



ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

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## Cap. lxxiii.

An Act for improving and more effectually repairing  
the several Roads leading into and from the City  
of *Worcester*. [3d July 1835.]

**W**HEREAS an Act was passed in the Fifty-sixth Year of the  
Reign of His late Majesty King *George* the Third, intituled *An Act for the better repairing the several Roads leading into and from the City of Worcester*: And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act of the last Session of Parliament, for the better repairing the several Roads leading into and from the City of Worcester*: And whereas by the said Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third the several Roads therein mentioned are divided into Eight several Districts or Divisions, for greater Convenience in the Management thereof: And whereas the Trustees for executing the said recited Acts have proceeded in putting the same in execution, have made considerable Progress in repairing and improving the Roads therein mentioned, and have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually amended, widened, improved, and kept in repair, unless the Term and  
[Local.] 21 P Powers

Powers granted by the said recited Act of the Fifty-sixth Year of the Reign of His said Majesty King *George* the Third be further extended and enlarged: And whereas it is expedient that certain Roads comprised in the said Act, (that is to say,) the Road leading from the House called the *Old Bell* or *Old Blue Bell*, in the Parish of *Earl's Croome*, to *Upton Bridge* in the County of *Worcester*, and also the Road leading from the Schoolhouse at *Leigh Sinton* to *Newland Green* in the said County of *Worcester*, should no longer continue to be Turnpike Roads, and that the Trustees for executing this Act should be relieved from the Care and Management thereof: And whereas it would be of public Advantage if Powers were granted to widen and improve certain Parts of the Roads comprised in the said Act, and also to make certain Diversions and new Lines of Road from and out of such Roads: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Acts herein-before recited were repealed, and if other Powers and Provisions were granted instead thereof: And whereas the beneficial Objects herein-before mentioned cannot be effected without the Authority of Parliament: 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 from and after the Thirty-first Day of *December* next after the passing of this Act the said recited Acts passed in the Fifty-sixth and Fifty-seventh Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby repealed.

Recited Acts repealed.

Certain Roads discontinued.

II. And be it further enacted, That the several Roads herein-after mentioned, (that is to say,) the Road leading from the House called the *Old Bell* or *Old Blue Bell*, in the Parish of *Earl's Croome*, to *Upton Bridge* in the said County of *Worcester*, and also the Road leading from the Schoolhouse at *Leigh Sinton* to *Newland's Green* in the said County of *Worcester*, shall no longer continue to be Turnpike Roads, and the Trustees for executing this Act shall be entirely relieved and discharged from the Care and Maintenance thereof.

This Act to be put in execution for the Purposes herein mentioned.

Description of Roads.

First District.

III. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of widening, improving, repairing, and maintaining in repair the several Roads herein-after mentioned, and which shall be and are hereby divided into Eight several Districts; (that is to say,) the Road leading from *Sidbury* in the County of *Worcester*, commencing at the North End of a House called *Villier's House*, and passing through the Parish of *Saint Peter the Great* in the County of *Worcester* and the Chapelry of *Whittington* in the said County, to the End of the Road leading into the Horse Fair near to the Town of *Pershore* in the said County of *Worcester*; and the several Roads leading out of the said Road to the several Places next herein-after mentioned; (that is to say,) the Road leading thereout at the Top of *Red Hill* in the Chapelry of *Whittington*, through the Parish of *Spetchley*, to a certain Bridge called *Stone Bow Bridge*, where it meets the *Evesham* Turnpike Road; also the Road leading from and out of the said last-mentioned Road at a certain Place called the *Yew Tree*, in the said Parish of *Spetchley*, through the Parish of *Upton Snodsbury*, to a Place called *Wheelbarrow*

