Anno decimo

Georgii III. Regis.

An Act for amending the Road from *Wellſbourn Mountfort*, to *Stratford upon Avon*, in the County of *Warwick*.

WHEREAS the Road leading from the Pound in Wellſbourn Mountfort, through a certain Lane called Hunſcote Lane, to Stratford upon Avon, in the County of Warwick, is in general ruinous and incommodious, and cannot be effectually amended by the Laws now in being: 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 Samuel Aylworth, Richard Archer, the Right Honourable Francis Seymour Conway commonly Lord Viſcount Beauchamp, Thomas Brigham, Dionyſius Bradley, Robert Bell, the Reverend John Blake, the Right Honourable Robert Earl of Catherlough in the Kingdom of Ireland, Robert Child, William Charnley, William Cleeve, Samuel Cook, John Dewes, Court Dewes, Bernard Dewes, Liſter Dighton, the Reverend John Dewes, William Dyde, John Fairfax, the Right Honourable George Greville commonly called Lord Greville, Edward Gibbs, the Reverend Doctor William Green, the

Preamble.

Truſtees Names.

Reverend Joſeph Greene, the Reverend Graham, Goodwin, John Goodwin, Thomas Greenway, John Green, the Honourable James Hewett, William Holbech, Barnabas Horſeman, the Reverend Richard Hopkins, Thomas Hopkins, Thomas Hiorn, John Higgins, William Hopkins, Thomas Hunt, Henry Hunt, John Hobbins, John Knottesford, the Right Honourable James Lord Lifford in the Kingdom of Ireland, George Lucy, Heneage Legge, John Lloyd, Sir Charles Mordaunt Baronet, John Mordaunt, the Reverend Charles Mordaunt, the Reverend John Mills, Thomas Maſon, Thomas Mortiboys, Joſeph Mead, the Right Honourable Frederick North commonly called Lord North, the Reverend Stephen Naſon, Charles Oakes, John Partheriche, Newſham Peers, John Parry, the Reverend John Preſton, John Payton, John Payton junior, the Honourable George Shirley, Sir Francis Skipwith, Sir Charles Shuckburgh, Baronets; Thomas George Skipwith, William Sheldon, Ralph Sheldon, the Reverend John Sherwood, the Reverend Edward Seagrave, John Stanley, Edward Stanley, the Mayor, Aldermen, Burgeſſes, and Town Clerk, of Stratford upon Avon for the Time being, Gore Townſend, Edward Townſend, Thomas Townſend, John Vendur, James Weſt, James Weſt junior, John Webb, Thomas Webb, Thomas Woodward, Charles Ward, Thomas Ward, the Reverend ... Watton, the Reverend Thomas Welch, John Welchman, William Walford, Thomas Wells, Robert Welch, and Goodwin Zouch, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for the ſurveying, ordering, amending, altering, turning, widening, and keeping in the Repair the ſaid Road, and alſo for putting in Execution the other Powers by this Act granted; and the ſaid Truſtees, or any Five or more of them, ſhall and may, from Time to Time, during the Continuance of this Act, cauſe to be erected, upon and acroſs the ſaid Road, or on the Sides thereof, acroſs any Lane or Way leading out of the ſame, One or more Turnpike or Turnpikes, and One or more Toll-houſe or Toll-houſes, and remove the ſame from Time to Time, as they, or any Five or more of them, ſhall think fit.

Truſteesmay remove and erect Turnpikes and Toll-houſes,

and take Tolls thereat.

And be it enacted by the Authority aforeſaid, That the reſpective Tolls following ſhall be paid before any Horſe, or other Cattle, or Beaſt, or any Carriage whatſoever, ſhall be permitted to paſs through any Turnpike to be erected in purſuance of this Act; that is to ſay,

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Four Horses, Mares, Geldings, or Mules, One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, Sixpence; and drawn by One Horse, Mare, Gelding, or Mule, Three-pence. The Tolls.

For every Waggon, Wain, or other Carriage (except Carts) One Shilling; and for every Cart drawn by Three or more Horses, or other Beasts, Nine-pence; and drawn by less than Three Horses or other Beasts, Sixpence.

And for every Horse, Mare, Gelding, Mule, or Ass, not drawing, One Penny.

And for every Drove of Oxen or Neat Cattle, Tenpence per Score, and so in proportion.

And for every Drove of Calves, Swine, Sheep, or Lambs, Five-pence per Score, and so in proportion.

