Anno octavo

Georgii III. Regis.

An Act to continue the Terms and enlarge the Powers of ſeveral Acts of the Twelfth of Queen *Anne*, the Twelfth of King *George* the Firſt, and the Twenty ſecond of His late Majeſty, for repairing the Road from the City of *Worceſter*, through *Droitwich*, to *Bromſgrove*, and other Roads therein mentioned; and to repeal an Act of the Twenty eighth Year of His late Majeſty for repairing the Roads lying in and leading from *Droitwich* aforeſaid; and for amending the ſeveral Roads which were directed to be repaired by the ſaid Act.

WHEREAS an Act of Parliament was made in the Twelfth Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act for repairing the Highway or Road from the City of *Worceſter* to the Borough of *Droitwich*, in the County of *Worceſter*; which was to take Place and have Continuance from the Firſt Day of June, One thouſand ſeven hundred and fourteen, for and during the Term of Twenty one Years: And whereas by an Act made in the Twelfth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for enlarging the Term granted by an Act paſſed in

Preamble reciting Acts of 12 *Ann.*

12 *Geo.* I.

7

the Twelfth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for repairing the Highway or Road from the City of* Worcester *to the Borough of* Droitwich, *in the County of* Worcester, and for making the same more effectual; and for repairing other Roads therein mentioned, in the said County of *Worcester*; the said first mentioned Act was continued for the further Term of Twenty one Years from the Expiration thereof; and several further Powers were given for repairing the several Roads described in the said Acts: And whereas by another Act made in the Twenty second Year of the Reign of His late Majesty, intituled, An Act for the further enlarging the Term and Powers granted and continued by Two Acts of Parliament, the One passed in the Twelfth Year of the Reign of Her late Majesty Queen *Anne*, and the other in the Twelfth Year of the Reign of His late Majesty King *George* the First, for repairing the Roads from the City of *Worcester*, through the Borough of *Droitwich*, to *Dyer's Bridge*, near *Bromsgrove*, in the County of *Worcester*; and also for repairing the Roads from *Dyer's Bridge*, through the Town of *Bromsgrove*, to *Spadesburn Bridge*, and from *Droitwich* to *Bradley Brook*, in the same County; the said recited Acts were farther continued from the Expiration of the respective Terms thereby granted for the further Term of Twenty one Years: And whereas another Act of Parliament was made in the Twenty eighth Year of the Reign of His said late Majesty, intituled, An Act for repairing and widening the Roads therein mentioned, lying within the Borough of *Droitwich*, in the County of *Worcester*, or leading from the said Borough to the several Places therein mentioned, in the said County; which was to take Place from and after the First Day of May, One thousand seven hundred and fifty five, and to continue in Force for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in and by the said last-mentioned Act have not been able to borrow a sufficient Sum of Money, nor proceeded to carry the same into Execution, and it is therefore necessary the said Act should be repealed: May it therefore please Your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act made in the Twenty eighth Year of the Reign of His late Majesty shall be and is hereby repealed.

22 *Geo.* II.

and 28 *Geo.* II.

The Act of 28 *Geo.* II. repealed.

And

And whereas the several Roads hereafter-mentioned; videlicet, The Road leading from Netherwich Bridge, through the Lanes called Hampton Lane and the Hide Lane, to Low Hill; and the Road leading from a Place called The Cross of the Hands, near Goodness Farm, in the Parish of Hartlebury, over Mustard Green, to a Place called The Spout, in or near the Parish of Hagley; and also the Road leading to Mustard Green aforesaid out of the Road between Hampton Lane and Low Hill aforesaid, through Cursley Lane, at or near a Place called Bradford Brook; and also the Road or Lane called Doverdale Lane, leading out of Hampton Lane aforesaid into the Turnpike Road between Ombersley and the Mitre Oak, towards the Borough of Bewdley; and also the Road leading from the Top of Saint Andrew's Lane in Droitwich aforesaid, by Bryer Mill and Wade Bridge, through Wych Lane, to the Cross at Hadley, and from thence crossing the Town of Ombersley, through Cubbald Field and Powers, to a Place called Holt Fleet, in the Parish of Ombersley, being the direct Road to the Town of Tenbury; and also the Lanes called Frog Lane and Backbridge Lane, within the said Borough of Droitwich; and also the Road leading from Woolmore Green, over Hanbury Common, to Piper's Hill and Harbage Gate, and from thence by Stoke Church, over Stoke Heath, to Park Hall, in the Road leading from Worcester to Bromsgrove; and also the Road or Lane called Salt Lane, leading out of the Tything of Whistones, to Saint Clement's Gate, in the City of Worcester; and also a Lane called Gardner's Lane, leading from the Foregate in the City of Worcester, to the said Lane called Salt Lane, at or near Saint Clement's Gate aforesaid; and also the Road or Lane called Claines Lane, leading from the Bottom of Red Hill, in the Parish of Claines, by Claines Church, into the Turnpike Road between Worcester and the Mitre Oak, are in a ruinous Condition, and in many Parts narrow and incommodious, and cannot be effectually amended and kept in Repair by the ordinary Course of Law; therefore to the End the said several new additional Roads may be amended and kept in Repair, and likewise the several and respective Roads directed to be repaired by the said Three first recited Acts; be it further enacted by the Authority aforesaid, That the said recited Acts of the Twelfth Year of the Reign of Her late Majesty Queen Anne, the Twelfth Year of his late Majesty King George the First, and of the Twenty second Year of his late Majesty King George the Second; and all the Clauses, Provisions, Tolls, Powers, Penalties,