*Wheelbarrow Castle*, in the Parish of *Rouselench* in the said County; and also the present Highway leading out of the said last-mentioned Road at the *Radford Turnpike Gate* in the said Parish of *Rouselench* into the *Arrow and Potbooks End Turnpike Road* at a certain Place called *Radford Lane End*; which said several Roads are and shall be called the *London* or First District of the *Worcester Turnpike Roads*; also the Road leading from the End of *High Street* in the City of *Worcester* aforesaid, and passing through the Parish of *Kempsey*, to a House called the *Old Bell* or *Old Blue Bell*, in the Parish of *Earl's Croome* in the said County of *Worcester*; and also the Road leading therefrom at or near the Five Mile Stone in the Parish of *Kempsey* aforesaid, and passing by a Place called the *Nash House*, in the said Parish, and through the Parish of *Croome D'Abitot*, to a certain Bridge called *Defford Bridge*, in the Parish of *Defford* in the said County; and also the Branch Road leading from a certain Place called *Barnes Hall*, in the said Parish of *Saint Peter the Great*, through *Hatfield*, to the End of *Narrow Wood Lane* adjoining to *Wadborrow Common* in the Parish of *Holy Cross, Pershore*, in the said County of *Worcester*; which said last-mentioned Roads are and shall be called the *Upton* or Second District of the *Worcester Turnpike Roads*; also the Road commencing at *Worcester Bridge*, and leading therefrom through the Parishes of *Saint John in Bedwardine* and *Powick* in the said County, and over a certain Common called *Malvern Link*, and through the Parish of *Great Malvern*, to the Summit of the Hill in the Parish of *Little Malvern* in the said County where it meets and joins the *Ledbury Turnpike Trust*; and the several Roads leading therefrom to the several Places next herein-after mentioned; (that is to say,) the Road commencing at the *Red Lion Inn* in the Village of *Powick*, and passing through the said Parish of *Powick*, to a certain Place called the *Rhydd Green*, in the Parish of *Hanley Castle*, and from thence to the Top of *Blackmoor's End*, and along a certain Lane called the *Honey Pot Lane*, to a Place called *Hanley Swan*, and from thence into the said Road leading from *Great Malvern* to *Little Malvern* aforesaid, near to a Place called the *Well House*, in the Parish of *Hanley Castle* aforesaid; also the Road leading out of the said Road at *Newland Green*, through the said Parish of *Great Malvern*, to the River *Severn* at or near *Cleaveload*; also the Road leading from *Maddresfield* to the Blacksmith's Shop late in the Possession of *John Burston*, but now of *John Reynolds*, at *Baldwyn's Hall Green*, and from thence by *Oldborough Lake*, between the Dwelling Houses of *Sir Anthony Lechmere* Baronet and *John Henry Allen* Esquire, to the Wharf adjoining the River *Severn* at a Place called *Rhydd Green*; and also the present Road leading from the East End of *Baldwyn's Hall Green* aforesaid, near to the Turn to *Maddresfield*, to the Village of *Great Malvern* aforesaid, and which said Road near to the said Village enters the same at the North and South Ends thereof; and also the Road leading out of the first-mentioned Road at the North End of the *Old Hills* to *Pixham's Ferry* in the Parish of *Powick* aforesaid; which said several Roads are and shall be called the *Powick* or Third District of the *Worcester Turnpike Roads*; also the Road commencing at the Turnpike Gate called the *Bransford Turnpike Gate*, in the Parish of *Saint John in Bedwardine* aforesaid, and leading from thence through the Hamlet of *Bransford* to a Place called *Froome's Hill*, in the County of *Hereford*, where it meets the *Hereford Turnpike Road*; and also the Branch Roads leading thereout, in the Hamlet of *Bransford* aforesaid, to *Pettiford Bridge* in the Parish of *Leigh*,

Second District.

Third District.

Fourth District.

Fifth  
District.Sixth  
District.Seventh  
District.Eighth  
District.

*Leigh*, and by *Leigh Church* to a Place called the *Herefordshire Lake*, in the Parish of *Suckley* in the said County of *Worcester*; which said Roads are and shall be called the *Bransford* or Fourth District of the *Worcester Turnpike Roads*; also the Road commencing at the Weighing Machine in the Parish of *Saint John in Bedwardine* aforesaid, and leading from thence through the Parishes of *Cotheridge* and *Broadwas* to a Place called *Sapey Bridge*, in the Parish of *Knightwick*; and also the Branch Road leading therefrom at *Knightsford Bridge* to a Place called the *Herefordshire Lake*, in the said Parish of *Knightwick*; which said several Roads are and shall be called the *Broadwas* or Fifth District of the *Worcester Turnpike Roads*; also the Road commencing at *Worcester Bridge* aforesaid, and leading from thence through *Hinton Lane* and *Henwick* to the *Hundred House* in the Parish of *Great Witley* in the said County of *Worcester*, and the several Roads leading therefrom to the several Places next herein-after mentioned; (that is to say,) the Road leading therefrom, over *Holt Heath*, through the several Parishes of *Shrawley* and *Astley*, to a certain Place in the Parish of *Lower Areley*, where the said Road enters into and joins the *Bewdley Turnpike Road*; also the Road leading out of the said Road from *Worcester Bridge* to the *Hundred House*, commencing at *Henwick* in the Parish of *Saint Clement* in the said County of *Worcester*, and leading over the *Broad Heath*, and through the Extra-parochial Place of *Kenswick*, to a Place called *Ham* or otherwise *Holme Bridge*, and from thence to *Clifton Wood Gate* in the Parish of *Clifton on Teame*, and from thence to the Turnpike Road leading from *Stanford* to *Tenbury* at a Place called the *Long Lane*, in the Parish of *Over Sapey* in the County of *Hereford*; and also the Road leading from the *Henwick Turnpike Gate* in the Chapelry of *Hallow* to *Saint John in Bedwardine* aforesaid; which said several Roads are and shall be called the *Henwick* or Sixth District of the *Worcester Turnpike Roads*; also the Road commencing at the Junction of the *Droitwich Road* at *Barbourne* in the Parish of *Claines* in the said County of *Worcester*, and passing through the Parishes of *Claines* and *Ombersley*, to a certain Place called the *Mitre Oak*, in the Parish of *Hartlebury*, and from thence over *Titton Brook* to the End of *Jenny Hole Lane* in the said Parish of *Hartlebury*; which said Road is and shall be called the *Barbourne* or Seventh District of the *Worcester Turnpike Roads*; and also the Road commencing at the End of *Silver Street* in the Parish of *Saint Martin* in the City of *Worcester*, and leading from thence through the several Parishes of *Saint Martin*, *Warndon*, *Tibberton*, *Crowle*, and *Himbleton*, to a Place called *Bradley Green*, in the Hamlet of *Stock* and *Bradley* in the said County, where it enters into and joins the Turnpike Road leading from *Droitwich* to *Alcester*; and also the several Roads leading therefrom to the several Places next herein-after mentioned; (that is to say,) the Road commencing at the Turnpike Gate called the *Lowesmoor Gate* in the Parish of *Saint Martin* in the City of *Worcester* aforesaid, and leading from thence over *Rainbow Hill*, to a Place called *Black Pole Green*, in the Parish of *Claines* in the said County of *Worcester*; and also the Road commencing at the Canal Bridge near to the *Lowesmoor Turnpike Gate* aforesaid, and leading from thence to a Place called *Offerton Common*, in the Parish of *Hinlip* in the said County of *Worcester*; and which said several Roads are and shall be called the *Lowesmoor* or Eighth District of the *Worcester Turnpike Roads*.