Which said respective Sums of Money, shall be demanded and taken in the Name of or as a Toll or Tolls; and shall be paid to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and shall be applied for the Purposes, and in Manner herein after mentioned; and if any Person or Persons, who ought to pay any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for any such Person or Persons appointed to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle, or Beast, upon which such Tolls are by this Act imposed, or any Carriage drawn by such Horse or Horses, or other Cattle or Beast, or the Goods and Chattels of such Person or Persons so neglecting or refusing to pay such Tolls, and to detain and keep such Cattle, Beast, Carriages, or Goods so distrained; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Cattle, Beast, Carriages, or Goods so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such distraining, keeping, and selling, shall be deducted. Tolls may be levied by Distress.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, all and Property of Turnpikes, &c. vested in Trustees.

every Fence and Fences, Stops, Gates, Turnpikes, and Toll-houses, to be erected and provided by virtue and in pursuance of this Act, with their Appurtenances, and all the Materials for building or repairing the same, or for repairing the said Road, and also all the said Tolls, and all and every Sum and Sums of Money to be borrowed, raised, collected, or levied by virtue of this Act, shall be, and the same are hereby vested in the said Trustees; and they, or any Five or more of them, shall and may, and are hereby impowered, from Time to Time, either in their own Names, or in the Names of any Five or more of them, or their Clerk or Treasurer for the Time being, to commence and prosecute any Action, or to prefer any Indictment against any Person or Persons who shall steal, take, or carry away, any such Materials, or who shall throw down, spoil, damage, or destroy the said Fences, Stops, Gates, Turnpikes, or Toll-houses; or against any Person or Persons who shall keep Possession of any of the Gates, Turnpikes, or Toll-houses, after Notice given by the said Trustees, or their Successors, or any Five or more of them, or by the Clerk or Treasurer for the Time being, or to such Person or Persons to quit the same, or who shall disturb the said Trustees, or any Person or Persons by them employed in the Possession thereof, or in getting or using of the said Materials, or any Part thereof.

Expences of this Act to be first paid.

And be it further enacted, That out of the first Money arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and discharge all the Expences incurred in and about the procuring and passing of this Act, and all Charges consequent thereon and incident thereto; and shall then pay and discharge the Expences of erecting such Turnpikes and Toll-houses as they shall think proper to erect; and after Payment thereof, all the Money arising by the said Tolls, and which shall be borrowed on the Credit of the same, shall be laid out and applied for and towards the repairing of the said Road, and in defraying all other necessary Charges attending such Repairs, and the further Execution of this Act, in such Manner as the said Trustees, or any Five or more of them, shall, from Time to Time, direct.

Tolls to be paid but once a Day.

Provided always, and it is hereby further enacted, That no Person shall be subject to pay the said Toll or Tolls more than Once in any One Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night) for passing or repassing the same Day with the same Horses, Cattle,

Beasts,

Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act; but that every Person who shall have paid Toll for passing through any one of the Turnpikes to be erected on the said Road, shall be permitted to pass and repass through the same and every other Turnpike on the said Road, on producing a Ticket denoting the Payment of such Toll; which Ticket the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Exemptions from Tolls.

Provided also, and it is further enacted, That no Toll shall be taken for any Horse, Cattle, or Carriage, employed only in the Conveyance of any Soil, or Compost of any Kind for manuring of Land, (Lime only excepted) in the several Parishes through which the said Road doth lead, or in any Parishes adjoining thereto, or for any Stones or other Materials for repairing the said Road, or any other Road or Highway in any of the said Parishes or the adjacent Parishes; or for any Hay, Straw, or Corn in the Straw not sold or disposed of, but passing to be laid up in the Outhouses or Grounds of the Owner or Owners thereof; nor shall any Toll be taken for any Plough, Harrow, or Implement of Husbandry to be used in any of the said Parishes, or for any Carriage or Cattle conveying the same, or for any Horse or other Cattle going to or from Water or Pasture, or to be shod or farried, within the said Parishes; or for the Horses of any Officers or Soldiers on their March, or for any Horse or other Cattle employed in the Conveyance or Carriage of their Arms or Baggage; or in the passing of Vagrants sent with lawful Passes; or for any Post Horse carrying the Mail; or for any Horse, Cattle, or Carriage employed in conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Warwick, on the Days of Election; or for any Horse, Cattle, or Carriage employed in the Conveyance of any Person or Persons residing in any of the Parishes through which the said Road doth lead, to and from Church, Chapel, or other Place of religious Worship on Sundays.

Trustees may reduce the Tolls, and raise them again.

And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby impowered from Time to Time as they shall see Occasion, to reduce all or any of the Tolls hereby granted, and to raise the same again, so as such Tolls when raised do not exceed the Tolls by this Act granted; and so as Twenty Days Notice of such Reduction be

affixed

assured in Writing upon the several Turnpikes which shall be erected on the said Road; and so as the said Reduction be from Time to Time made with the Consent of the several Persons who shall be intitled to Two Thirds of the Money advanced on the Credit of the said Tolls; and such Tolls so reduced or raised again, shall be collected, recovered, and applied in the same Manner and for the same Purposes as the Tolls herein before granted, are hereby directed to be collected, recovered, and applied.

