



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxxxvii.

An Act to enable the Trustees of the *Worcester* Turnpike Road to make certain new Roads, and to improve and more effectually maintain the several Roads leading into and from the City of *Worcester*. [14th August 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for* 5 & 6 W. 4. *improving and more effectually repairing the several Roads leading into* c. 63. *and from the City of Worcester*: And whereas by the said Act the several Roads therein mentioned are divided into Eight several Districts or Divisions, (that is to say,) the *London* or First District, the *Upton* or Second District, the *Powick* or Third District, the *Bransford* or Fourth District, the *Broadwas* or Fifth District, the *Henwick* or Sixth District, the *Barbourne* or Seventh District, the *Lowesmoor* or Eighth District of the said *Worcester* Turnpike Roads: And whereas it is for the public Convenience that Powers should be granted to widen, alter, and improve certain of the Roads in the said several Districts or some of them, and also to make certain Diversions, Extensions, and new Lines of Road of, from, and out of certain of the Roads in the said several Districts or some of them, and that some of the Powers and Provisions of the said recited Act should be

[Local.] 20 P altered

altered and amended, and for that Purpose that the same should be partially repealed, and other Powers and Provisions granted instead thereof; but the same cannot be done without the Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen'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 before-recited Act and all the Provisions thereof, so far as the same are applicable and in force at the Time of the passing of this Act, shall, for the Purposes of this Act, remain in full Force in every respect, and shall be held to extend to everything to be done under this Act, except such Parts of the said recited Act and Provisions as are altered or repealed or otherwise provided for by this Act, as fully and effectually as if the said recited Act and Provisions had been specially repeated and re-enacted in the Body of this Act.

8 & 9 Vict.
c. 18. incor-
porated with
this Act.

II. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall, so far as the same is applicable, and is not modified by this Act or inconsistent with the Provisions thereof, be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing the said recited Act in other Acts of Parliament and in legal Instruments, and in Notices and otherwise, it shall be sufficient to use the Expression "The *Worcester* Turnpike Roads Act, 1835," and that in citing this Act in other Acts of Parliament, and in legal Instruments, and in Notices and otherwise, it shall be sufficient to use the Expression "The *Worcester* Turnpike Roads Amendment Act, 1848."

This Act to
be put into
execution for
the Purposes
herein-after
mentioned.

IV. And be it enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the making, widening, diverting, altering, improving, lowering, amending, repairing, and maintaining in repair the several Roads, and for other the Purposes herein-after mentioned, (that is to say,)

In the *London* or First District: To widen, alter, lower, and improve the Turnpike Road at the *Wheatsheaf* Hill in the Parishes of *Saint Peter the Great* and *Saint Martin*, in the City and Borough of *Worcester*, commencing at the North End of a House called *Villiers House* in the said Parish of *Saint Peter the Great*, and terminating at the Boundary of the City and Borough of *Worcester* at *Catherine Vale* in the said Parishes of *Saint Peter the Great* and *Saint Martin*, or one of them; and also the Turnpike Road at *Red Hill*, commencing at or near the *Sebright Arms* in the Parish of *Saint Peter the Great* in the County of *Worcester*, and terminating at the Finger-post at the Top of *Red Hill* by the Turn to the *Spetchley Road* in the Parishes of *Saint Peter the Great* and *Saint Martin* in the County of *Worcester*, or one of them; to divert that Part of the present Turnpike Road which leads from *Spetchley* to *Wheelbarrow Castle*, such Diversion to commence at or near the Eighth Mile Stone in the Parish of *North Piddle* in the County of *Worcester*, and to terminate in the present Turnpike Road at or near the *Boot Inn*

Inn in the Village and Parish of *Flyford Flavel* in the County of *Worcester* :

In the *Upton* or Second District: To amend, widen, and improve the Turnpike Road leading from *Worcester* to *Upton* in the Village of *Kempsey* in the Parish of *Kempsey* in the County of *Worcester* :

In the *Bransford* or Fourth District: To divert, widen, amend, and improve the present Turnpike Road leading from *Saint John in Bedwardine* in the City of *Worcester* to *Froome's Hill* in the County of *Hereford*, at or near a Place called the *Cart House* in the Hamlet of *Bransford* in the Parish of *Leigh* in the County of *Worcester*; also to amend, widen, and improve the said last-mentioned Turnpike Road at a Place called *Suffield Brook* in the Parish of *Leigh* in the County of *Worcester*; to divert, alter, vary, and amend the Line of the said last-mentioned Turnpike Road at the *Storrige Hills* in the Parish of *Leigh* in the County of *Worcester* and in the Parish of *Cradley* in the County of *Hereford*, such Diversion to commence about Two Furlongs from the *Worcester* Side of the Toll Bar called *Holywell Gate*, and to terminate in the present Turnpike Road in the said Parish of *Cradley* in the County of *Hereford* a little beyond the Eighth Mile Post :