New Road described.

Recited Acts of 12 *Anne*, 12 *Geo.* I. and 22 *Geo.* II.

ties, Forfeitures, Payments, Punishments, Exemptions, Matters, and Things, therein contained (except such as are hereby varied, altered, or repealed) and also this present Act of Parliament, shall and are hereby declared to extend to the said new additional Roads, for the Purpose of amending, widening, and keeping the same in Repair during the respective Terms of the said Acts, and of this Act, as fully and effectually to all Intents and Purposes as if the said Roads had been described in the said Acts, and had been thereby directed to be repaired.

and this present Act, extended to the new additional Roads.

Terms of the Three first recited Acts continued.

And be it further enacted by the Authority aforesaid, That the said recited Acts of the Twelfth Year of the Reign of Her late Majesty Queen Anne, the Twelfth Year of the Reign of King George the First, and of the Twenty second Year of the Reign of His late Majesty King George the Second, and all the Powers and Authorities therein respectively contained (except such Parts thereof as are hereby varied, altered, or repealed) shall respectively have Continuance from and after the Expiration of the several Terms thereby respectively granted, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His said late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth 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*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and it shall and may be lawful for the said Trustees appointed by the said recited Acts, or elected, or to be elected, by virtue thereof, or any Seven or more of them, to erect, or cause to be erected, One or more Turnpike or Turnpikes, and One or more Toll-house or Toll-houses, upon the said new or additional Roads, in such Places, and in such Manner, as they shall think proper (except as herein after excepted); and the like Tolls shall be demanded and taken at all such Turnpikes as are authorized to be taken upon any of the Roads directed to be repaired by the said recited Acts, or any of them; and the same shall be levied and recovered, in case of Refusal to pay the same, as the Tolls granted by the said recited Acts can or may be levied and recovered upon any of the Roads directed to be repaired by the said recited Acts; and all Persons evading, or attempting to evade, the Payment thereof, shall be

Turnpikes to be erected on the New Road, and Tolls to be taken thereat.

subject and liable to the like Penalties and Forfeitures, and the same shall be levied, recovered, and applied, by the same Ways and Means, and in the same Manner, as any Penalties or Forfeitures for evading the Tolls granted by the said recited Acts, upon any of the Roads thereby directed to be repaired, are to be levied, recovered, and applied.

Gates not to be erected nearer to *Chapel Bridge* than *The Hill End*, &c.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in the said recited Acts, or this present Act, contained, shall extend, or be construed to extend, to impower the said Trustees to erect any Turnpike Gate or Gates nearer to Chapel Bridge, within the Borough of Droitwich aforesaid, than where the Gate already erected at a Place called The Hill End, now stands; or to erect any Turnpike Gate or Gates nearer to the City of Worcester, than where the Gate already erected in the Parish of Claines, now stands, nor in any Place within the Liberties of the City of Worcester.

7 Trustees impowered to act.

And whereas by the said several recited Acts, Nine Trustees are required to execute several of the Powers therein contained, and it hath frequently happened that a sufficient Number of Trustees could not be had for executing those Powers, for which Reason the necessary Business to be done hath often been retarded; be it therefore further enacted by the Authority aforesaid, That from henceforth, in all Cases where any Nine Trustees are required to do and execute the several Powers and Authorities of the said recited Acts, it shall and may be lawful for any Seven or more of the said Trustees to do and execute the same; and all such Proceedings of the said Trustees, or any Seven or more of them, shall be, and are hereby declared to be, as good and effectual, to all Intents and Purposes, as if the same had been done and executed by any Nine or more of the said Trustees; any thing contained in the said recited Acts to the contrary notwithstanding.