Penalty on permitting, or going through, private Passage, &c.

And be it further enacted, That if any Person or Persons owning or occupying any Lands or Places near to any of the said Turnpikes, shall permit any Person or Persons to pass through the same, or any Part thereof, not being a publick Highway, with any Horse, Beast, or Carriage, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall pass with any Horse, Beast, or Carriage through any such Lands or Places to avoid the Payment of any of the said Tolls, or shall forcibly pass through any of the said Turnpikes with any Horse, Beast, or Carriage without Payment of the Toll, or shall offer, give to, or receive from any Person or Persons, or forge, counterfeit, or alter any Note or Ticket to be given by the Collector of the said Tolls, or shall take off, or cause to be taken off, any Horse or Beast from any Carriage, in order to evade the Payment of the said Tolls, or any Part thereof, or shall do any other Act whereby the Payment of the said Tolls, or any Part thereof shall be avoided, or shall claim and take the Benefit of any of the Exemptions above mentioned, not being intitled to the same, or shall interrupt or disturb any Person or Persons who shall be employed by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, in searching for, digging, or gathering any Materials for repairing the said Road; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Or giving or receiving Tickets, &c.

Penalty on making illegal Claims.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby impowered at their First or any subsequent Meeting, upon the Credit of the said Tolls by this Act directed to be raised, and in such Manner as they the said Trustees, or any Seven or more of them, shall think proper, to borrow and take up at Interest such Sum or Sums of Money, not exceeding One thousand Five hundred Pounds, as they, or any Seven

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Seven or more of them, shall think fit and necessary for carrying this Act into Execution; and also shall and may, and they are hereby impowered, from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof, (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees for the Time being; which said Book shall and may be seen and perused at all seasonable Times by any Person desiring the same, without Fee or Reward.

Tolls may be assigned for Monies borrowed.

Provided always, That no Money shall be borrowed upon the Credit of the said Tolls (after the Two first Meetings to be held by virtue of this Act) unless Notice in Writing be for that Purpose affixed upon all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the borrowing thereof; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any Writing or Writings to be by him, her, or them duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right, Interest, or Benefit, in or to the Principal or Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the Clerk to the said Trustees for the Time being, within Three Months after the Date thereof, who shall cause a Copy of such Assignment or Transfer to be made in the Book to be kept for entering the said original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of One Shilling and Sixpence, and no more; and after such Entry made, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees, his, her, or their Executors, or Administrators,

Notice to be given of borrowing Money.

Assignments may be transferred.

Assignments to be entered in a Book.

Clerk's Fee.

niſtratoꝛs, may in like Manner aſſign the ſame again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon oꝛ Perſons, who ſhall make ſuch Aſſignment oꝛ Aſſignments, to make void, releaſe, oꝛ diſcharge the ſame, oꝛ any Monies thereby due, oꝛ any Part thereof, oꝛ to do any Act to the Prejudice of his Aſſignee, oꝛ any ſubſequent Aſſignee; and all and every Perſon and Perſons, to whom any ſuch Moꝛtgage oꝛ Aſſignment ſhall be made as afoꝛeſaid, ſhall be, in proꝑtion to the Sum oꝛ Sums therein mentioned, Creditoꝛs on ſuch Tolls, in an equal Degree one with another, and ſhall have no Preference in reſpect to the Prioꝛity of advancing any ſuch Monies.

All Creditors to be deemed equal in Degree.

Truſtees may appoint Officers;

And be it further enacted, That the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, may, by any Writing under their Hands, appoint a Clerk oꝛ Clerks, Collectoꝛ oꝛ Collectoꝛs, Surveyoꝛ oꝛ Surveyoꝛs, and alſo a Treaſurer (taking a proper Security foꝛ the due Execution of his Office) and ſuch other Officers as they ſhall think proper to employ in the Execution of the Powers and Authoꝛities given by this Act; and from Time to Time to remove ſuch Clerks, Collectoꝛs, Surveyoꝛs, Treaſurer, and other Officers reſpectively, from their Offices as they ſhall ſee Occaſion, and appoint others, in caſe of Death oꝛ ſuch Removal; and out of the Monies to be raiſed oꝛ received by virtue of this Act, to make ſuch Allowances to them, oꝛ to ſuch other Perſon oꝛ Perſons as ſhall be aſſiſting in oꝛ about the Amendment of the ſaid Road, oꝛ any Part thereof, oꝛ in putting this Act in Execution, oꝛ in preventing any Abuſes contrary to the Intent hereof, as they the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, ſhall think reaſonable; and ſuch Officers, and all other Perſons who ſhall be employed in the Receipt oꝛ Expenditure of any of the Money to be raiſed by virtue of this Act, ſhall upon Oath when thereunto required by the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them (which Oath ſuch Truſtees are hereby impowered to adminiſter) give in a true, exact, and perfect Account, in Writing, under their reſpective Hands, of all Money which ſhall have been by them reſpectively collected, raiſed, and received, and how and to what Uſes the ſame have been applied, and produce proper Vouchers foꝛ ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their Hands, to the ſaid Truſtees, oꝛ any Five oꝛ moꝛe of them, oꝛ to ſuch Perſon oꝛ Perſons as they ſhall authoꝛiſe to receive the ſame; and if any ſuch Officer, oꝛ other Perſon afoꝛeſaid, ſhall refuſe