In the *Broadwas* or Fifth District: To divert, amend, widen, alter, and improve the Road leading from *Saint John in Bedwardine* in the City of *Worcester* to *Sapey Bridge* in the Parish of *Knightwick* in the County of *Worcester*, at a Place called *Mudwall Mill* in the Parish of *Saint John in Bedwardine* in the County of *Worcester*; to widen and amend the last-mentioned Road at a Place called the *Sandpitts* in the said Parish of *Saint John in Bedwardine* in the said County of *Worcester*; also the Branch Road leading out of the last-mentioned Turnpike Road at *Knightsford Bridge* to a Place called the *Herefordshire Lake* in the Parish of *Knightwick* :

In the *Henwick* or Sixth District: To divert, widen, alter, and amend that Part of the Turnpike Road commencing at *Henwick* in the Parish of *Saint Clement* in the City of *Worcester*, and leading over *Broad Heath* to the Turnpike Road from *Stamford* to *Tenbury* at the extra-parochial Place of *Kenwick* in the County of *Worcester*; also to divert, alter, lower, and amend the same Road at *Laughern Hill* opposite *Laughern House* in the Parish of *Martley* in the County of *Worcester*; also to divert, widen, and amend the same Turnpike Road at a Place called *Barber's* in the said Parish of *Martley* in the County of *Worcester* :

In the *Barbourne* or Seventh District: To divert, widen, alter, and amend the Turnpike Road leading from *Barbourne* in the Parish of *Claines* in the County of *Worcester* to the End of *Jenny Hole Lane* in the Parish of *Hartlebury* in the County of *Worcester*, at a certain Place called *Cherrick Hill*, such Division to commence at *Cherrick Hill*, and to terminate at the Entrance of the Road upon *Hartlebury* or *Sandy Common*.

V. And whereas Maps or Plans and Sections describing the said intended Widenings, Diversions, and new Lines of Road, and the Deposited Maps and Plans to the

remain with
the Clerks of
the Peace.

the Lands upon, in, over, or through which the same respectively are intended to be carried, together with a Book of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, have been deposited in the respective Offices of the Clerks of the Peace for the several Counties of *Worcester*, *Hereford*, and the County of the City of *Worcester*: Be it therefore enacted, That the said Maps or Plans, Sections, and Books of Reference shall remain in the Custody of the said Clerks of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans, Sections, or Books of Reference, or either of them, or any Copy thereof respectively or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and Equity.

Power to
make Widen-
ings and
Diversions
according to
deposited
Plans.

VI. And be it enacted, That it shall be lawful for the Trustees acting in execution of the said recited Act and of this Act to make and maintain the several Widenings, Diversions, and Alterations of Roads and new Lines of Road herein-before mentioned, in the Course and Line through the Lands delineated in the Map or Plan and described in the Book of Reference herein-before mentioned, and according to the said Section, of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other necessary Works on the respective Lines of such Widenings, Diversions, and new Lines as they shall think expedient; and for the Purposes aforesaid, subject nevertheless to the several Provisions and Restrictions in this Act, and in the various Acts for regulating Turnpike Roads in *England* contained, to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference, and to purchase, take, or use a Right of Way in perpetuity over or across any such Lands, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which the said Widenings, Diversions, and new Lines, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other necessary Works, or any of them, are intended to be made or pass, and also upon, in, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any of the Stakes or other Works used for the Purposes aforesaid every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