IV. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining the several Diversions and new Lines of Road herein-after mentioned; (that is to say,) a Diversion of the present Turnpike Road leading from *Worcester Bridge* to the Summit of the Hill in the Parish of *Little Malvern* aforesaid, to commence near to the Two Mile Stone in the Hamlet of *Wick Episcopi* in the Parish of *Saint John in Bedwardine* aforesaid, and to pass through Land belonging to *Thomas Taylor Vernon* Esquire, in the Occupation of *Thomas Smith*, situate in the said Hamlet of *Wick Episcopi*, and also through Lands belonging to the Earl of *Coventry*, in the Occupation of *John Herbert*, Lands belonging to the Earl of *Beauchamp*, in the Occupation of *John Mence*, and a Garden belonging to *Henry Sherwood* Esquire, in the Occupation of *William Mence*; situate in the Parish of *Powick* in the said County of *Worcester*, and to terminate in the said Turnpike Road at the South End of the Garden of the said *Henry Sherwood*; also a Diversion of the present Turnpike Road leading from the Turnpike Gate called the *Bransford Gate*, in the Parish of *Saint John in Bedwardine* aforesaid, to *Frooms Hill* in the County of *Hereford*, to commence near the Brook at *Broadmore Green* in the said Parish of *Saint John in Bedwardine*, and to pass through an Orchard and Land belonging to *John Timbrill*, Doctor in Divinity, in the Occupation of *Charles Milner*, and to terminate in the said Turnpike Road near to the Dwelling House now in the Occupation of *Joseph London*, situate in the said Parish of *Saint John in Bedwardine*; also a Diversion of the present Turnpike Road leading from the Junction of the *Droitwich* Road at *Barbourne* in the Parish of *Claines* aforesaid to the End of *Jenny Hole Lane* in the Parish of *Hartlebury* aforesaid, to commence near a Cottage in the Occupation of *William Hewlett*, situate at *Bevere* in the said Parish of *Claines*, and to pass through Lands belonging to the Representatives of the late *William Cary* Esquire, and Mrs. *Blackburne*, in the Occupation of *William Lane*, situate in the said Parish of *Claines*, and Land belonging to and in the Occupation of *Charles Willoughby Osborne* Esquire, situate in the Parish of *Ombersley* aforesaid, and to terminate in the said Turnpike Road at or near to the Cottages at the Top of the Hill; and also a Diversion of the said last-mentioned Turnpike Road, to commence at the Foot of *Cherrick Hill* in the Parish of *Hartlebury* aforesaid, and to pass through Lands belonging to and in the Occupation of *Edwin Stiles*, and to terminate in the same Turnpike Road at the Blacksmith's Shop near to *Titton Brook* in the said Parish of *Hartlebury*; which said several Diversions of Road shall form a Part of the District within which they occur respectively.

Diversions to be made.

Powick or Third District.

Bransford or Fourth District.

Seventh District.

V. And be it further enacted, That this Act shall also be put in execution for the Purpose of widening the present Turnpike Roads in the Parishes of *Saint John in Bedwardine*, *Powick*, *Malvern*, *Broadwas*, *Claines*, *Ombersley*, and *Hartlebury*, and to purchase, take, and pull down the Gardens, Yards, Houses, and other Premises mentioned in the Schedule hereunto annexed.

Widenings to be made.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said Counties of *Worcester* and *Hereford* respectively, together with *John Henry Allen*, *John Henry Thomas Allen* Clerk, *Thomas Bedford* Clerk, *John Bedford*, *John Martin Butt* Clerk, *Robert Berkeley* senior,

Trustees.

[Local.]