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath;

Officers refuſing to account,

ſuſe to give ſuch Account, or ſhall refuſe to verify the ſame upon Oath as aforeſaid, or ſhall refuſe to deliver up any Books, Papers, or Vouchers, relative to the Execution of this Act, and the Truſt repoſed in him, it ſhall, in any ſuch Caſe, be lawful for any Juſtice of the Peace for the County, upon Complaint being made to him by Warrant, to cauſe any ſuch Officer, or other Perſon as aforeſaid, to be brought before him; and ſuch Juſtice is hereby authoriſed and required to make Enquiry concerning ſuch Default, in a ſummary Way, as well by Confeſſion of the Party, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which the ſaid Juſtice is hereby impowered and required to adminiſter without Reward) and upon Conviction, to commit every ſuch Offender, or other Perſon, to the Common Gaol of the County, there to remain for any Time not exceeding Three Months, or until ſuch Account ſhall be made and verified as aforeſaid; and if any ſuch Officer, or other Perſon, ſhall neglect or refuſe to pay any Sum or Sums of Money which ſhall appear to remain in his Hands, it ſhall be lawful for any Juſtice of the Peace for the County, and he is hereby required to make Enquiry touching ſuch Neglect in a ſummary Way, in Manner as aforeſaid, and by Warrant to cauſe ſuch Sums of Money as ſhall appear to him to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, or other Perſon reſpectively, rendering the Overplus (if any) after the Money remaining due, and the Charges of ſuch Diſtreſs and Sale ſhall be deducted; and if ſufficient Goods and Chattels of ſuch Officer or other Perſon cannot be found, ſuch Juſtice ſhall commit every ſuch Officer or other Perſon to the Common Gaol of the County aforeſaid, there to remain for the Space of Six Months, or until the Offender ſhall have made ſuch Payment to the ſaid Truſtees, or any Five or more of them, or to their Appointment, or ſhall have compounded for the ſame, and paid ſuch Compoſition-money; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make.

Juſtices to commit the Offender, until Payment or Compoſition made.

And be it further enacted, That all ſuch Truſtees as are or ſhall be Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and that no Perſon whatſoever ſhall act as a Truſtee, in any Caſe wherein he ſhall be perſonally intereſted.

Truſtees in the Commiſſion of the Peace may act as Juſtices.

Truſtees not to act where intereſted.

And

Truſtees may dig Gravel in Waſte Grounds.

And be it further enacted, That it ſhall and may be lawful to and for the Turnpike Surveyor or Surveyors of the ſaid Road, or ſuch Perſon or Perſons as he or they ſhall direct, to ſearch for, dig, cut, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, in, out of, and from any Quarry, River, Brook, Waſte or Common, of or in any Pariſh in which any Part of the ſaid Road lieth, or in any adjacent Pariſh, which ſhall be proper or convenient for repairing the ſaid Road, without paying any thing for the ſame; filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing the ſame, ſo as ſuch Pits may not be dangerous to Paſſengers or Cattle; and alſo, that it ſhall and may be lawful for ſuch Surveyor and Surveyors, and ſuch Perſons as he or they ſhall direct (ſuch Surveyor or Surveyors having an Order in Writing for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to ſearch for, dig, cut, gather, take, and carry away, ſuch Materials as aforeſaid, in, out of, from, and over the Land or Lands, Ground or Grounds, of any Perſon or Perſons whomſoever within the ſeveral Pariſhes in which the ſaid Road doth lie, or any adjacent Pariſhes (not being the Ground whereon any Dwelling-houſe ſtands, or a Garden, Orchard, Plantation, Nurſery for Trees, Yard, Park, planted Walk, or Avenue to any Houſe) paying or tendering ſuch Rates, Sum and Sums of Money for ſuch Materials, and for the Damage which ſhall be done to the Owners and Occupiers reſpectively where and from whence the ſame ſhall be digged, cut, or gathered, and through or over which the ſame ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, the Juſtices of the Peace at the next General Quarter Seſſions of the Peace, to be holden for the County aforeſaid, ſhall hear and finally determine the ſame.

without paying for the ſame,

levelling the Pits;

or from private Grounds,

making Satisfaction to the Owners.

