Anno tricesimo

Georgii II. Regis.

An Act to render more effectual the several Laws now in being for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom.



WHEREAS it hath been found that the Use of Broad Wheels does very much contribute to the Improvement and Preservation of the Turnpike Roads of that Part of Great Britain called England, and using heavy Carriages with Narrow Wheels, is very ruinous and destructive to the same; For Remedy whereof, 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 during the Time of Seven Years, to be computed from the Twenty fourth Day of June, One thousand seven hundred and fifty eight, the Trustees appointed or to be appointed by virtue or under the Authority of any Act of Parliament made, or to be made, for making, repairing,

Preamble.

Trustees for Turnpike Roads to take, for the Term of 7 Years, One Half more than the Tolls payable at their respective Turnpikes for Waggons, and Carts, having the Fellies of their Wheels of less Breadth than 9 Inches.

pairing, or amending, Turnpike Roads, or such Person or Persons as are or shall be authorized by them, shall and may, and they are hereby required to demand and take for every Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of less Breadth or Gage than Nine Inches from Side to Side, at the least, at the Bottom or Sole thereof, or for the Horses or Beasts of Draught drawing the same, One Half more than the Tolls or Duties which are or shall be payable for the same respectively, by any Act or Acts of Parliament made, or to be made, for making, amending, or repairing, Turnpike Roads, before any such Waggon, Wain, Cart, or Carriage, respectively, shall be permitted to pass through any Turnpike Gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of any of the said Acts.

Carts drawn by One Horse, or Two Oxen, excepted.

Provided, That nothing in this Act shall extend, or be construed to extend, to Carts or Carriages drawn by One Horse, or Two Oxen, and no more.

Carts with 2 Horses, or Four Oxen, and Fellies 6 Inches Broad, to pay only the common Tolls.

Provided always, and be it enacted by the Authority aforesaid, That during the Time aforesaid, it shall and may be lawful for and for any Cart or Carriage drawn by Two Horses, or Four Oxen, and no more, having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches at the Bottom, from Side to Side, to pass upon any Turnpike Road, and through any Turnpike Gate or Bar, paying the Tolls or Duties required to be paid by any of the said Acts respectively.

And whereas there are in several Acts of Parliament, made for making, amending, and repairing, Turnpike Roads, Exemptions allowed from Payment of Tolls, in particular Cases therein respectively mentioned, and Liberties are allowed, in particular Cases, to pay lesser Tolls than are charged upon other Waggons, Carts, and Carriages passing through Turnpike Gates or Bars: And whereas it will tend to the Advantage and Preservation of Turnpike Roads, to confine such Exemptions, Liberties, Privileges, and Advantages to Carriages with Wheels of the Breadth or Gage of Nine Inches as aforesaid; be it therefore enacted by the Authority aforesaid, That during the Time aforesaid, no Person shall, by virtue of any of the said Acts of Parliament, have, claim, or take, the Benefit or Advantage of any Exemption from Tolls, or Part of Tolls, or to pay lesser Toll, for or in respect of any Waggon, Wain, Cart, or other Carriage, or Horses drawing the same, than

No Carriage to have the Benefit granted in particular Cases, of being exempted from Tolls, or paying lesser Tolls, unless the Fellies are Nine Inches broad.

than other Carriages of the like Nature ought to pay, unless such Waggon, Wain, Cart, or Carriage, have Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches as aforesaid; other than and except Carts and Carriages drawn by One Horse, or Two Oxen, and no more; and other than and except Carts and Carriages drawn by Two Horses, or Four Oxen, and no more, having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches as aforesaid; but that the Toll, together with the additional Toll hereby enacted, for or in respect of every such Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of less Breadth or Gage than Nine Inches as aforesaid; or for or in respect of Horses, or Beasts of Draught, drawing the same (except as before excepted) required by the said Acts respectively, shall be paid in the same Manner, to all Intents and Purposes, as if no Exemption or lesser Toll had been enacted or allowed by any of the said Acts respectively, and as fully as all other Waggons, Wains, Carts, and Carriages, and Horses drawing the same, ought respectively to pay, which are not intitled to any Exemption from Toll in the Whole or in Part, or to pay a lesser Toll than other Waggons, Wains, Carts, and Carriages; any Law or Statute to the contrary notwithstanding.

Exception.

but the additional and ordinary Tolls are to be paid.

And be it further enacted by the Authority aforesaid, That, during the Time aforesaid, the Trustees appointed or to be appointed by virtue, or under the Authority, of any Act of Parliament made, or to be made, for making, repairing, or amending, Turnpike Roads, and such Person and Persons as shall be authorized by them, shall and may, and they are hereby required, to permit and suffer all Waggons, Wains, Carts, and Carriages, having the Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches from Side to Side at the Bottom or Sole thereof, and drawn according to Law, to pass through any Turnpike Gate or Gates, Bar or Bars, within One hundred Miles from London, paying only so much Toll or Duty as shall not exceed One Half of the full Toll or Duty payable for such Waggons, Wains, Carts, and Carriages respectively, or for the Horses or Beasts of Draught drawing the same, by virtue of any Act or Acts of Parliament made, or to be made, for making, repairing, or amending Turnpike Roads.

