Jetty), in any Parish, Township, or Place within which the said Roads, or any Part or Parts thereof respectively do lie, the said Surveyor and Surveyors filling up, fencing, or levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking any 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 think fit and reasonable; and in case such Materials cannot be conveniently gotten from such Wastes, Commons, Rivers, and

and Brooks as aforesaid, that then it shall be lawful for such Surveyor or Surveyors, by Order of any Two or more Justices of the Peace of the County or Place in which the Lands shall 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, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House or inclosed Ground, planted, set apart, or used as a Nursery for Trees), where such Materials are and may be found, in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, and from Time to Time to carry away such Materials respectively, as the said Surveyor or Surveyors shall judge necessary, for repairing and amending the said Roads as aforesaid, paying such Recompence for such Materials, and for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and from whence the same shall be digged 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 Payment for such Materials or the Damages aforesaid, any Two or more Justices of the Peace for the County or Place wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Ten Days Notice being given by either Party to the other in Writing, shall and may hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think fit and expedient: Provided nevertheless, that it shall and may be lawful to and for such Surveyor, or other Person or Persons, by Order of any Two or more Justices of the Peace as aforesaid, to dig and take away the like Materials out of any Orchard, situate at the Distance of Three hundred Yards or upwards from the Mansion or Farm House to which such Orchard belongs; any thing herein contained to the contrary notwithstanding.

XXXVII. 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 Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Abode, to appear before Two or more Justices of the Peace acting for the County, Town, or Place where such Land shall lie, to shew Cause why such Materials should not be had or taken from such Lands or Grounds; but in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in 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 proper, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

Notice to be given before Materials taken.

XXXVIII. And

Penalty on
taking away
Materials
got by the
Surveyor.

XXXVIII. And be it further enacted, That if any Person whomsoever shall take and carry away any Materials which shall have been digged, gathered, or wrought for the Purpose of making, completing, or amending the said Roads, or for any other the Purposes of the said Act and this Act, or 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 Six Weeks (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), every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Gates to open
inwards.

XXXIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of any Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in default thereof the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County or Place where the Cause of Complaint shall arise, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein; and such Penalty shall be recovered, levied, and applied in manner hereinafter directed.

For pre-
venting
Nuisances.

XL. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon 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 them to root up or

damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts, or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting any other Carriage shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any 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 on the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident), upon or on the Side of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking, or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof without Leave of the said Trustees or their Surveyor, or the Surveyor or Surveyors of the Highways; or if any Person or Persons shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person driving any Horse or other Beast on the said Roads carrying any Iron Bar, or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same, or any of them, shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, situate near the said Roads; and having a Window or Windows fronting the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight bar and prevent the Light from such Shop shining into or upon the said Roads, every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle straying may be impounded.

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

Punishment of Persons guilty of Pound-Breach.

XLII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Regulations as to Performance of Statute Work.

XLIII. 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, and the Inhabitants of all such Parishes, Townships, or Places as have at any Time or Times done Statute Work upon or contributed towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for

any Two or more Justices of the Peace for the said Counties of *Worcester* and *Hereford*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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 either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, 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 or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, at such Time or Times as 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 to be recovered; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse 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

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 turn off 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 refused or neglected 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 or Treasurers 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, Townships, or Places shall refuse, or wholly neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees
may com-
pound for
Statute
Work.

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

Penalties and
Forfeitures
how to be
recovered
and applied.

XLV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Act inflicted or authorized to be imposed (if the Manner of 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 where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for these 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, to be applied to the Purposes of this Act; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid

paid upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, not being more than Four Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then such Offender or Offenders shall be committed by such Justice 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, as such Justices shall fix and appoint, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

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

In case of Nonpayment of Compensation for Materials, &c. the same to be levied by Distress.

XLVII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the procuring and obtaining of this Act, together with lawful Interest for the same from the Time of passing this Act until the same shall be paid off, shall be paid, borne, and discharged by the Trustees in Manner and by the Proportions following; that is to say, the Sum of One hundred Pounds, Part thereof, shall be paid out of the first Monies arising by the Tolls collected or to be collected

For paying the Expences of this Act.

[Local.]

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on

on the Roads comprized in the said Second District of Roads, or out of the Monies borrowed or to be borrowed on the Credit thereof; and the Remainder of all such Costs, Charges, and Expences shall be paid out of the first Monies arising by the Tolls collected or to be collected on the several Roads comprized in the said First District of Roads, or out of the Monies borrowed or to be borrowed on the Credit thereof.

Public Act. XLVIII. 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 other Persons whatsoever, without the same being specially pleaded.

Term of the Act. XLIX. And be it further enacted, That the Term granted by the said Act shall upon the passing of this Act cease and determine; and that the said Act, subject to the Alterations, Additions, and Amendments hereinbefore contained, and this Act, shall from thenceforth continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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