Quarter Seſſions to determine Differences.

Truſtees may make Cauſeways,

cut Drains,

turn Watercourſes,

erect Bridges,

And be it further enacted, That it ſhall and may lawful for the Turnpike Surveyor, by Order of the Truſtees, or any Five or more of them, to make, or cauſe to be made, Cauſeways, Drains, Ditches, and Fences in and upon the ſaid Road, and through any Ground or Land lying contiguous to the ſaid Road, and to turn any Water-courſes, Sinks, or Drains, running into, along, or out of the ſaid Road to the Prejudice thereof; and to make, erect, widen, or alter any Arches

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or Bridges upon, in, or leading to the said Road, or any Part thereof; and also to make, or cause to be made, a temporary Road through the Grounds or Lands adjoining to any narrow or ruinous Part of the said Road, (not being the Ground whereon any House or Building shall stand, or a Garden, Orchard, Yard, Park, planted Walk, Avenue to any House, or Nursery for Trees), to be made use of as a publick Highway whilst the old, narrow, or ruinous Road is repaired or widened; making such reasonable Satisfaction to the Owners and Occupiers of the said Ground or Land respectively through or upon which any such Arch, Bridge, Causeway, Drain, Ditch, or Fence shall be made, erected, widened, or altered, or through which the said temporary Road shall be made, for the Damage sustained thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees touching such Damages, it shall and may be lawful to and for the Justices of the Peace, at their next general Quarter-sessions to be holden for the County aforesaid, to hear and finally determine the same.

and make a temporary Road;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted, That the said Turnpike Surveyor, or any other Person or Persons by him to be employed, may, by Order of said Trustees, or any Five or more of them, remove all Annoyances, Nuisances, and Obstructions upon any Part of the said Road; and may open, scour, and cleanse any Watercourses or Ditches adjoining or near to any Part of the said Road, and make the same as deep and large as he or they shall think fit; and cut down, top, or lop any Timber or other Trees or Bushes, and plash and lay down any Hedges growing in or near any Part of the said Road, and take and carry away such Trees, Wood, Bushes, or other Annoyances; in case the Owners or Occupiers of the Premises shall neglect to cut down, lop, top, or plash and lay down, and carry away such Trees, Wood, Bushes, or other Annoyances, for the Space of Twenty Days next after Notice in Writing given to such Owners or Occupiers for that Purpose, under the Hand of such Turnpike Surveyor; the Charge whereof shall be settled by the said Trustees, or any Five or more of them, and be reimbursed to such Turnpike Surveyor by such Owners or Occupiers; and in Default of Payment thereof, the same shall be recovered in such Manner as the Penalties are herein after directed to be recovered.

Surveyors may remove Annoyances, &c.

scour Watercourses,

cut down and lop Trees;

Owners neglecting to do the same after Notice.

Charges to be reimbursed to the Surveyor.

Trustees may compound for Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree by the Year, or otherwise, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places near, through, or into which the said Road by this Act directed to be amended, or any Part thereof, doth lead, for themselves, Servants, Carriages, Horses, Cattle, and Beasts, not travelling for Hire, passing through all or any of the Turnpikes to be erected by virtue of this Act; which Composition-money shall be paid in Advance,

Compositions to be entered in a Book.

at the Time of making such Composition; and Copies of all such Compositions and Agreements shall be wrote at Length in a Book to be kept for that Purpose by the Clerk for the Time being; which Book shall and may be seen and perused by any Person at all seasonable Times, without Fee or Reward.

Trustees may contract for the Purchase of Lands.

And be it further enacted, That in case the said Trustees shall think proper to widen, turn, or alter the Path or Direction of any Part of the said Road, it shall and may be lawful to and for such Trustees, or any Seven or more of them, at any Time or Times, so to do; and to exchange the old Road for a new Road; and to purchase any Land or Hereditaments, lying contiguous or near to any Part of the said Road; and out of the said Tolls, or the Money to be borrowed on the Credit thereof, to pay for such Land and Hereditaments, and all Charges attending such Purchases or Exchanges: And

Bodies Politick, &c. may agree with Trustees for Sale of Lands.

it shall and may be lawful to and for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, Lunatics, Cestuique Trusts, and all other Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Land or Hereditaments, to contract and agree with the said Trustees, or any Seven or more of them, for such Purchases or Exchanges; and all Contracts, Agreements, Exchanges, Sales, and Conveyances, which shall be made for the Purposes aforesaid, shall be valid and effectual in the Law to all Intents and Purposes; and all Persons are hereby indemnified for what they shall so do by virtue or in pursuance of this Act.