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senior,

senior, *John Bell* Clerk, *William Bund*, *Thomas Blayney*, *John Blew*, *William Temple Best*, *Richard Berkeley* Clerk, of *Cotheridge*, *Sir William Rouse Boughton* Baronet, *William Berrington*, *Henry William Johnson Beauchamp* Clerk, *Thomas Henry Benjamin Bund*, *Robert Biscoe* Clerk, *William Barneby*, *Francis Best* Clerk, *Benjamin Baker*, *Christopher Benson* Clerk, *Peter Edward Bassier* Clerk, *Thomas Barneby*, *John Benbow*, the Honourable *George William Coventry* commonly called *Lord Viscount Deerbhurst*, the Honourable *John Coventry*, *Henry Card* D.D., *Edmund Lechmere Charlton*, *Henry Chamberlain*, *Francis Charlton*, *Edward Crane*, *John Crane*, *Charles Richard Cameron* Clerk, *Donald Cameron* Clerk, *Samuel Crane*, *Henry Carter*, *Henry Chellingworth*, *Martin Coucher*, *William Crowther*, *Thomas Gale Curtler*, *John Hill Clifton*, *Edward Crane of Ombersley*, *Thomas Carden* Surgeon, *Henry Somers Cocks* Clerk, *William Candler*, *Oswald Beale Cooper*, *William Cook* Clerk, *William Cowpland* Clerk, *William Digby* Clerk, *Charles Dowding*, *Robert Marshall Dowding*, *William Hale Derrington*, *Thomas Davies* Clerk, *Archibald Duncan*, *John Dent*, *William Dent*, *William Davis*, *John Dent of Malvern*, *Henry Evans* Clerk, *William Webb Essington*, *Edward Thomas Foley* M.P., *George Farley*, *Thomas France*, *John Field* M.D., the Honourable *John Fortescue*, *Godfrey Fausett* Clerk, *Sir Roger Gresley* Baronet, *Henry Greswolde*, *George Robert Gray* Clerk, *John Griffiths* Clerk, of *Thorngrove*, *John Matthew Gutch*, *Francis Thomas Gibbs*, *Edmund Greswolde*, *Richard Gardner of Ombersley*, *Charles Griffiths of Thorngrove*, *William Bennett Garlicke* M.D., the Right Honourable *Lord Arthur Hill*, *Joseph Higgins* Clerk, *Thomas Hudson*, *Henry Hudson*, *Moses Harper*, *Thomas Hallen*, *Henry James Hastings* Clerk, *Francis Hooper*, *John Hopton* Clerk, *William Rose Holden* Clerk, *Benjamin Hooke*, *Charles Hastings* M.D., *Charles Augustus Helm*, *Edward Howell*, *John Allen Higgins*, *Compton Hanford*, *Edward Ingram*, *John Richard Ingram* Clerk, *John Whitmore*, *Isaac Thomas Ingledeu*, *William Lyster Isaac* Clerk, *Benjamin Goolden Kent*, *Samuel Kent*, *Charles Scott Luxmore* Dean of *Saint Asaph*, *Edmund Hungerford Lechmere*, *Matthew Lunn* Clerk, *John Pearkes Lavender*, *James Lamb*, *John Lamb*, *Thomas Hill Lowe* Clerk, *John Brace Little*, *Thomas Little*, *James Meakin* Clerk, *William Moore*, *George Munn*, *Oliver Mason*, *William Morton of Powick*, *Henry Thomas Newport* Clerk, *George Nash*, *Conningsbury Norbury*, *Robert Nuttall*, *Henry Newman*, *John Nash*, *John Nicholls*, *John Owen*, *John Deakin Onley*, *Phipps Vansitart Onslow*, *Charles Willoughby Osborne*, *Thomas Netherton Parker*, *Thomas Price* Clerk, *Thomas Price* Clerk, of *Shelley*, *William Parker of Foregate Street*, *William Prattenton*, *Edward Poole*, *Matthew Pierpoint*, *Rawson Parke*, *William John Phillpotts* Clerk, *Edmund Thomas Perrott*, *John Pickernell*, *Herbert Brace Powell*, *John Peel* Clerk, *Samuel Picart* Clerk, *Joseph Pagett*, *Thomas Turner Roberts*, *John Richards* M.P., *William Rayer of Longdon*, *James Skéy*, *Thomas Stephenson* Surgeon, *Henry Sherwood*, *William Saunders*, *William Smith*, *Henry Southall* Clerk, *John Francis Smith*, *Charles Sidebottom*, *Thomas Summers*, *Henry Martyn Sherwood*, *Robert James Nicholl Streeton* M.D., *Thomas Singleton* Clerk, *James Peck Shepherd* Surgeon, *George St. John* Clerk, *John Surman of Malvern*, *John Allen Stokes*, *Edward Gresley Stone*, *Abraham Thompson*, *John Thomas of White Ladies*, *John Thomas* Clerk, of *Shelsley*, *John Ellis Viner*, *Robert Vernon* Clerk, *John Vernon* Clerk, *William Vale of Hall Court*, *Mathon*, *Francis Winnington* Clerk, *Charles Fox Winnington* Clerk, *Henry Jefferys Winnington* M.P., *John Taylor Winnington*, *Edward Ward Wakeman* Clerk, *James Williams*

of Malvern, John Wigley Williams, William Ellis Wall Clerk, Edward Wheeler of Kyrewood, Edmund Francis Wells, Allen Wheeler Clerk, John Winnall, George Wright, John Wright junior, Kenrick Watson Surgeon, George Williams Clerk, Thomas Woodyatt, Edward Waldron, William Woodward, Thomas Wheeler Sherlock Willis, Thomas James Wemyss, John Walker, John Gregory Watkins, John Whitaker, Francis Edward Williams, George Williams Clerk, of Wichenford, George Walker, John Webb, Thomas Walker Webb, George Whitby, George Woodcock Clerk, Joseph York, Richard Yapp, and Daniel Zachary, being duly qualified according to the Laws in force for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act, and the several Acts for regulating Turnpike Roads in *England*.

VII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting to be held for the Execution of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein named.

Power to elect additional Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at *Worcester* on the First *Wednesday* after the Commencement of this Act, or as soon afterwards as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times and Places upon or near to or in the Neighbourhood of the said Roads as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

First Meeting of Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the several Widenings, Diversions, and new Lines of Road herein-before mentioned of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences 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 purchase, take, or use a Right of Way in perpetuity over or across any 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, and Fences, or any of them, are intended to be made or pass, and also upon, in, over, 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

Widenings, Diversions, &c. may be made.

any Person shall remove, destroy, or injure any of the Stakes or other Marks used for the Purposes aforesaid every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Road and  
Bridge at  
Powick.