Recited Acts, and this Act, subject to the Payment of Debts.

And, in order to secure the Money borrowed, or to be borrowed, on the Credit of the said recited Acts and this Act, be it further enacted by the Authority aforesaid, That the said Three first recited Acts and this present Act, and all the Tolls which shall or may be collected or received by virtue thereof, shall respectively be subject and liable to the Payment of all Monies now due, or which shall or may be borrowed on the Credit of the said recited Acts, or of this present Act, for and during the Continuance of the respective Terms by the said recited Acts, and this present Act, granted or continued.

And

Charges of passing this Act, to be first paid.

And be it further enacted by the Authority aforesaid, That the Trustees appointed in, or elected by virtue of, any of the said recited Acts, or any Seven or more of them, are hereby authorized and required, in the First Place, to pay and discharge all the Expences attending the obtaining and passing this Act.

Road from *Worcester* to *Bromsgrove* to be kept in Repair, in Preference to any other.

And be it further enacted by the Authority aforesaid, That the Road leading from the City of Worcester to Bromsgrove (required by the said former Acts to be repaired) shall at all Times hereafter be repaired and kept in sufficient Repair, in Preference to any other Parts of the Roads directed to be repaired by the said recited Acts and this Act; any thing in the said recited Acts, or this Act, to the contrary notwithstanding.

And, to the End that the several Roads herein aftermentioned may be repaired, amended, and widened, with all convenient Speed, without any Preference to one another, be it further enacted by the Authority aforesaid, That at the First or any subsequent Meeting of the said Trustees that shall be had after the last Monday in April, One thousand seven hundred and sixty eight, they the said Trustees, or any Seven or more of them, shall and are hereby authorized and required to take up and borrow on the Credit of the Tolls granted by the said Acts, and this Act, the Sum of Two thousand nine hundred and fifty Pounds, and shall apply the same in Manner following; that is to say, In repairing the Road leading from Netherwich Bridge, through Hampton Lane and the Hide Lane, to Low Hill, and from Bradford Brook, through Curfley Lane, to Mustard Green, and the Lane called Doverdale Lane, the Sum of Twelve hundred Pounds; in repairing the Road leading from The Cross of the Hands, near Goodness Farm, in the Parish of Hartlebury, to the Spout, in or near the Parish of Hagley, the Sum of Three hundred Pounds; in repairing the Road leading from the Top of Saint Andrew's Lane, in Droitwich, to Holt Fleet, in the Parish of Ombersley, the Sum of Six hundred Pounds; in repairing the Road leading from Droitwich, to Bradley Brook, and from Woolmore Green, to Park Hall aforesaid, the Sum of Five hundred Pounds; and in repairing the Road called Salt Lane and Gardner's Lane, the Sum of Three hundred and fifty Pounds; and that after the said Sums of Money shall have been expended in repairing and widening the said Roads or Lanes aforesaid, the same shall be kept in Repair, at the Discretion of the said Trustees, as the other Roads are to be kept in Repair.

Trustees may borrow 2,950*l.* on the Credit of the Tolls, for repairing the Roads hereinmentioned:

Provided

Provided always, and be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall think it convenient to raise the said Sum of Two thousand nine hundred and fifty Pounds, at different Times, and by different Proportions; then, and in such Case, the said Trustees, or any Seven or more of them, shall, and they are hereby impowered, to take up and borrow the same, at such Times, and by such several Sums or Proportions, as to them shall seem meet. May raise the same at different Times:

Provided nevertheless, That in case the said Trustees, or any Seven or more of them, shall think proper to take up and borrow the said Sum of Two thousand nine hundred and fifty Pounds, at different Times, and in different Proportions, as above is mentioned; that then the said Trustees shall, and they are hereby directed and required to proceed, with all convenient Speed, from time to time, to raise, divide, and apply, the several Sums so to be borrowed and taken up, for and towards the amending and repairing the said respective Roads, in equal Shares and Proportions, according to the several Sums above set forth, until the Whole of the said capital Sum of Two thousand nine hundred and fifty Pounds, be borrowed, divided, and applied, in Manner and by the Proportions above mentioned. Application thereof.