Where Persons refuse to treat, &c.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Tenants for Life or in Tail, Trustees, or other Person or Persons interested in any such Land or Here-

ditaments

ditaments as aforesaid, upon Notice to be given or left in Writing at the Dwelling-house or Place of Abode of such Person, or of the Head Officer of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Land or Hereditaments so intended to be taken in, purchased, exchanged, or added to the said Road, for the respective Purposes aforesaid, or into or over which the Road is intended to be turned or altered as aforesaid, shall, for the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, may, and are hereby authorised and impowered, Twenty Days before any General or Quarter Sessions of the Peace to be holden for the County aforesaid, to give, or cause to be given, to such Owner or Owners, or such Persons interested in such Land or Hereditaments, or to be left at their last Places of Abode respectively with some or one of their respective Families, a Notice in Writing, denoting or describing the respective Quantities of Land or Hereditaments so intended to be purchased and laid into the said Road, or any Part or Parts thereof, and the Places where the same lie, and purporting that the Value and Values of such Land or Hereditaments respectively, shall be adjudged and settled by a Jury at the said Sessions; and the Justices, at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall and are hereby authorised and required to charge the Jury which shall attend at such Sessions, or some other Jury of honest and substantial Men, to be then and there impanelled and returned by the Sheriff of the County without Fee or Reward, and cause them to be sworn well and truly upon their Oaths, to assess the Value of the Land or Hereditaments comprised in the said Notices, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein (which Oath the said Justices are hereby impowered and required to administer to the said Juries); and to which said Juries they the said Trustees, and all Parties interested in the said Land, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature and Quantity and Value of the said Land or Hereditaments, shall, by their Verdict, assess the Damages and Recompence to be given for

Jury to settle the Damage and Recompence.

Jurors may be challenged.

for the said Land or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Land and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Land or Hereditaments to the Owner or Owners thereof, or after the Execution of any Conveyance of the said Land or Hereditaments to the said Trustees, or any Seven or more of them, by the Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence the said Trustees, or any Seven or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, or collected by virtue of this Act; and the said Land and Hereditaments, and the Fee-simple and Inheritance thereof, shall be vested in the said Trustees and their Heirs, without any Fine or Recovery, notwithstanding the same may be limited to, for, or upon any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politic, Corporate, or other Interest therein; and from thenceforth the said Trustees, or any Seven or more of them, are hereby authorised and impowered to take and lay the said Land and Hereditaments into the said Road; and such Land and Hereditaments, and every Part thereof, shall ever afterwards be deemed, taken, and used, and the same are hereby declared to be, a Part or Parts of the said Road, and shall for ever thereafter be repaired and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage to the contrary notwithstanding: And when such new Road shall be made and compleated, all Right of Way or Passage over the former Road shall cease; and the Land constituting the former Road is hereby vested in the said Trustees, and may by them, or any Seven or more of them, be sold or disposed of for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the Road hereby directed to be repaired; and the Conveyances to be made of the Lands constituting such former Road as aforesaid, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County aforesaid, shall be good and effectual in the Law to all Intents and Purposes

Verdict of the Jury to be final.

Lands purchased to be deemed a publick Highway, and kept in Repair as such.

Old Road may be sold.

Purposes whatsoever: But this Act shall not extend to take down any Building, or to take in any Land that is a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof. Dwelling houses, &c. not to be injured.

And be it further enacted, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are now chargeable with, or liable to, the amending or maintaining any Part or Parts of the said Road intended to be hereby amended, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they respectively were before the passing of this Act. Lands, &c. chargeable to the Repair of the Roads, to continue so.

And be it further enacted, That for preventing Differences which may arise touching the Statute work to be done on the said Road hereby directed to be amended, it shall and may be lawful for any Five or more of the Trustees for the said Road yearly and every Year, at any of their public Meetings, to adjudge and determine what Part or Proportion of Statute-work shall be done upon the said Road by the Inhabitants and Occupiers of Land in each Parish in which the said Road do lie, so that the same shall not exceed One half of the Statute-work which each Person is by Law liable to perform in such Parishes respectively; and that the respective Surveyors of the Highways for the Time being of all the Parishes in which the said Road doth lie, shall yearly and every Year, within Ten Days after Demand made to him or them in Writing by the Turnpike Surveyor, give and deliver to the said Turnpike Surveyor an exact List in Writing, under his or their Hand or Hands, of the Christian and Surnames of all the Inhabitants and Occupiers of Land and Hereditaments in such Parishes, who are or shall be by Law liable to Statute work or Duty; and shall set forth and distinguish, in such respective Lists, in what Manner each Person is chargeable, and which of such Persons shall keep a Team or Teams, and what Lands, Tenements, or Hereditaments, and to what annual reputed Value they respectively occupy, and which of them are Labourers, or liable to Statute labour; and shall verify such Lists respectively upon Oath, when summoned to appear for that Purpose by the said Trustees, or any Five or more of them, at any public Meeting; which Oath the said Trustees, or any Five or more of them, are hereby im- Trustees to proportion Statute-work. Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