VII. And

VII. And whereas some Part or Parts of the said Roads and Diversions or new Line of Road to be made and repaired by virtue of this Act may be made over or near Lands or Grounds having a Footpath or Footpaths therein, leading to the Place or Places to which the said Roads do or shall lead, whereby such Footpath or Footpaths will be rendered unnecessary: Be it enacted, That where any Part of the said Roads and Diversions and new Lines of Roads shall be made through any Lands or Grounds being private Property, and there shall be in any such Lands and Grounds, or in any Lands or Grounds adjoining thereto, any Footpath or Footpaths leading on to the same Place or Places to which the said Roads and Diversions or new Lines of Road by this Act directed to be made and kept in repair, do or shall lead, it shall and may be lawful for any Two or more of Her Majesty's Justices of the Peace acting in and for the County of *Worcester*, or County of *Hereford* aforesaid, as soon as such Roads and Diversions, or new Lines of Road, shall have been completed and made fit for the Use of the Public, to order and direct all or any of such Footpath or Footpaths to be stopped up or discontinued, and it shall not be lawful for any Person or Persons thenceforward to make use of any Footpath or Footpaths so directed to be stopped up and discontinued, and which Order shall be filed with the Clerk of the Peace for the said County at the General Quarter Sessions of the Peace to be holden next after the making of the said Order: Provided always, that it shall be lawful for any Person who may think himself or herself aggrieved by any such Order, to appeal to the Justices of the Peace assembled at any General Quarter Sessions to be holden for the said County of *Worcester* or County of *Hereford*, within Three Calendar Months from the Date of such Order, upon giving to the Clerk of the said Trustees Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Ground of such Appeal, but that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Ground or Grounds of Appeal than those set forth in such Statement as aforesaid.

Power to Justices to order certain Footpaths to be stopped up.

Persons aggrieved may appeal.

VIII. And be it enacted, That the said Trustees, in making the said Widenings, Diversions, Improvements, and new Lines of Roads by this Act authorized, shall have full Power and Authority to deviate from the Lines delineated on the Plans so deposited with the said Clerks of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Lines so delineated upon the said Plans, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands such Deviation beyond the said Distance of One hundred Yards shall be proposed to be made.

Trustees not to deviate more than 100 Yards from Plan.

IX. And be it enacted, That the said Trustees, in making such Widenings, Diversions, Improvements, and new Lines of Road as aforesaid, shall have full Power and Authority to deviate from the Level as marked on the Sections so deposited with the said Clerks of the Peace, to any Extent not exceeding Five Feet, or to any greater Extent than Five Feet, upon obtaining the Consent in Writing of the

Trustees to have Power to deviate from Levels.

Owner and Occupier of the Land in which such Deviation is intended to be made.

Houses, &c. not to be taken without Consent, except those mentioned in the Books of Reference.

X. Provided always, and be it enacted, That the Powers and Authorities by this Act granted for making the said Widenings, Diversions, and new Lines of Roads, shall not authorize the said Trustees to pull down or to take, use, or injure any Dwelling House or other Building, or take, use, or injure any Garden, Yard, Park, Lawn, Shrubbery, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Books of Reference so deposited with the said Clerks of the Peace as aforesaid,) without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein first obtained.

Unintentional Errors in Maps, &c. not to prevent Execution of this Act.

XI. Provided nevertheless, and be it enacted, That it shall be lawful for the said Trustees to make the said Widenings, Diversions, and new Lines of Road in the Line or Course, and upon, in, over, or through the Lands delineated upon the said Maps or Plans, although such Line or Course or such Lands, or any of them, or the Situation of such Lands respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the said Maps or Plans or Books of Reference thereto, provided it shall be made to appear to any Two or more Justices of the Peace for the County, Division, or Place within which the Cause of Dispute shall arise, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake, and the Certificate of the said Justices shall be deposited with and shall remain in the Custody of the Clerk of the Peace of such County, Division, or Place for the Time being.

Trustees may use Land as if same had been purchased in Fee.

XII. Provided also, and it is hereby enacted, That the said Trustees shall, at any Time within the Space of Three Years next after the passing of this Act, have such and the same Power and Authority of cutting, digging, and making use of the Lands and Hereditaments taken by them for the Purposes of this Act, and of pulling down any Houses or Premises thereon, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had, in case they had purchased the Fee Simple of the said Lands and Hereditaments, under and by virtue of the Powers contained in any of the Acts in force for regulating Turnpike Roads in *England*, anything herein contained to the contrary in anywise notwithstanding.

Clause in recited Act relating to Repair of the Road in the Parish of Saint Clement repealed.