And be it further enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Ten Days Notice in Writing shall be affixed upon the Town Hall in the City of Worcester, and the Exchequer House in Droitwich, may, and they are hereby impowered, from time to time, to reduce all or any of the several Tolls granted or continued by the said recited Acts and this Act; and to order such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions, as they, or any Nine or more of them, shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who, at the Time of such Reduction, shall have any Money secured on the Credit of such Tolls; and may raise the said Tolls again, or any Part thereof, so as the same do not exceed the respective Rates granted by the said recited Acts; and such Tolls, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls granted by the said recited Acts are by the said recited Acts or this Act directed to be collected, recovered, and applied. Trustees may lessen the Tolls.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Thirteen or more of them, may, and are hereby authorized and impowered, at any Time or Times between the Firſt Day of July and the Firſt Day of November, in any Year during the Continuance of this Act (Twenty one Days Notice in Writing being affixed on all the Turnpike-gates which ſhall be then ſtanding upon the ſaid Roads, and alſo Three Times publiſhed in the Worceſter News Paper, in caſe any ſuch Paper ſhall then be publiſhed) to leaſe or farm, by the Year, all the Tolls granted by the ſaid recited Acts, or this preſent Act, or any Part or Parts thereof, to any Perſon or Perſons whomſoever, at or for the largeſt yearly Sum or Sums that can be gotten for the ſame, taking ſufficient Security for the Payment thereof; provided that ſuch Leaſes or Agreements be in Writing, and ſigned by the Perſon or Perſons taking or farming the ſame, and by any Thirteen of the ſaid Truſtees, and be not made for more than Three Years at any One Time; and that the Money which ſhall be ſo agreed to be paid for the ſaid Tolls ſhall be made payable and be paid to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon as they, or any Seven or more of them, ſhall, by any Writing under their Hands and Seals, authorize and impower to receive the ſame, by Four equal quarterly Payments; and that the Perſon or Perſons to whom the ſame ſhall be let, ſhall always pay down One Quarter's Rent in Advance: And in caſe any Agreement ſhall be made for letting or farming the ſaid Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every ſuch Agreement ſhall be void; or if any Default ſhall be made in paying the ſaid Money agreed to be paid for the ſaid Tolls, or any Part or Parts thereof, contrary to the true Intent and Meaning of this Act; then the ſaid Truſtees, or any Thirteen or more of them, are hereby impowered to declare ſuch Agreement void; and the Perſon or Perſons to whom the ſaid Tolls ſhall have been letten or farmed as aforeſaid, ſhall be liable to account for the ſame to the ſaid Truſtees, or any Seven or more of them; and the ſame ſhall be levied and recovered upon and from him and them by the ſame Ways and Means, and in ſuch Manner, as the Tolls granted by the ſaid recited Acts are thereby directed to be levied and recovered from the Collectors thereof.

Exemptions from Toll.

Provided alſo, and be it further enacted and declared, That no Toll ſhall be demanded or taken by virtue of

the ſaid former Acts, or this Act, from any Perſon or Perſons going to their own Pariſh Church, or other publick Place of Religious Worſhip, to attend Divine Service, or returning from thence; or who ſhall attend the Funeral of any Perſon who ſhall die or be buried within any Pariſh wherein the ſaid Roads or any Part thereof doth lie; any thing in this Act to the contrary notwithſtanding.

Particu'ar Exemptions to the Tenants of *Moat Mill*,

Provided always, and be it further enacted by the Authority aforeſaid, That the Tenants or Occupiers for the time being of a certain Mill called the Moat Mill, near to the Town of Bromſgrove, in the ſaid County of Worceſter, and his, her, or their Servants or Agents, ſhall and may, and they are hereby authorized and impowered to go to, and return from, the ſaid Town of Bromſgrove to the ſaid Mill, with the Horſes, Waggons, Carts, and other Carriages, of ſuch Tenants or Occupiers, without paying, or being liable to pay, any of the Tolls or Duties by the ſaid recited Acts, or this preſent Act, granted or made payable; any thing in the ſaid recited Acts, or this preſent Act, contained to the contrary notwithſtanding.

and to the Tenants of *Impney Mill*,

Provided alſo, and be it further enacted by the Authority aforeſaid, That the Tenants or Occupiers for the time being of a certain Mill called Impney Mill, near to the Borough of Droitwich aforeſaid, and his, her, or their Servants or Agents, ſhall and may, and they are hereby authorized and impowered to go to, and return from the ſaid Borough of Droitwich, to the ſaid Mill called Impney Mill, with the Horſes, Waggons, Carts, or Carriages, of ſuch Tenants or Occupiers, without paying, or being liable to pay, any of the Tolls or Duties by the ſaid recited Acts, or this preſent Act, granted or made payable; ſo that ſuch Tenants or Occupiers, or his, her, or their Servants or Agents, do not go further upon the Roads hereby or by the ſaid recited Acts directed to be repaired, than the ſaid Borough of Droitwich; any thing in the ſaid recited Acts, or this preſent Act, contained to the contrary notwithſtanding.