X. And whereas in order to make the intended Diversion of the Line of Road leading from *Worcester Bridge* to the Summit of the Hill in the Parish of *Little Malvern* aforesaid, commencing at or near the Two Mile Stone in the Hamlet of *Wick Episcopi* in the Parish of *Saint John in Bedwardine* aforesaid, and terminating at the South End of the Garden of the said *Henry Sherwood* in the Parish of *Powick* aforesaid, it will be necessary to carry the same over the River *Teame* by means of a Bridge over the said River; be it therefore enacted, That the said Trustees shall and they are hereby empowered and required to build a good and substantial Bridge over the said River *Teame*, with Abutments, made of Stone, Iron, Brick, or other durable Materials, and of such Dimensions and Capacity as will admit of the Waters therein to flow as they are now accustomed to do, and so as to have the Waterway in the said River of the same Width or sectional Area as it now is therein, and for the Purposes aforesaid from Time to Time to dig and make proper Foundations in the said River, and on the Lands on each Side thereof, and make Dams in the said River, Cut, and Level, and embank and secure the Banks thereof, and cut, remove, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, or any other Impediment whatsoever, and shall also make and erect, in any Embankments or Approaches to the said Bridge, sufficient Land Arches or Openings for the Passage of the Waters in Time of Flood, and do and execute all and every other Thing or Things necessary or convenient for building the said Bridge, and to make a proper and convenient Carriage and Foot Way over the said Bridge; and the Ascent of such Bridge for the Purpose of such Road shall not be more than One Foot in Thirty Feet; and a good and sufficient Fence shall be made on each Side of such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Trustees to  
build a  
Bridge over  
the Canal  
and the River  
Salwarp at  
Hawford.

XI. And whereas, in order to make the intended Diversion of the Line of the present Turnpike Road leading from the Junction of the *Droitwich* Road at *Barbourne* in the Parish of *Claines* aforesaid to the End of *Jenny Hole Lane* in the Parish of *Hartlebury* aforesaid, to commence near a Cottage in the Occupation of *William Hewlett*, situate at *Bevere* in the said Parish of *Claines*, and to terminate at or near to the Cottages at the Top of the Hill in the Parish of *Ombersley* aforesaid, it will be necessary to carry the same over a Branch of the *Worcester* and *Droitwich* Canal, and also over a Brook called *Salwarp Brook River*, by means of Bridges over the said Canal and the said River; be it therefore enacted, That the said Trustees shall and they are hereby empowered and required to build good and substantial Bridges over the said Canal and the said Brook, with Abutments, made of Stone, Iron, Brick, or other durable Materials, and of such Dimensions and Capacity as will admit of the Waters in the said Canal and Brook to flow as they are now accustomed to do, and so as to have the Waterway in the said Canal together with a Towing Path of the same Width as is now used on the said Canal, and so as also to have the Waterway in the said Brook of the same Width or sectional Area as it now is therein, and for the Purposes aforesaid from Time to Time to dig  
and



and make proper Foundations in the said Canal and Brook, and on the Lands on each Side thereof respectively, and make Dams in the said Brook, and cut and level and embank and secure the Banks of the said Canal and Brook, and cut, remove, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, or any other Impediment whatsoever, and shall also make and erect in any Embankments or Approaches to the said Bridges respectively sufficient Land Arches or Openings for the Passage of the Waters in Time of Flood, and do and execute all and every other Thing or Things necessary or convenient for building the said Bridges, and to make a proper and convenient Carriage and Foot Way over the said Bridges; and the Ascent of the Bridge over the said Canal for the Purpose of such Road shall not be more than One Foot in Thirty Feet, and the Ascent of the Bridge over the said Brook shall not be more than One Foot in Thirty Feet; and a good and sufficient Fence shall be made on each Side of the said Bridges, which Fence shall not be less than Four Feet above the Surface of such Bridges.

XII. And be it further enacted, That the said Trustees shall be and they are hereby empowered to purchase, take, and use any Stone or other Materials for the building or repairing any of the Bridges on the said Road, in such and the like Manner as they are empowered to purchase, take, and use Materials for the Repair of the said Roads by virtue of any of the Acts in force for regulating Turnpike Roads in *England*.

Trustees may take Materials for Repair of Bridges.

XIII. And whereas some Part or Parts of the said Roads and Diversions or new Lines 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 further enacted, That where any Part of the said Roads and Diversions and new Lines of Road shall be made through any Lands or Grounds, being private Property, and there shall be in any such Lands or Grounds, or in any Lands or Grounds adjoining thereto, any Footpath or Footpaths leading only 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 His Majesty's Justices of the Peace acting in and for the County of *Worcester* 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 and 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 or Persons who may think himself or herself aggrieved by any such Order of such Justices, to appeal to the Justices of the Peace assembled at any General Quarter Sessions to be holden for the said County of *Worcester* within Three Calendar Months from the Date of such Order.

Power to stop up Footpaths.

Plans, &c. to remain with the Clerk of the Peace, and be open to Inspection.

XIV. And whereas Maps or Plans describing the said intended Widenings, Diversions, and new Lines of Road, and 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 Office of the Clerk of the Peace for the County of *Worcester*; be it therefore enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the said Clerk 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 or Book 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.