XIII. Whereas by the said recited Act it was enacted, that no Part of the Money received by virtue of the said former Acts thereby repealed, or of that Act, should be laid out in paving, repairing, or cleansing any Street, Road, or Highway within the City of *Worcester* aforesaid, or the Liberties thereof: And whereas a certain Road in the Parish of *Saint Clement* in the said City of *Worcester*, commencing at a certain Bridge called *Worcester Bridge*, and leading from the

said Bridge in a direct Line to a certain Place or Township called *Saint John*, was, previous to the passing of the said recited Act, always amended and repaired by the Trustees acting in execution of the said Acts of Parliament therein recited and referred to: And whereas it is expedient that the Trustees for carrying the said recited Act and this Act into execution should henceforth repair and amend the same: And whereas it is expedient that the said recited Enactment, so far as the same relates to the paving, repairing, or cleansing of the aforesaid Road, should be repealed: Be it therefore enacted, That the said recited Clause shall, so far as relates to the Repairs of the said Road, be and the same is hereby repealed accordingly.

XIV. And be it enacted, That from and after the passing of this Act the Trustees acting in the Execution of the said recited Act and of this Act shall repair, pave, cleanse, and amend the said Road, and every Part thereof, and that the Tolls authorized by the said recited Act and this Act to be taken, and also the Money which shall be borrowed on the Credit thereof, shall be applied by the said Trustees for the Purposes aforesaid, any thing therein or herein contained to the contrary thereof in anywise notwithstanding.

Trustees to repair Road in the Parish of Saint Clement.

XV. And be it enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect and build others in lieu thereof or in addition thereto upon the said Roads, or upon any Part or Parts thereof respectively, or upon the said Diversions and new Lines respectively, or upon the Sides thereof respectively, when, where, and as they shall judge necessary, and also to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, and also from Time to Time to alter or to take down, and to erect and re-construct, or to discontinue and remove, such Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Power to continue Toll Gates, &c.

XVI. And be it enacted, That from and after the Thirty-first Day of *December* next after the passing of this Act it shall and may be lawful to and for the said Trustees, or any Person under their Authority, to demand and take at any Turnpike, Toll Gate, Toll Bar, Side Gate, Side Bar, or Chain already erected or placed by virtue of the said recited Act, or to be continued, erected, or placed by virtue of this Act, upon, across, or on the Sides of the Roads in the said Districts, or the new Lines of Road respectively, or upon any Branch of Road comprised in the said recited Act or this Act, the several Tolls following, in lieu and stead of the Tolls in and by the said recited Act granted; that is to say,

Power to Trustees to demand, &c. Tolls herein mentioned.

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Coach, Landau, Landaulet, Barouche, Chariot, Chaise, Chaise Marine, Calash, Curricule, Phaeton, Sociable, Gig, Chair, Car, Caravan, Van, Hearse, Litter, or other Carriage with Springs, a Sum not exceeding Sixpence:

For

For every Horse, Mule, or other Beast or Cattle drawing any Stage Coach, Omnibus, Diligence, Van, Caravan, or other such like Carriage, and used for the Conveyance of Goods and Passengers, or either of them, for Hire, having the Tire of the Wheels thereof of the Breadth of Two Inches or upwards at the Bottom or Sole thereof, and so constructed that when such Wheels shall be rolling on a flat or level Surface the whole Breadth of the Tire thereof shall bear equally on a flat or level Surface, and the Nails of the Tire countersunk so as not to rise above the Surface of such Tire, a Sum not exceeding Four-pence :

For every Horse, Mule, or other Beast or Cattle drawing any Waggon, Wain, Cart, or other such like Carriage having the Tire of the Wheels thereof of a less Breadth than Six Inches at the Bottom or Sole thereof, a Sum not exceeding Five-pence :

And in case the Tire of the Wheels of any or either of such last-mentioned Carriages shall be of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, a Sum not exceeding Four-pence :

For every Ass drawing any Waggon, Wain, or Cart, a Sum not exceeding Three-pence :

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Carriage used for the carrying or conveying of Timber or other heavy Goods, having the fore Axletree and the hind Axletree at a greater Distance than Eight Feet from each other a Sum not exceeding One Shilling :

For every Horse or Mule laden or unladen, and not drawing, a Sum not exceeding One Penny Halfpenny :

For every Ass laden or unladen, and not drawing, a Sum not exceeding One Penny :

For every Ox, Cow, or neat Cattle (except Calves), a Sum not exceeding One Halfpenny :

For every Calf, Hog, Sheep, or Lamb, the Sum of One Farthing :

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum which the Trustees may from Time to Time direct, not exceeding the Sum of One Shilling for each Wheel thereof :

Proviso in favour of flat-soled Wheels.