Penalty on Tenants of *Moat Mill* permitting private Paſſage,

And be it further enacted by the Authority aforeſaid, That in caſe the Tenants or Occupiers of the ſaid Mill called The Moat Mill, ſhall permit or ſuffer any Perſon or Perſons to go through his, her, or their Yard or Grounds, with any Horſes, Waggons, Carts, or other Carriages, and thereby evade the Payment of the Tolls by the ſaid recited Acts, or this preſent Act, granted and made payable; or in caſe the Tenants or Occupiers of the ſaid Mill called Impney Mill, or his, her,

or Tenants of *Impney Mill* paſſing thro' *Droitwich*,

or

or their Servants, shall, by virtue of the Powers to him, her, or them, given and granted by this Act, at any Time or Times, go and pass into the said Borough of Droitwich, with the Horses, Waggons, Carts, or other Carriages, of such Tenants or Occupiers, without paying any of the Tolls or Duties by the said recited Acts, or this present Act granted, and shall at the same Time go and pass through the said Borough of Droitwich, with such Horses, Waggons, Carts, or other Carriages, to or along any other Part or Parts of the said Roads by the said recited Acts, or this present Act, directed to be repaired (otherwise than and except the said Roads to and within the said Borough) that then, and in either of the Cases aforesaid, every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

without paying Toll.

Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and are hereby required, to take such Security from the Treasurers, and all other Officers appointed or to be appointed by them for the due Execution of their respective Offices, as they the said Trustees, or any Seven or more of them, shall approve of; and such Securities shall be lodged with the Clerk of the Peace for the said County of Worcester: And no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Wine, or Spirituous Liquors, by Retail; And the said Treasurers, Receivers, Collectors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of the said recited Acts, and this Act, shall, from time to time, as often as they or any of them shall be thereunto required by the said Trustees, or any Seven or more of them, give unto such Trustees, true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands, to the said Trustees, or any Seven or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Seven or more of them, shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Seven or more of them (which Oath, any One of the said Trustees is hereby impowered to administer); and

No Victualler, &c. to hold any Place of Profit.

Officers to account upon Oath.

if

if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner aforesaid, that then, and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County, City, Borough, or Division, where such Officer or other Person shall reside; and such Justices are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the County of Worcester, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same in Manner aforesaid: And in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County, City, Borough, or Division, where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid, and, by Warrant under their Hands and Seals, to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Person or Persons, upon Demand; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices of the Peace within the said County, City, Borough, or Division, shall commit such Person or Persons to Gaol, there to remain without Bail or Mainprize, until he or they shall have paid over such Monies in Manner as aforesaid, or shall have compounded for the same, and paid such Composition-money to the said Trustees, or any Seven or more of them, or to such Person as they, or any Seven or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Seven or more of them, at any Meeting to be held by virtue of the said recited Acts, or this Act, are hereby impowered to make and receive.

Officers refusing to account,

Justices may enquire into the Default;

and commit the Offender.

Balance may be levied by Distress and Sale.

For want of Distress, the Offenders to be committed,

until Payment or Composition made.

Truſtees may appoint Collectors, tho' not at a public Meeting.

And be it further enacted by the Authority aforeſaid, That as often as any Collector of the ſaid Tolls ſhall die, or be incapable of performing his Duty, it ſhall be lawful for any Seven or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of the ſaid recited Acts, or of this Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls; and the Perſon ſo appointed, ſhall have the ſame Authority for Recovery thereof, as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees, or any Seven or more of them, ſhall, at a Meeting to be held by virtue of the ſaid recited Acts, or this Act, appoint a Collector of ſuch Tolls.