Trustees not to deviate more than 100 Yards from Plan.

XV. And be it further enacted, That the said Trustees in making the said Widenings, Diversions, 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 Clerk of the Peace as hereinbefore 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.

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

XVI. Provided always, and be it further 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 to 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 Schedule to this Act annexed,) 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 the Act.

XVII. Provided nevertheless, and be it further 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 Schedule thereto, or in the said Maps or Plans or Book 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.

XVIII. And be it further enacted, That if the said Trustees shall not within the Space of Three Years next after the passing of this Act agree for, or cause to be valued and paid for, the Houses, Buildings, and Lands which they are by this Act authorized to take, then and from thenceforth the Powers of this Act granted, or by any other Act or Acts granted, in the relation of taking of Lands for the Purposes of Turnpike Roads, shall, so far as relates to the Houses, Buildings, and Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent in Writing of the Owners and Occupiers of such Houses, Buildings, and Lands respectively; any thing in this Act, or in any such Act or Acts as aforesaid, contained to the contrary thereof notwithstanding.

Limiting the Period for purchasing Property.

XIX. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XX. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Roads mentioned in this Act or any of them shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Land shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Right of Way to cease when Lands are not wanted.

XXI. Provided also, and it is hereby further enacted, That the said Trustees shall 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*; any thing herein contained to the contrary in anywise notwithstanding.

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

XXII. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and

Power to continue Toll Gates, &c.

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 or 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.

Trustees to  
take Tolls.

XXIII. And be it further 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 for any Person under their Authority, to demand and take, at any Turnpike, Toll Gate, Toll Bar, Side Gate, Side Bar, or Chain to be continued, erected, or placed by virtue of this Act upon, across, or on the Sides of the said Roads or Districts or new Lines of Road respectively, or upon any Branch of Road comprised in this Act, the several Tolls following; (that is to say,)

Tolls.

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, a Sum not exceeding Sixpence:

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Stage Coach, Omnibus, Diligence, Van, Caravan, or other such like Carriage, constructed with Metallic Springs, and hung so as the Carriage when loaded shall not block on the Axletree or under 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 such 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, Ass, 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, the Sum of 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, the Sum of Four-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, the Sum of One Shilling:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Ox, Cow, or Neat Cattle, (except Calves,) the Sum of One Halfpenny:

For

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 *per* Wheel for each Wheel thereof:

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 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,)

Proviso in favour of flat soled Wheels.

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:

And where the Wheels of any Carriage used for carrying or conveying Timber or any other heavy Goods, having the fore Axletree and the hind Axletree at a greater Distance than Eight Feet from each other, shall be so constructed as aforesaid, and the Tire thereof shall be of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, a Sum not exceeding Four-pence.

XXIV. Provided always, and be it further 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 Materials for building Bridges not to be exempt from Tolls unless the Wheels are of the Breadth of Six Inches at the Bottom thereof, and the Nails countersunk.

Waggons,  
&c. with  
Wheels of the  
Breadth of  
Six Inches,  
and the Nails  
of the Tire  
countersunk,  
not to be  
liable to Toll  
for Over-  
weight.

XXV. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or other such like Carriage, having the Tire of the Wheels of the Breadth of Six 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 such flat or level Surface, and the Nails of the Tire countersunk so as not to rise above the Surface of such Tire, or having the Wheels thereof 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*, and being of the like Breadth of Six Inches or upwards at the Bottom or Sole thereof, shall not be subject or liable to Toll for Overweight.

Toll on Dogs  
drawing Car-  
riages.

XXVI. And whereas Dogs are now very frequently used in drawing small Carriages on the said Roads; be it therefore further enacted, That from and after the Thirty-first Day of *December* next 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.

As to the  
Fractional  
Part of a  
Halfpenny  
in Tolls.

XXVII. And be it further 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.

Carriages  
employed  
in carrying  
Timber be-  
tween cer-  
tain Periods  
subject to  
double Toll

XXVIII. And be it further 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 Double the Toll herein-before made payable for the same, unless the Tire of the Wheels of such Carriages shall be of the Breadth of Six 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 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, in which Case the single Toll only shall be demanded or taken for or in respect of each Horse, Ass, Mule, or other Beast or Cattle drawing the same.

Limiting the  
Number of  
Tolls.

XXIX. And be it further enacted, That 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 no more than One full Toll shall be demanded or taken on any One of the said Districts of Roads for or in respect of any Horse, Beast, Cattle, or Carriage employed in the Course  
of

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 Corn, Grain, or other agricultural Produce, and which has been bought, sold, or disposed of, or going to be sold or disposed of, and returning empty after having been so employed, or laden only with Coals not carried for Hire, or with Manure or Lime for the Improvement of Land, or such other Materials as is or are exempted from Payment of Toll.

XXX. Provided always, and be it further enacted, That if any Toll shall have been paid for or in respect of any Horse, Cattle, Beast, or Carriage passing through any Turnpike, Toll Gate, Side Gate, Side Bar, or Chain continued or to be erected by virtue of this Act, (except Horses, Cattle, Beasts, or Carriages carrying Passengers or Goods for Pay, Hire, or Reward, or which shall be let out to Hire, as herein-after mentioned,) the same Horse, Cattle, Beast, and Carriage shall, upon Production of a Ticket denoting such Payment, 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 Toll-free, except as herein-after mentioned, through the same and all and every other Turnpike, Toll Gate, Side Bar, or Chain continued or to be erected on the same District of Road by virtue of this Act which shall be situated within the Distance of Three Miles from such Turnpike, Toll Gate, Side Bar, or Chain at which such Person shall have paid such Toll and received such Ticket as aforesaid (the Distance of Three Miles to be computed and deemed to be along the Course of the same Turnpike Road); any thing herein contained to the contrary thereof in anywise notwithstanding.