Provided always, that where the Wheels of any Waggon, Wain, Cart, or any such like Carriage shall be so constructed that when such Wheels shall be rolling on a flat or level Surface the whole Breadth of the Tire thereof shall bear equally on such flat or level Surface, and the Nails of the Tire of such Wheels shall be countersunk so as not to rise above the Surface of such Tire, or where the Wheels of such Waggon, Wain, Cart, or Carriage shall be cylindrical, and constructed in the Manner described in an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, for regulating Turnpike Roads in *England*, the following Tolls only shall be demanded and taken for or in respect of every Horse, Ass, Mule, or other Beast or Cattle drawing any such Waggon, Wain, Cart, or other such like Carriage ; (that is to say,)

Where the Tire of the Wheels shall be of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, a Sum not exceeding Two-pence.

XVII. Pro-

XVII. Provided always, and be it enacted, That no Horse, Ass, Mule, or other Beast or Cattle employed in carrying, or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for building, rebuilding, or repairing any present or any future Bridge or Bridges on any Road or public Highway, or Lime for the Improvement of Land, shall be exempt from the Payment of the Tolls hereby granted, unless the Tire of the Wheels of the Carriages in which the same shall be conveyed shall be of the Breadth of Six Inches at the Bottom or Sole thereof, and so constructed that when such Wheels shall be rolling on a flat or level Surface the whole Breadth of the Tire thereof shall bear equally on such flat or level Surface, and the Nails of the Tire of such Wheels countersunk so as not to rise above the Surface of such Tire, and when the Wheels of such Carriages shall be of the Breadth of Six Inches or upwards, and so constructed as aforesaid, then and in such Case no Toll shall be demanded or taken for or in respect of any Horse, Ass, Mule, or other Beast or Cattle drawing the same, when employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for building, rebuilding, or repairing any present or future Bridge or Bridges on any Road or public Highway, or Lime to be used for the Improvement of Land.

Carriages carrying certain Materials not to be exempt from Tolls unless the Wheels are of a certain Construction.

XVIII. And be it enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny may be demanded and taken in lieu of such fractional Part.

As to the fractional Part of a Halfpenny in Tolls.

XIX. And be it enacted, That between the First Day of *October* and the First Day of *April* in every Year there shall be demanded and taken for every Horse, Ass, Mule, or other Beast or Cattle drawing any Carriage laden with Timber, Planks, Lime, Bricks, Stones, Tiles, or any Materials for building, on any Part of the said Roads, an additional Toll equal to the Toll herein-before made payable for the same.

Carriages employed in carrying Timber, &c. between certain Periods subject to double Toll.

XX. And be it enacted, That notwithstanding anything in the said recited Act or this Act contained, no more than Two full Tolls shall be taken on any one of the said Districts of Roads, for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing any Number of Times in the course of the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, through all or any of the Toll Gates or Toll Bars erected or to be erected on any such District (except as herein-after mentioned); provided always, that in the case of any Horse, Beast, Cattle, or Carriage employed in the course of the same Day, to be computed as aforesaid, in carrying or conveying any Corn, Grain, or other agricultural Produce which has grown or arisen on Land or Ground in the Occupation of the Owner of such

Limiting the Number of Tolls to be taken on same Day.

Corn, Grain, or other agricultural Produce, and which has been bought, sold, and disposed of, or is going to be sold or disposed of, the following Tolls only shall be taken; namely, One full Toll at the first Toll Gate or Bar, and One Half Part of the original Toll at the second Toll Gate or Bar (at which Tolls shall be payable); and through which such Horse, Beast, Cattle, or Carriage so employed as aforesaid shall pass, and that every such Horse, Beast, Cattle, or Carriage may then pass and repass in the course of the same Day, through the same Gates, and all other Gates in the same District of Roads, laden or unladen, without Payment of any further Toll, except such Toll as is by this Act imposed for Overweight, and the additional Tolls payable between the First Day of *October* and the First Day of *April* in every Year as aforesaid.

Gates at
which Tolls
shall be taken.