Truſtees may contract for the Purchaſe of Lands to be laid into the Road.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall, at any Time or Times hereafter, think proper to enlarge or widen any Part or Parts of the Roads, or make any new Road or Roads contiguous or adjacent to the ſaid Roads hereby directed to be repaired, or any of them, for the better Accommodation of Coaches, Carriages, and Paſſengers; that then it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, from time to time, to contract with any Perſon or Perſons for the Purchaſe or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to any Part or Parts of, the ſaid Roads, or that ſhall be proper and convenient for widening, turning, or altering, any Part or Parts of the ſaid Roads; and to pay for the ſame Lands and Hereditaments by and out of the Tolls and other Monies to be raiſed by virtue of the ſaid recited Acts, or this Act: And all Bodies Politick and Corporate, Eccleſiaſtical and Civil, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees, for or on behalf of Infants, Femes-covert, or Ceſtuique Truſts, and all other Perſons whomſoever, may and ſhall contract and agree with the ſaid Truſtees, or any Seven or more of them, for the abſolute Sale or Exchange of ſuch Lands and Hereditaments, and of their reſpective Eſtates and Intereſts therein; and may and ſhall convey ſuch Lands and Hereditaments to the ſaid Truſtees, or any Seven or more of them, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances, that ſhall be ſo made as aforeſaid, ſhall be valid and binding againſt and to all Perſons, and to all Intents and Purpoſes whatſoever.

Bodies Politick, &c. to contract for the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever, intitled to, and interested in, any Lands or Hereditaments which the said Trustees, or any Seven or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the said Roads, shall, upon Application to them, or any of them, for that Purpose made, refuse or neglect to treat with such Trustees, or any Seven or more of them, for the Sale of such Lands or Hereditaments; or if, by reason of their, or any of their, Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with, for that Purpose; or if they shall not agree with the said Trustees, or any Seven or more of them, for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Seven or more of them, may and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to require the Sheriff of the County of Worcester, or his Deputy, to impanel, summon, and return, a Jury of Twenty four honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Twenty clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Eight clear Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly: And the said Trustees, or any Seven or more of them, having caused Fourteen clear Days Notice, in Writing, under their Hands, to be given to the Person or Persons intitled to the said Lands or Hereditaments, or left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities, of such Lands or Hereditaments, and the Time when and Place where the said Jury are to meet to assess and ascertain the Value thereof; they the said Trustees, or any Seven or more of them, may proceed to enquire

Persons neglecting to treat for the Sale of Lands;

Trustees to issue their Warrant, &c. to impanel a Jury.

enquire by Twelve of the said Jurors, on their Oaths, of the Value of such Lands and Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other honest indifferent Persons, that can be most conveniently met with to attend that Service, to the Number of Twelve; to which Jurors all Parties interested shall have their lawful Challenges: And the said Trustees, or any Seven or more of them, having given in the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may, and are hereby impowered to, send for, summon, and examine, all proper Persons, on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments; and, if needful or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves and the Jury sworn concerning the Natures and Values of the said Lands and Hereditaments as they shall think proper; and the said Jury being so informed shall, by their Verdict, assess and ascertain the Value of the respective Lands and Hereditaments that shall have been given them in Charge to enquire of: And the said Trustees, or any Seven or more of them, then present, shall thereupon adjudge the Sums of Money assessed by the said Jury as the Value of the said Lands or Hereditaments to be paid to the Person or Persons intitled to the same; and such Verdicts of the Juries, and Judgements of the said Trustees, shall be final and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes-covert, and other Persons whomsoever, any-wise interested, or to be interested, in the said Lands and Hereditaments, or any Part thereof: And if any such Sheriff, or his Deputy, shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premisses; or if any Juryman, so summoned as aforesaid, shall not appear, or appearing shall refuse to be sworn, or if sworn shall not find his Verdict concerning the Matters that shall be given him in Charge; or if any Witness, being sent for or summoned to appear and give Evidence to the said Trustees and Juries, shall not appear, or if appearing shall refuse to be sworn, or to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman, and Witness, shall, for every such Refusal, Neglect, or Offence, forfeit the Sum of Ten Pounds.

Jurors may be challenged.

Jury to assess the Damages.

Verdict of the Jury to be final.

Trustees may impose a Fine on the Sheriff, making Default in the Premisses.

Fine not to exceed 10 *l.*

Provided

Provided always, That nothing herein contained shall impower the Trustees to take down any Dwelling-house or other Building, or to take in any Garden, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding. Buildings, &c. not to be injured.