Toll to be paid but once a Day upon the whole Line.

XXXI. And be it further enacted, That after the Toll hereby imposed for the passing of any Horse, Cattle, Beast, or Carriage through any Turnpike Gate 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.

XXXII. Provided nevertheless, and be it further 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

Tolls in certain Cases to be paid on repassing.

every such subsequent passing, or passing and repassing; any thing herein contained to the contrary in anywise notwithstanding.

Stage Carriages to pay every Time of passing;

XXXIII. And be it further 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.

Post Chaises on every new Hiring.

XXXIV. Provided also, and be it further enacted, That the Tolls by this Act imposed shall be paid for or in respect of Horses, Asses, 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, Beasts, or Cattle.

Trustees to erect Fences upon Commons.

XXXV. And be it further 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 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.

Occupiers of Lands to move Lumps of Earth, &c. from Sides of Roads.

XXXVI. And be it further enacted, That all and every Occupier and Occupiers of Land adjoining to any Part of the said Roads shall, on receiving Three 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.

Application of Tolls and other Monies.

XXXVII. And be it further enacted, That the Money already received or which shall be received by virtue or in respect of the said former Acts hereby repealed, or of either of them, and also the Money which shall be received under or by virtue of this Act, or shall be borrowed on the Credit of the Tolls granted by this Act, shall be applied by the said Trustees



Trustees in 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 Expences incurred in preparing, applying for, and obtaining and passing this Act, or otherwise relating or incident thereto; with lawful Interest for any Money which may have been or which shall be advanced for the Payment thereof or any Part thereof from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid; in the next place, in paying and discharging any Interest which now is or may from Time to Time become due on the Credit of the said former Acts hereby repealed and this Act; in the next place, in defraying the Expences of maintaining in repair the Roads by the said former Acts authorized to be made, and of making and maintaining the several Widening, Diversions, and new Lines of Road, and Bridges, Avenues, and Approaches thereto, by this Act authorized to be made, and of otherwise executing the Purposes of this Act; and lastly, in paying any Principal Monies which have been or may hereafter be borrowed and secured under or on the Credit of the said former Acts hereby repealed or of this Act.

XXXVIII. And be it further enacted, That separate and distinct Accounts shall be kept of all Money received, paid, laid out, and expended on each of the said several Eight 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 on each of the said Eight Districts accordingly.

Eight separate and distinct Accounts to be kept.

XXXIX. And be it further enacted, That no Preference shall be given to any Person who hath heretofore advanced any Sum of Money on the Credit of the Tolls granted by the said recited Acts or any of them, or who shall hereafter advance any Sum of Money on the Credit of the Tolls granted by this Act, or to his Assignee, in respect of the Priority of the Mortgage or Assignment or other Security for the same or for advancing such Sum of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, and their respective Assignees, as also all Persons to whom any such Mortgage or Assignment hath heretofore been made or given, shall (in proportion to the Sums therein mentioned) be Creditors under this Act and in equal Degree one with another, without any Preference or Priority.

No Priority of Mortgages.

XL. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed or of this Act shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within the City of *Worcester* aforesaid or the Liberties thereof.

No Tolls to be laid out in repairing the Streets, &c. of Worcester.

XLI. And be it further 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, improving, repairing, or maintaining in repair any of the Roads by this Act directed to be made, widened, improved, repaired, or maintained in repair, unless there shall be a Toll Gate erected thereon respectively, and Tolls taken

Restricting the Application of Tolls in the Repairs of Roads.

[Local.]

thereat;

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 than shall be actually collected or received at the Turnpikes, Toll Gates, Side Bars, or Chains erected thereon respectively, or borrowed on the Credit of the Tolls thereof respectively, or received as a Composition in lieu of Statute Duty thereon respectively; any thing herein contained to the contrary thereof in anywise notwithstanding.

Trustees, &c. declared not incompetent Witnesses in Actions, &c. brought by or against them, under Powers of 3G.4. c.126.

XLII. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, it is enacted, that the Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in any Action or Suit in which they may be Plaintiffs or Defendants, and it is expedient that such Doubts should be removed; be it therefore enacted, That no Trustee or Clerk acting under the Authority of the said recited Acts or of this Act shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any such Action or Suit by reason of only such Trustee, Commissioner, or Clerk being the nominal Plaintiff or Defendant in such Action or Suit.

Costs of Trustees and Justices to be paid.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any General Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers nominated and appointed under this Act for the Time being to pay and defray, out of the Money in his or their Hands arising from the Tolls and Duties collected by virtue thereof, all such Costs, Charges, and reasonable Sums as they the said Trustees or any of them, or any Justice or Justices of the Peace, shall have been at, put unto, or shall have expended in the due Execution of this Act, and of the Powers and Authorities given and granted thereby, or in prosecuting or defending any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which shall be done, or they shall have done or ordered to be done in the due Execution thereof.

Rules for the Construction of certain Expressions in the Act.