XXI. Provided always, and be it enacted, That notwithstanding anything in the said recited Act contained to the contrary it shall and may be lawful to and for the said Trustees, and they are hereby empowered at any Meeting or Meetings to be holden after the passing of this Act, to order and appoint at which of the Turnpikes, Toll Gates, Side Bars, and Chains now erected or hereafter to be erected on the Roads in the said several Districts of Roads the Two Tolls hereby authorized to be taken on each and every of the said District of Roads shall be paid, but so that no second Toll be taken at any Turnpike, Toll Gate, Side Bar, or Chain which shall be situated within the Distance of Three Miles from the Turnpike, Toll Gate, Side Bar, or Chain at which the first Toll shall have been paid, such Distance to be computed and deemed to be along the Course of the same Turnpike Road; and also for the said Trustees to order and appoint through how many and which of the Turnpikes, Toll Gates, Side Bars, and Chains any Person or Persons who shall have paid the Toll or Tolls hereby granted at any One or more of such Turnpikes, Toll Gates, Side Bars, or Chains, for or in respect of any Horse, Cattle, Beast, or Carriage, shall on the same Day (such Day to be computed as aforesaid) pass or repass with the same Horse, Cattle, Beast, or Carriage without paying any other Toll, or on paying only such Proportion of Toll for agricultural Produce as aforesaid as the Trustees shall think fit, and that any Person or Persons upon the Production of a Ticket denoting such Payment of Toll at any One or more of such Turnpikes, Toll Gates, Side Bars, or Chains shall be permitted at any Time or Times, and from Time to Time during the Remainder of the same Day upon which such Payment as aforesaid shall have been made (such Day to be computed as aforesaid), to pass and repass Toll-free (except as herein-mentioned) through the same Turnpike, Toll Gate, Side Bar, or Chain, and also through any other Gate or Gates which the Ticket for such Payment shall free.

So much of
recited Act as
relates to cer-
tain Exemp-
tion from
Toll repealed.

XXII. And be it enacted, That so much of the said recited Act as relates to the Freedom or Exemption from Toll of any Horse, Cattle, Beast, or Carriage passing on the same Day through any Turnpike, Toll Gate, Side Bar, or Chain continued or erected by the said recited Act, within the Distance of Three Miles, shall be and the same is hereby repealed.

XXIII. And

XXIII. And be it enacted, That after the Toll hereby imposed for the passing of any Horse, Beast, or Carriage through any Turnpike Gate erected or placed by virtue of the said recited Act, or to be continued or erected by virtue of this Act, shall have been paid, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced, denoting such Payment on that Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through any other Gate or Gates which the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, except as herein is mentioned.

Tolls to be paid but Once a Day.

XXIV. Provided nevertheless, and be it enacted, That if any Horse, Beast, or Cattle for which Toll shall have been paid for passing through any of the said Toll Gates or Toll Bars shall return drawing another or different Waggon, Wain, Cart, or other such Carriage, such Horse, Beast, or Cattle shall not be permitted to repass through such Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle: Provided also, that if any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage for which Toll shall have been paid for passing and repassing, shall pass, or pass and repass, on the same Day with a fresh Loading, it shall be lawful for the said Trustees to demand and take for every such Horse, Beast, or Cattle so passing, or passing and repassing, One Half of the original Toll on every such subsequent passing, or passing and repassing, anything herein contained to the contrary in anywise notwithstanding.

Tolls in certain Cases to be paid on repassing.

XXV. And be it enacted, That the Tolls by this Act imposed shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages of whatever Description conveying Passengers or Goods for Hire or Reward for each Time of passing and for each Time of repassing upon each of the said Roads or District of Roads respectively: Provided always, that no further or additional Toll shall be payable in respect only of the Horses drawing any such Stage Carriage having been changed.

Stage Carriages to pay every Time of passing.

XXVI. Provided also, and be it enacted, That the Tolls by this Act imposed shall be paid for or in respect of Horses, Asses, Mules, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, and passing upon the said respective Roads upon each Occasion of a new and distinct Hiring of such Horses, Asses, Mules, Beasts, or Cattle.

Post Chaises on every new Hiring.

XXVII. And whereas Dogs are now very frequently used in drawing small Carriages on the said Roads: Be it therefore enacted, That from and after the passing of this Act there shall be demanded and taken at the several Toll Gates, Toll Bars, Side Gates, and Chains erected or to be erected on the said Roads, or upon the Sides thereof, the Sum of Two-pence for every Dog used in drawing any Carriage, of what Nature or Kind soever, on the said Roads, or any or either of them; and if any Attempt be made by the Owners or Person having Charge of such Carriage to evade the Tolls, by disengaging the

Tolls on Dogs drawing Carriages.

the said Dogs from the said Carriage before passing through the said Toll Gates, Toll Bars, Side Gates, or Chains, and by drawing the same by Hand, that then and in such Case the Toll shall be levied on and paid by the said Person or Persons so drawing or having Charge of the said Carriage.

Penalties on Owners or Drivers of Dog Carts for certain Neglects.