Waggons, &c. with Broad Wheels, are to pay only Half the ordinary Tolls, at any Turnpike within 100 Miles of *London*;

And whereas great Damage is done to Turnpike Roads by Waggons and Wains with Broad Wheels drawn by Horses or Beasts of Draught at Length, and not in

but such Waggons are not to pass, unless drawn by Horses in Pairs, and not at Length;

Pairs: For Remedy whereof, be it enacted by the Authority aforesaid, That during the Time aforesaid it shall not be lawful for any Waggon or Wain, having Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches as aforesaid, to pass upon any Turnpike Road, or through any Turnpike Gate or Bar, unless the same be drawn by Horses or Beasts of Draught in Pairs; provided that where there is an odd Horse, or Beast of Draught, belonging to such Waggon or Wain, it shall be lawful for such odd Horse, or Beast of Draught, to draw such Waggon or Wain, together with the other Horses, or Beasts of Draught, drawing in Pairs as aforesaid; provided that such Horses, or Beasts of Draught, do not in the whole exceed the Number of Horses, or Beasts of Draught, allowed by Law.

but Narrow Wheel Carriages are not to pass if drawn in Pairs, unless by Oxen.

And whereas great Damage is done to Turnpike Roads by Waggons and Wains with Narrow Wheels, drawn by Horses, or Beasts of Draught, in Pairs, and not drawn by Oxen: For Remedy whereof, be it enacted by the Authority aforesaid, That during the Time aforesaid it shall not be lawful for any Waggon or Wain, having the Fellies of the Wheels thereof of less Breadth or Gage than Nine Inches, to pass upon any Turnpike Road, or through any Turnpike Gate or Bar, if the same be drawn by Horses, or Beasts of Draught, in Pairs, and not by Oxen.

Persons driving on Turnpike Roads, Common Stage Waggons prohibited to travel thereon,

or driving with a greater Number of Horses than the Law allows,

may be punished by Indictment, or Information, &c.

And be it enacted by the Authority aforesaid, That if any Person or Persons shall, during the Time aforesaid, drive, or cause to be driven, on any Turnpike Road, any Common Stage Waggon, prohibited by this Act to pass along any Turnpike Road, or shall drive, or cause to be driven, any Waggon, Wain, Cart, or Carriage, on any Turnpike Road, with any greater Number of Horses or Beasts of Draught, than is allowed by Law, or in any wise contrary to the true Intent and Meaning of this Act, every Person and Persons so offending, and every Master or Owner of such Waggon, Wain, Cart, or Carriage, so driven, shall be deemed to be guilty of a Common Nuisance and Misdemeanor, and shall be punished for the same by Indictment or Information, or shall, at the Election of the Prosecutor or Informer, for every such Offence, be subject and liable to such and the same Penalties and Forfeitures as the Owners of Waggons and Carriages, having the Fellies of the Wheels of less Breadth or Gage than Nine Inches from Side to Side, are made subject and liable to, by virtue of an Act made in the Twenty sixth Year of the Reign

of

of His present Majesty, intituled, An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto; to be paid and applied to such Uses and Purposes, and to be levied and recovered as is thereby directed. Act 26 Geo. II.

And be it enacted by the Authority aforesaid, That during the Time aforesaid, it shall not be lawful for any Trustees of any Turnpike Road, to make any Composition for Tolls for or in respect of any Waggon, Wain, Cart, or Carriage, or Horses or Beasts of Draught, drawing the same (except as before excepted) unless such Waggons, Wains, Carts, and Carriages, have the Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches, as aforesaid. No Composition for Tolls may be made for Narrow Wheel Carriages. Exception.

And whereas by an Act made in the Twenty eighth Year of the Reign of His present Majesty, it is, amongst other Things, enacted, That from and after the said Twenty fourth Day of June, it shall and may be lawful for all Waggons having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches from Side to Side, at the least, at the Sole or Bottom of the Wheel, to pass through all and every Turnpike Gate or Gates, Bar or Bars, with Six Horses; and all Carts and other Carriages having the Fellies thereof of the Breadth or Gage of Six Inches, from Side to Side, at the least, at the Sole or Bottom of the Wheel, with Four Horses, without paying any more Toll or Duty than is paid for Waggons now drawn by Four, and Carts drawn by Three Horses, or for the Horses drawing the same: And whereas by another Clause in the last-mentioned Act, it is enacted, That from and after the said Twenty fourth Day of June, all Waggons, Wains, and other Four Wheel Carriages, not being Common Stage Waggons or Carriages (though the Fellies of the Wheels are not of the Breadth of Nine Inches, or Six Inches) may travel, pass, or be driven upon any Turnpike Road, with any Number of Horses not exceeding Five Horses, or Beasts of Draught: And if any Owner or Driver of any such Waggon, Wain, or other Four Wheel Carriage, shall travel, pass, or drive, any such Waggon or other Four Wheel Carriage, with more than Five Horses, or Beasts of Draught, every such Owner so offending, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; which said Penalty shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Recital of Two Clauses in Act 28 Geo. II.