And whereas by the said recited Act of the Twenty second Year of the Reign of His late Majesty, the Trustees are restrained from erecting any Gate or Turnpike upon any Part of the Road from Dyer's Bridge, to Spadesburn Bridge, which Restriction will hereafter be improper to continue; be it therefore enacted by the Authority aforesaid, That so much of the said recited Act as restrains the Trustees from erecting any Gate or Turnpike upon any Part of the Road directed to be repaired by the said Act from Dyer's Bridge, through the Town of Bromsgrove, to Spadesburn Bridge aforesaid, shall, from and after the passing of this Act, be, and the same is hereby repealed. Clauses in Act 22 *Geo.* II. repealed.

And whereas by the said Act the Tolls and Duties to be collected on the Road from Chapel on the Bridge, in the said Borough of Droitwich, to Bradley Brook, and the Monies to be borrowed thereon, are thereby declared to be a separate and distinct Fund from all the other Tolls and Duties to be collected upon the other Parts of the said Roads, and to be separately applied from the other Tolls and Duties, in Manner therein particularly mentioned; and likewise that all the Tolls and Duties to be collected upon any other Parts of the said Roads, and the Monies to be borrowed on the Credit thereof, are to be separate and distinct Funds from the said Tolls and Duties to be collected upon the Road from the said Chapel on the Bridge, in the said Borough of Droitwich, through the Parishes of Saint Peter and Hanbury, to Bradley Brook aforesaid, and the Monies to be borrowed on the Credit of those Tolls and Duties, and to be separately applied: And whereas the said Funds ought no longer to remain separate and distinct; be it therefore enacted by the Authority aforesaid, That so much of the said recited Act of the Twenty second Year of the Reign of His said late Majesty King George the Second, as declares that the Tolls and Duties to be collected between the said Chapel on the Bridge, in the said Borough of Droitwich, and Bradley Brook aforesaid, and the Monies to be borrowed thereon, should be a separate and distinct Fund from all the other Tolls and Duties to be collected upon the other Roads, in pursuance of the said recited Acts, and should be applied towards the Repairs of the Road leading from the said Tolls to be applied as the Trustees shall think fit.

Chapel on the Bridge, in the said Borough of Droitwich, through the said Parishes of Saint Peter and Hanbury, to Bradley Brook aforesaid, and to no other Use or Purpose whatsoever; and likewise so much of the said recited Act, as declares that all the Tolls and Duties to be collected upon the other Parts of the said Roads, and the Monies to be borrowed on the Credit thereof, should be a separate and distinct Fund from the said Tolls and Duties to be collected upon the Road from the said Chapel on the Bridge, in the said Borough of Droitwich, through the Parishes of Saint Peter and Hanbury, to Bradley Brook aforesaid, and the Monies to be borrowed on the Credit thereof, and should be separately applied, in Manner therein particularly mentioned, shall, from and after the passing of this Act, be, and the same are hereby respectively declared to be repealed; and it shall and may be lawful to and for the said Trustees appointed or to be elected by virtue of the said recited Acts, and this Act, or any Seven or more of them, at all Times hereafter, to apply the several Tolls arising from time to time, upon the said respective Roads, or upon any Part or Parts of the said Roads, and also any Money already borrowed, or which they hereafter may have Occasion to borrow, on the Credit of the said recited Acts, or this Act, in amending all the said Roads, or any Part or Parts of the said several Roads directed to be repaired by the said recited Acts, or this Act, in such Manner as they, in their Discretion, shall think fit, except as herein before is directed.

Harriot's Lane deemed Part of the Road.

And whereas some Doubts have arisen whether a certain Lane called Harriot's Lane, leading from Whitten Holloway, to the Exchequer Inn, within the Borough of Droitwich, on the Road to Bromsgrove, in the said County, is included within either of the said Acts of the Twelfth of Queen Anne, or Twelfth of King George the First; for obviating whereof, be it further enacted by the Authority aforesaid, That the said Lane called Harriot's Lane, being the direct Road from Worcester, through Droitwich, to Bromsgrove, shall be deemed and taken to be Part of the Roads intended to be repaired by the said Acts, or One of them.