XXVIII. And be it enacted, That from and after the passing of this Act, if the Driver of any Waggon, Cart, Truck, Barrow, or other such like Carriage, drawn or assisted to be drawn by Dogs upon any Part of the Turnpike Roads in the several Districts of Roads within this Trust shall not have a Cord, Rein, Strap, or String attached to the Head of each Dog so drawing or assisting to draw any such Carriage, and one End of such Cord, Rein, Strap, or String held in the Hand of the Driver at the Time such Dog shall be running, walking, or standing along or upon the said Turnpike Roads, or if any Driver or Person having charge of such Waggon, Cart, Truck, Barrow, or other such like Carriage shall by any Means evade or attempt to evade the Payment of Toll granted by this Act, every such Person so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One credible Witness before any Justice of the Peace of the County where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, and in default of Payment be committed to the House of Correction for any Time not exceeding One Calendar Month, unless such Forfeiture shall be sooner paid, and every such Driver or Person so offending shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver or Person, in any of the Cases aforesaid, shall refuse to discover his true Christian and Surname, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Calendar Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Power to Trustees to erect Fences on the Sides of Roads passing over Commons, &c.

XXIX. And be it enacted, That where it shall be necessary to erect any Toll Gate, Toll Bar, or Chain upon or across any of the said Roads which shall lead or pass over any Parts of any Green Fields, Commons, or Waste Grounds, it shall be lawful for the said Trustees to cause Fences and Ditches to be erected and made upon or over such Green Fields, Commons, or Waste Grounds within Half a Mile of such Toll Gate, Toll Bar, or Chain, in such Manner as they shall think necessary, in order to prevent the Payment of Tolls being avoided; and if any Person or Persons shall pull down, or otherwise displace or destroy or carry away, any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every
 0 Person

Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and besides the Amount of the Damages thereby occasioned.

XXX. And be it enacted, That all and every Occupier and Occupiers of Land adjoining to any Part of the said Roads shall, on receiving Seven Days Notice in Writing from the Surveyor of any Part of the said Roads for that Purpose, remove and carry away from off the said Roads the Dirt and Soil arising from the paring of the Banks or cleansing of their Ditches, and also the Dirt and Soil to be from Time to Time gathered, collected, scraped, or taken from off the said Roads and laid upon the Sides thereof towards their respective Lands, and all other Filth, Dung, and Rubbish lying on the Sides of the said Roads adjoining to their respective Lands; and in case such Occupier or Occupiers shall neglect or refuse so to do, after receiving such Notice as aforesaid, he or they shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings, such Forfeiture or Penalty to be recovered in the Manner hereinafter mentioned.

Occupiers of Lands to remove Lumps of Earth, &c. from Sides of Roads adjoining the same.

Penalty for Neglect.

XXXI. And be it enacted, That the Money already received or which shall be received by virtue or in respect of the said recited Act, and also the Money which shall be received by virtue of this Act, or shall be borrowed on the Tolls granted by this Act, shall be applied by the said Trustees in the Manner following; that is to say, in the first place, and in preference to all other Disbursements whatever, in paying and discharging all Costs, Charges, and Expenses incurred in preparing and applying for and obtaining and passing this Act, or otherwise relating or incident thereto; in the next place, in paying and discharging any Interest which now is or may from Time to Time become due on any Money borrowed on the Credit of the said recited Act; in the next place, in paying and discharging any Interest which may become due on any Monies borrowed under this Act; in the next place, in defraying the Expenses of maintaining in repair the Roads by the said recited Act authorized to be made, and of making and maintaining the several Widenings, Diversions, Alterations, and new Lines of Roads, and other necessary Works and Conveniences by this Act authorized to be made, and of otherwise executing the Purposes of this Act; in the next place, in paying any Principal Monies which have been borrowed and secured under or on the Credit of the said recited Act; and lastly, in paying off any Principal Monies which may be borrowed and secured under or on the Credit of this Act.

Application of Tolls and other Monies.

XXXII. And be it enacted, That separate and distinct Accounts shall be kept of all Money received, paid, laid out, and expended on each of the said several Districts of Road, and also of all Money borrowed or which shall be borrowed on the Credit of the Tolls payable thereon respectively, and of the Interest accruing thereon, and the said Money shall be and be considered as separate and distinct Funds, and shall be separately and distinctly applied in each of the said Eight Districts accordingly.

Separate and distinct Accounts to be kept for the Eight Districts of Road.

Mortgages
under recited
Act to have
Priority.