XLIV. And be it further enacted, That wherever in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be construed to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Corporation" shall be used, the same shall be construed to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Lands" shall be used, the same shall be construed to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

XLV. And

XLV. And be it further enacted, That this Act shall commence on the Term of Act. First Day of *January* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

XLVI. And be it further enacted, That this Act shall be deemed and Public Act. taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

## The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Parishes or Places.	Owners.	Occupiers.	Description.
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## POWICK DISTRICT.

*Widening of the Main Road in Saint John in Bedwardine.*

1	Saint John in Bedwardine.	Representatives of the late Mr. John Young.	Ishmael Sherwin	Part of Garden.
2	-	Ditto	James Rickards	Part of Garden.
3	-	Ditto	Mary Allies, now Frederick Allies.	Part of Tanyard.

*Widening of the same Road at Lower Wick.*

4	Lower Wick	Thomas Taylor Vernon, Esq.	John Morton	Part of Garden.
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*Diversion of the same Road for the Approaches to the new Bridge at Powick.*

5	Lower Wick	Thomas Taylor Vernon, Esq.	Thomas Smith	Part of Meadow.
6	Powick	Earl of Coventry	John Herbert	Part of Meadow.
7	-	Earl of Beauchamp	James Hyde, now John Mence.	Part of Meadow.
8	-	Earl of Coventry	John Herbert	Part of Meadow.
9	-	Henry Sherwood, Esquire.	William Mence	Part of Garden.

*Widening of the same Road in the Village of Powick.*

10	Powick	Trustees of Nash's Charity.	Walter Carless, Esq.	Outbuildings and Part of Garden.
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*Widening of the same Road in the Village of Great Malvern.*

11	Great Malvern	Samuel Roe	Samuel Roe	Part of Garden.
12	-	John Mason	John Mason	Part of House.

## BRANSFORD DISTRICT.

*Diversion of the Main Road at Broadmore Green in the said Parish of Saint John in Bedwardine.*

1	Saint John in Bedwardine.	John Timbrill, D.D.	Charles Milner	Part of Orchard.
2	-	Ditto	Ditto	Part of Field.

5° & 6° GULIELMI IV. Cap. lxxiii. 1917

No. on Plan.	Parishes or Places.	Owners.	Occupiers.	Description.
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BROADWAS DISTRICT.

*Widening of the Main Road in the Village of Broadwas.*

3	Broadwas (Village).	Devises of the late Mr. Thomas Hunt.	Richard Carter	Part of Garden and Yard.
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BARBOURNE DISTRICT.

*Widening of the Main Road near Chickett's Lane in the Parish of Claines.*

1	Claines	William Tolley	William Curtis	Part of Garden.
2	-	James Gregory	James Gregory	Part of Garden.
3	-	James Turner	James Nash	Part of Garden.
4	-	Ditto	James Turner	Part of Garden.
5	-	Ditto	Thomas Baynton	Part of Garden.

*Diversion of the same Road for the Approaches of the new Bridge at Hawford.*

6	Claines	The Representatives of the late William Carey, Esq.	William Lane	Part of Meadow.
7	-	Ditto	Ditto	Part of Meadow.
8	-	Ditto	Ditto	Part of Meadow.
9	-	Ditto	Ditto	Part of Meadow.
10	-	Ditto	Ditto	Part of Meadow.
11	-	Mrs. Blackburne	Ditto	Part of Field.
12	-	The Representatives of the late William Carey, Esq.	Ditto	Part of Meadow.
13	-	Mrs. Blackburne	Ditto	Part of Meadow.
14	-	Ditto	Ditto	Part of Meadow.
15	-	Ditto	Ditto	Part of Meadow.
16	Ombersley	Charles Willoughby Osborne, Esq.	Charles Willoughby Osborne, Esq.	Part of Meadow.

*Widening of the same Road in the Village of Ombersley.*

17	Ombersley	Feoffees of Ombersley Church.	Joseph Cooper John Cooper Samuel Turner John Andrews John Walker	} Poor of Ombersley.	Cottages, Yards, and Gardens.
18	-	The Marchioness of Downshire.	John Whitney		
19	-	Ditto	Mordecai Brooks	Part of House and Garden.	
20	-	— Simpson, now Mr. Greenall.	Louis E Goule	Part of Garden.	
21	-	Ditto	Ditto	Part of Garden.	
22	-	John Winnall	Samuel Tayler	Part of House and Garden.	
23	-	Ditto	Thomas Sparkes	Part of Garden.	
24	-	Edward Goodwin	Edward Goodwin	Part of Outbuildings.	
	-	Mrs. Spencer, now Robert Spencer.	George Jordan	Part of Garden.	

[Local.]

No. on Plan.	Parishes or Places.	Owners.	Occupiers.	Description.
<i>Widening of the said Road on the Top of Cherrick Hill in the Parish of Hartlebury.</i>				
25	Hartlebury -	The Rev. John Harward.	William White - -	Part of Garden.
<i>Diversion of the said Road, to commence at the Foot of Cherrick Hill, to terminate at the Blacksmith's Shop near Titton Brook in the said Parish of Hartlebury.</i>				
26	Hartlebury -	Edwin Stiles - -	Edwin Stiles - -	Part of Field.
27	- - -	Ditto - -	Ditto - -	Part of Field.
28	- - -	Ditto - -	Ditto - -	Part of Meadow.

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