Seals of the Trustees, or any Three or more of them, of such District, or any One or more Justice or Justices of the Peace, in or near to the Place or Places where the Offence shall be committed, or by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; where no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed: And in case any Driver of any Waggon, Wain, or other Carriage as aforesaid, shall act contrary to the true Intent and Meaning hereof, such Justice or Justices shall, by Warrant or Warrants under his or their Hands and Seals, commit such Driver to the House of Correction for the Space of One Month; there to remain without Bail or Mainprize; be it enacted by the Authority aforesaid, That the said recited Clauses in the last-mentioned recited Act, shall, from and after the said Twenty fourth Day of June, One thousand seven hundred and fifty eight, be repealed.

The said recited Clauses repealed.

And be it further enacted by the Authority aforesaid, That from and after the Time aforesaid, no Waggon having the Fellies of the Wheels thereof, of the Breadth or Gage of Nine Inches at the Bottom, shall pass along any Turnpike Road, which shall be wider than Five Feet Six Inches from the Middle of the Fellies of the Wheels on One Side of such Waggon, to the Middle of the Fellies of the Wheels on the other Side of such Waggon; and the Surveyor or Surveyors, Gate-keeper or Gate-keepers, of any Turnpike Road, is and are hereby authorized and required, at any Turnpike or Toll-gate, or at any other Place upon the Turnpike Road, to measure every such Waggon from the Middle of the Fellies of the Wheels on One Side of such Waggons, to the Middle of the Fellies of the Wheels on the other Side thereof; and if any Waster or Driver of any Waggon shall hinder or refuse to permit such Surveyor or Surveyors, Gate-keeper or Gate-keepers, to measure such Waggon as aforesaid, it shall be unlawful for every such Waggon, not permitted to be measured as aforesaid, to pass along any Turnpike Road.

No Waggons with Broad Wheels if wider than 5 Feet 6 Inches from Wheel to Wheel, may pass on Turnpike Roads;

and Surveyors, or Gate-keepers are to measure them accordingly.

And be it enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done or acted in pursuance of this Act, then and in every such Case, such Action or Suit shall be commenced or prosecuted within Six Calendar Months next after the Fact committed, and not afterwards; and the same, and every such Action or Suit, shall be brought in the County, Riding, or Place, where the

Limitation of Actions.

the Person against whom such Action or Suit shall be commenced doth ordinarily inhabit and reside, or in the County or Riding where the Fact was committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance of, and by Authority of this present Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time herein before limited for bringing the same; or be brought or laid in any other County, Riding, or Place, than as aforesaid-mentioned, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law. General Issue. Treble Costs.

And whereas some Doubts have arisen concerning the Meaning of the Words Common Stage Waggons, it is hereby declared, That every Waggon, Wain, Cart, or Carriage, travelling with, or carrying Goods for Hire, is and shall be deemed to be a Common Stage Waggon, within the true Intent and Meaning of an Act made in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act to amend an Act in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto.* What shall be deemed a *Common Stage Waggon* within the Meaning of the Act of 28 *Geo.* II.

Whereas it is, in and by an Act of the Twenty eighth Year of his present Majesty, amongst other Things enacted and declared, That if any Collector or Receiver of the Tolls or Duties at any Gate or Turnpike, where or near to which, any Crane, Machine, or Engine, for weighing of Carriages shall be built or erected, shall permit any Cart, Waggon, or Carriage, within the Descriptions therein mentioned, to pass or repass through any such Gate or Turnpike, without weighing the same, such Collector or Receiver shall, upon Conviction, as by the said Act is directed, be liable to be committed to the House of Correction, and there to be kept to hard Labour for the Space of One Month: And whereas Doubts have Recital of Clause in Act 28 *Geo.* II.

arisen whether such Collector or Receiver, is not by the said Act, obliged to weigh all Carriages whatsoever, whether loaded or unloaded; and many Difficulties have arisen thereupon; for obviating whereof, it is hereby enacted and declared, That from and after the Twenty ninth Day of September, One thousand seven hundred and fifty seven, any Collector or Receiver of any Tolls, at any Turnpike or Turnpikes erected or to be erected by virtue of any Act of Parliament, shall and may permit all and every Person or Persons going or travelling through any Turnpike with an empty Cart, Waggon, or other Carriage, to pass and repass through the same, without weighing such empty Cart, Waggon, or other Carriage, and without incurring the Penalty aforesaid; and that such Collector or Receiver shall not be obliged to weigh any Cart, Waggon, or other Carriage, but those only which shall be laden; the said last above-mentioned Act, or any Law now in Force, to the contrary notwithstanding.

Collector not obliged to weigh empty Carriages;

but such only as shall be laden.

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FINIS.