powered to administer; and if any Parish Surveyor or Surveyors shall neglect or refuse to do as he or they are hereby directed, he and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if all or any of the Inhabitants or Occupiers of Land, Tenements, or Hereditaments in the said several Parishes, being liable by Law to Statute-duty, shall not do so much Statute-work in and upon the said Road as is hereby intended and required, and at such Times and Places, and in such Manner, as they shall respectively, by the Turnpike Surveyor or Surveyors, be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; that is to say, Every such Person who shall keep, or by Law is compellable to furnish a Team or Teams, for every Day's Default of each Team, the Sum of Ten Shillings; and every other Person liable to work on the said Road as a Labourer, or to provide One or more Labourer or Labourers thereon, for every Day's Default of himself and every such Labourer, the Sum of One Shilling and Sixpence; and if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team, Draught, or Cart to work as aforesaid, shall not attend at the Time and Place appointed, or be found idle or negligent by the Turnpike Surveyor where the Work is to be done; in any such Case the said Turnpike Surveyor is hereby impowered and required to discharge and turn off such Person or Persons, and it shall be considered and taken as if such Person or Persons had not come or sent; and every such Person shall be subject and liable to such respective Forfeitures and Payments, as if such Person or Persons had neglected or refused to come or send as aforesaid.

and on Persons not performing Statute-work.

Persons found idle, to be turned off.

Trustees may compound for Statute-work.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year, or otherwise, with the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to, or chargeable with the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall and may be lawful for the Surveyor or Surveyors of the Highways, through which the said Road doth lead, by and with the Consent of the Majority of the Inhabitants and Occupiers of Land in such Parishes first had at a Vestry, or other public Meeting, to compound and

Surveyors, with Consent of Inhabitants, may compound for Statute-work.

and

and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for or in lieu of their Statute duty; which Composition-monies shall be, from Time to Time, paid in advance, and shall be applied in the Repair of the said Road; and all such Surveyors of the Highways shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Surveyor to be reimbursed the Composition-money.

And be it further enacted, That if any Person or Persons shall draw, or cause to be drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel-carriages; or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel-carriage, to drag or trail upon any Part of the said Road to the Prejudice thereof; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on haling Timber otherwise than on Wheel-carriages, &c.

And be it further enacted, That all Fines, Penalties, and Forfeitures for Offences against this Act, the Manner of Recovery and Application thereof not being herein otherwise directed, shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of One Justice of the Peace for the County aforesaid; which Warrant the said Justice is hereby required to issue upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby impowered to administer without Fee or Reward); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be applied, One Moiety for and towards amending the said Road, and the other Moiety thereof shall be paid to the Informer or Informers.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Orders, Accounts, and Proceedings of the said Trustees shall be entered in a Book or Books for that Purpose; and such Orders, Accounts, and Proceedings shall be signed by the said Trustees, or any Five or more of them, at their Meetings; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in any Court or Courts, and in any Cases of Appeal, Suits, or Actions, touching any Thing done in Pursuance and by Authority of this

Proceedings to be entered in Books.

Books may be read in Evidence.

this Act; and which said Book or Books shall and may be perused and inspected, at all seasonable Times, by any Person or Persons requiring the same, without Fee or Reward.

Persons aggrieved may appeal to the Quarter-sessions.

And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved, by any Thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their next General Quarter-sessions of the Peace to be held for the County aforesaid, (unless such Grievance shall happen within Eight Days preceding such next Quarter-sessions, in which Case such Appeal shall be brought at the Quarter-sessions then next after) and the Justices in their said Sessions are hereby authorised and required to take Cognizance thereof, and to hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter-sessions shall be final, binding, and conclusive to all Intents and Purposes.

Notice of Appeal to be given.

Provided, That the Person or Persons so appealing, shall give Notice in Writing to the Clerk to the said Trustees for the Time being, of his, her, or their Intention of prosecuting such Appeal, Eight Days before the next Quarter-sessions; and shall, before such Notice given, enter into a Recognizance before One Justice of the Peace of the County aforesaid, with Two sufficient Sureties, conditioned to try such Appeal at such Quarter-sessions.

Recognizances to be entered into.

Proceedings not to be quashed for want of Form only;

And be it enacted by the Authority aforesaid, That no Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue and in pursuance of this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or otherwise into any of his Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari*.