And whereas there are, within the City of Worcester and Borough of Droitwich, divers Water Pipes, or Pipes for conveying Water or Brine, belonging to the Owners or Managers of Water-works or Salt-works within the said City or Borough, which Pipes are laid in the said Roads, and must frequently occasion the same to be broken up and damaged; be it therefore enacted by

by the Authority aforesaid, That as often as the Owners or Managers of the said Water-works or Salt-works respectively, or their or any of their Workmen or Servants, shall have Occasion to break up the Pavement on any Part of the said Roads, or to break up or damage any Part of the said Roads, for laying or repairing the said Water Pipes, or Pipes for conveying of Water or Brine as aforesaid, such Person shall use all possible Diligence to make good such Pavements, and repair the Roads so by them taken up, broken, or damaged; and the same shall be relaid and repaired with good Gravel and good Pebbles only, and be pitched and laid in a workmanlike and substantial Manner, and all the Rubbish shall be taken and carried away as soon as the Work is completed; and in case of Neglect or Refusal so to do, for the Space of Two Days after Notice given by the Surveyor of the said Roads, to any of the Owners or Managers of the said Water-works or Salt-works, who shall have caused such Pavements or Roads to have been broken up or damaged as aforesaid, such Surveyor shall cause the necessary Repairs to be made in a substantial and workmanlike Manner: And if such Owners or Managers shall, upon Demand made by the said Surveyor, refuse or neglect to pay such Charges and Expences for the Space of Ten Days, it shall and may be lawful for any Justice of the Peace for the said County of Worcester, or of the City of Worcester, or the Borough of Droitwich, as the Case may happen, upon Complaint made to him by such Surveyor or Surveyors, to summon the Parties before him; and upon Proof made upon the Oath of the Surveyor of such Work being done, and of Refusal or Neglect to defray the Expences thereof (which Oath such Justice is hereby authorized and required to administer) all such Charges and Expences shall be levied and recovered by Distress and Sale of the Goods and Chattles of any such Owners and Managers who ought to pay the same as aforesaid, by Warrant under the Hand and Seal of such Justice of the Peace; and if any Overplus shall remain, after deducting the Charges and Expences attending such Repairs, and of such Distress and Sale, such Overplus shall be paid upon Demand to the Person or Persons whose Goods and Chattles shall be so distrained and sold.

Owners of Water-works, &c. to make good the Damages.

And be it further enacted by the Authority aforesaid, That in case any Person shall lay any Timber, Stone, Dung, Manure, or Compost, or any other Annoyance whatsoever, upon the Sides of any of the said Roads, where the Roads are not Sixty Feet wide at least, or in any

To prevent Annoyances on the Roads.

any Place within Twenty Feet of the Centre of any Part of the said Roads, or shall set or place any Waggon, Cart, or other Carriage, within the Streets or Roads hereby or by the said recited Acts directed to be repaired, for any longer Time than shall be necessary for the loading or unloading thereof; every such Person, so offending, shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Acts, or this Act, unless at the Time of his acting therein he shall have, or be seised of, and in his own Right, or in the Right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate of the clear yearly Value of Forty Pounds, above Reprizes; or be Heir Apparent of a Person seised of an Estate in Lands of the yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount of Eight hundred Pounds; and if any Person or Persons so made incapable, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action of Law to be brought in any of his Majesty's Courts of Record at Westminster; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, 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; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in repair of the said Roads.

Penalty on acting if not qualified.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Assignment of the Tolls granted by the said recited Acts, or this present Act, or any Transfer thereof, or any Summons, Order, Determination, Warrant, Agreement, Bond, or other Writing whatsoever, made in pursuance of the Powers given by the said recited Acts, or this present Act, shall be charged or chargeable with any Stamp or Duty whatsoever; any Law or Statute to the contrary notwithstanding.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by the said recited Acts, or this Act, imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or

more Justice or Justices of the Peace for the said County of Worcester, or of the City of Worcester, or Borough of Droitwich, as the Case may happen; which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant upon the Information of any One or more credible Witness or Witnesses, upon Oath, (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward;) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Roads.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of the said recited Acts, or this Act, and for which no particular Method of Relief is appointed; it shall be lawful for such Person to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the said County of Worcester; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think fit; but the Person so appealing shall give Notice in Writing, to the Treasurer or Treasurers to the said Trustees, of his or her Intention of bringing such Appeal, and of the Cause or Matter thereof, Eight Days before the said Quarter Sessions.

Limitation of Actions.

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 the said recited Acts, or this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not

afterwards; and shall be laid and brought in the said County of Worcester, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall
General Issue. 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, and by the Authority, of this Act: And if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County than as aforesaid; that then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant
Treble Costs. or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, 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 other Persons whomsoever, without specially pleading the same. 8

FINIS.