XXXIII. Provided always, and be it enacted, That all Mortgages, Assignments, or other Securities, already granted or hereafter to be granted under the Powers of the said herein-before recited Act, shall, during the Continuance thereof, have Priority over any Mortgages, Assignments, or other Securities to be granted under the Powers of this Act.

Tolls not to
be applied to
the Repairs of
any Road
unless Tolls
are taken
thereon.

XXXIV. And be it enacted, That none of the Tolls by this Act authorized to be taken, or any of the Money to be borrowed on the Credit thereof, shall be applied in or towards the making, widening, diverting, improving, repairing, or maintaining in repair any of the Roads to be made, widened, diverted, improved, repaired, or maintained in repair under the Powers of this Act, unless there shall be a Toll Gate erected thereon respectively, and Tolls taken thereat, and no more of the Tolls authorized to be taken by virtue of this Act shall be laid out or expended in making, widening, improving, repairing, or maintaining in repair any of the said Roads in any of the said Districts than shall be actually collected or received at the several Turnpikes, Toll Gates, Side Bars, or Chains erected respectively within the several and respective Districts aforesaid, or borrowed on the Credit of the Tolls thereof respectively, anything herein contained to the contrary thereof in anywise notwithstanding.

So much of
recited Act as
relates to Ex-
emption from
certain Wag-
gons, &c.
repealed.

Such Wag-
gons liable to
pay Tolls for
Over-weight
as named in
4 G. 4. c. 95.

XXXV. And be it enacted, That so much of the said recited Act as relates to the Freedom or Exemption from Toll for Overweight of Waggons, Wains, Carts, or other such like Carriages having the Tire of the Wheels of the Breadth of Six Inches or upwards, at the Bottom or Sole thereof, and the Nails of the Tire countersunk, shall be and the same is hereby repealed; and all such Waggons, Wains, Carts, and other such like Carriages shall, from and after the passing of this Act, be liable to and pay the Tolls for Overweight mentioned and contained in a certain Act of Parliament passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act to explain and amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; provided nevertheless, that notwithstanding anything contained in the said last-mentioned Act, Waggons with Six-inch Wheels running on flat Soles, and the Nails of the Tire countersunk, shall be allowed to weigh, with their Load, Five Tons in Summer, and Four Tons Ten Hundred Weight in Winter, and Carts with Six-inch Wheels running on flat Soles, and the Nails of the Tire countersunk, shall be allowed to weigh, with their Load, Two Tons Ten Hundred Weight in Summer, and Two Tons Five Hundred Weight in Winter, before being charged with the Payments in the said last-mentioned Act contained for Overweight.

Power to
Trustees to
order Car-
riages ob-
structing the
Road to be
removed.

XXXVI. And be it enacted, That the said Trustees shall have the Power of removing any Stage Coaches, Flys, Vehicles, Donkey Chair, or Donkey Carriage or Carriages left standing in or obstructing any of the said Roads in the Village of *Malvern* or elsewhere within the said several Districts, and also, that any Person or Persons who shall leave any Stage Coach, Post Chaise, Fly, Vehicle, Donkey Chair, or Donkey Carriage, or other Carriage, standing upon
the

the said Roads, or on the Sides thereof, and so as to obstruct the free and uninterrupted Passage over the said Roads or any Part thereof, except in Cases of Accident, and then only for so long a Time as may be necessary to remove the same, shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty.

XXXVII. And be it enacted, That all Penalties, Forfeitures, or Fines inflicted or authorized to be imposed by the said recited Act of the Fifth and Sixth Years of King *William* the Fourth, or by this Act, shall be recovered and applied in the same Manner as the Penalties under and by virtue of the Act passed in the Third Year of King *George* the Fourth, and intituled *An Act to amend the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England.* Penalties to be recovered and applied as directed by 3 G. 4. c. 126.

XXXVIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in the said recited Act or in this Act from the Provision of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads, which may pass during the present or any future Session of Parliament. Roads not exempt from Provisions of future general Acts.

XXXIX. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Contents repugnant to such Construction; that is to say, Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; the Word "Person" shall be understood to include Corporation; Words importing the Masculine Gender shall include Females; the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments; the Word "Trustees" shall be understood to be Persons appointed and to be elected as in the said recited Act directed. Interpretation of Act.

XL. And be it enacted, That the Powers granted by this Act shall commence from and after the Thirty-first Day of *December* next after the passing thereof, and shall continue from thenceforth during the Term of Eighteen Years, and from thence to the End of the then next ensuing Session of Parliament, save and except as herein otherwise declared. Duration of Act.

XLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