Times and Places of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House known by the Name or Sign of the White Lyon in Stratford upon Avon, on the Monday Fortnight next after the passing of this Act; and the said Trustees shall, from Time to Time, adjourn themselves, and meet at such House or Place near the said Road as they, or any Five or more of them, shall think fit; and that the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

And

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And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands, to demise, let, or farm the Tolls by this Act granted, or any of them, from Year to Year, or for any Part of the Term for which this Act is to have Continuance, not exceeding Three Years, upon Ten Days Notice in Writing, to be fixed on all the Turnpikes which shall be fixed on the said Road, to the highest Bidder, upon a public Bidding, which Toll-rent shall always be paid One Month in advance; and in Default of any such monthly Payments, the said Trustees, or any Seven or more of them, may, at any of their public Meetings, vacate such Contract or Agreement, and set such Tolls again to any other Person or Persons. Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee, appointed by, or to be elected in pursuance of this Act, shall die or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, by any Writing under their Hands, from Time to Time, to elect and appoint One or more fit Person or Persons, qualified in the Manner by this Act directed, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying or refusing to act; but Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk to the said Trustees; who is hereby required to fix such Notice in Writing at or upon all the Turnpike-gates, which shall be erected by virtue of this Act, at least Ten Days before the Time of Meeting for such Election; and every such Person so elected shall be, and is hereby declared to be, to all Intents and Purposes, a Trustee for putting this Act in Execution. On Death, &c. of Trustees, others to be chosen. Notice thereof to be given.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of his acting therein, he shall be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes; or be Heir Apparent of a Person having an Estate of the yearly Value of Eighty Pounds; or unless the Person so acting (not being such Heir as aforesaid) shall be possessed of a Personal Estate of the Amount of Eight hundred Pounds: And if any Person or Persons hereby made incapable to act for the Cause aforesaid, Qualification of Trustees. Penalty on acting, if not being qualified.

said, shall nevertheless presume to act in any of the Trusts aforesaid, contrary to the true Intent and Meaning of this Act; every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted, shall, upon the Trial thereof, prove that he is qualified according to the Directions of this Act, or otherwise a Verdict shall be found against him for the Sum of Fifty Pounds with Full Costs, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

And whereas the said Road leads from Wellsbourn aforesaid, through Kington to Edghill in the said County of Warwick; and when the said Road to Edghill aforesaid shall be repaired, and Traffick increase thereupon, the Tolls now arising upon the present Turnpike Road from Stratford to Edghill aforesaid may be diminished; whereby the Securities for the Monies lent upon the said last mentioned Road may be injured: Be it therefore enacted by the Authority aforesaid, That in case all the Monies now due upon the Tolls of the said last-mentioned Road from Stratford to Edghill aforesaid, shall not be paid off and discharged at the End of Ten Years next after the Commencement of this present Act, that then so much of such Monies (not exceeding the Sum of Three hundred Pounds in the Whole) as shall then remain unpaid, shall, at the Expiration of the said Term of Ten Years, be charged upon the Tolls hereby granted; and the Toll-gates and Turnpikes to be erected by virtue of this present Act, and the Tolls to be taken thereat, shall be a collateral Security for, and jointly liable to the Payment of, such Monies (not exceeding Three hundred Pounds as aforesaid) with the Tolls already mortgaged for securing the Payment of the same; and in case there shall remain more than the Sum of Three hundred Pounds due at the End of the said Ten Years, then the collateral Security given by this present Act for the said Three hundred Pounds as aforesaid, shall extend to all the several Mortgagees, in proportion to the several Sums of Money due to them respectively, without any Priority or Preference whatsoever.

Provision for securing Part of the Money lent on the Road from *Stratford* to *Edghill*.

Provided

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, or other Writing whatsoever, under the Hands and Seals of the said Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices, or any of them, nor any Assignment or Transfer of any of the Securities aforesaid, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls, Clauses, Powers, and Authorities hereby granted, shall take Place, and have Continuance from and after the passing of this Act, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, Fourteen Days Notice shall first be given to the Defendant, or left at his usual Place of Abode; and every such Action shall be brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County aforesaid, and not elsewhere; and the Defendant in such Action or Suit, shall and may plead the General Issue, Not Guilty, or any Tender of Amends made to the Plaintiff, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done by virtue of this Act; and if the same shall appear to have been so done, or that such Action or Suit was brought after the Time before limited for bringing the same as aforesaid, or without due Notice, or that sufficient Amends was tendered before such Action brought, or if the same is laid in any other County than that wherein the Cause of Action arose, that then Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue the Action after Appearance entered; 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 such Remedy for the same, as other Defendants have for Costs in any Cases by Law. Limitation of Actions. General Issue. Treble Costs.

And

Publick Act. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and all other Persons whomsoever, without specially pleading the same.

FINIS.