Anno tricesimo

Georgii II. Regis.

An Act for amending, widening, and keeping in Repair, the Roads leading from the Village of *Milford*, in the County of *Surry*, through *Petworth*, to the Top of *Dunckton Hill*, and from *Petworth* to *Stopham Bridge*, in the County of *Sussex*.



WHEREAS the Roads leading from the Village of Milford over Black Hill Common, through Wheeler Street, Witley Street, over Wormley Heath, through Tichbourne Lane, and Part of Hambledon Hurst, to the Boundary Post which divides the Parishes of Hambledon and Chiddingfold in the County of Surry, and over Cripplecrouch Hill, through Fishers Street, Northchapple, and the Town of Petworth, to the Top of Dunckton Hill, in the Parish of Dunckton, in the County of Sussex, and from the said Town of Petworth, by Byworth, over Egdeane Common, through the Preamble.

the Town of Fittleworth, to Stopham Bridge, in the Parish of Stopham, in the said County of Sussex, are in a very ruinous Condition, narrow in many Places, and dangerous to Travellers, and cannot be effectually amended, widened, and kept in Repair, without the Aid of Parliament; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Arthur Onslow, Speaker of the House of Commons; the Right Honourable Piercy Earl of Thomond, in the Kingdom of Ireland; John Aldridge, Robert Austen, Esquires; William Alderton, William Armstrong, Edward Arnop, Samuel Ayling, Gentlemen; Sir Cecil Bishopp Baronet, Walter Barttelot, Peter Burrel Esquire, Richard Billinghurst Gentleman, Richard Biddulph, Charles Biddulph, Cecil Bishopp, Samuel Blunt, John Butler, Esquires; Edmund Brewer Clerk, Richard Batcock, William Bridger, Gentlemen; James Colebrooke, George Colebrooke, Esquires; John Cannon Doctor in Divinity, John Chalcroft, John Chandler the elder, John Chandler the younger, Thomas Chander, John Chitty, William Chitty, John Coleman Gentleman, George Chitty, John Combs, Gentlemen; William Dawtrey Esquire, Michael Dorset Clerk, Thomas Edsaw, Thomas Elder, Esquires; Edward Elliott Clerk, Francis Elliott, John Enticknap, Gentlemen; Thomas Fowler Esquire, John Fielder, John Fogden, Michael Ford, Gentlemen; Edward Garthwaite, William Gill, Henry Streater Gill, James Goble, Esquires; Thomas Gery Gentleman, Henry Hill, Richard Holmes, John Hollist, Esquires; Hall Clerk, John Haine, William Hammond, John Hampton the elder, John Hampton the younger, John Heather, John Hoal the younger, William Hogsflesh, Robert Holmes, Clement Hull, James Hunt, Arthur Hurst, Edward Hutchinson, Gentlemen; Israel Jalabert Esquire, John Ide Gentleman, William Leeves, Samuel Leeves, Esquires; John Leech, Andrew Lutman, Thomas Luxford, Gentlemen; the Right Honourable George Viscount Midleton, in the Kingdom of Ireland; Sir More Molyneux Baronet, William Mitford, James More Molyneux, Peter Mose, Esquires; Thomas Manningham, Samuel Meymot, Clerks; William Madgwick, John March, Stephen Mills, Gentlemen; Richard Nash Esquire, Thomas Newhouse Clerk, George Onslow, Denzil Onslow, Middleton Onslow,

Trustees Names.

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flow, Richard Onslow, Esquires; Sir John Peachey Baronet, James Peachey of Fittleworth, James Peachey of New Grove, William Peckham, Thomas Pelham, Esquires; Edward Prattenton Clerk, John Payne, Allen Puttock, John Puttock, Gentlemen; William Westbrooke Richardson, Henry Roker, Esquires; Thomas Rice Gentleman, Sir John Shelley Baronet, John Shelley, Thomas Smith, Hans Stanley, Esquires; William Sandham, John Shudd, Henry Sandham, Thomas Spooner, Edmund Stillwell, John Stillwell, Thomas Stovold, Gentlemen; Thomas Saunderson Clerk, William Thomas, Edward Turnour, Nicholas Turner, Esquires; John Tewsley, William Towers, George True, Gentlemen; John Valler, Anthony Upperton, Clement Upperton, Edward Upfold, Edward Upfold the younger, Philip Undershull, Gentlemen; Sir Hutchins Williams Baronet, Philip Carteret Webb, John Wicker, Williams, Esquires; John Warner, John Wickins, Clerks; the Warden of Godalming for the time being, Joseph Whicher, Francis Winton, John Wickliffe, John Woods, Thomas Woods, James Whicher, Gentlemen; Hitch Younge Esquire, John Yaldwin Clerk, William Yalden, John Yalden the elder, Edmund Yalden, Gentlemen; shall be, and they are hereby nominated and appointed Trustees for the surveying, ordering, amending, widening, and keeping in Repair the said Roads, and for putting in Execution all the Powers by this Act given; and that they, and the Survivors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall direct or appoint, shall and may, and they are hereby authorized and impowered to erect and set up Two Turnpikes or Toll-gates, and Toll-houses in, upon, or across that Part of the said Roads which lies between the Village of Milford and the Town of Petworth, One at Northbridge Hill, and the other at the End of the North Street of Petworth; and also to erect and set up One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, and Toll-houses, in, upon, or across that Part of the said Roads which lies between the said Town of Petworth, and the Top of Dunckton Hill; and also to erect and set up One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, and Toll-houses, in, upon, or across that Part of the said Roads which lies between Stopham Bridge and Stopham Common; and shall demand and take at each of the said Turnpikes or Toll-gates, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

The Tolls.

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

For every Waggon, Wain, Timber-frame, or other Carriage, with Four Wheels, the Sum of One Shilling.

For every Cart or other Carriage, with Two Wheels, drawn by more than Three Horses, or Beasts of Draught, the Sum of Nine Pence; and drawn by Three or any less Number of Horses, or Beasts of Draught, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two Pence.

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number; and,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said several and respective Sums of Money, shall be demanded and taken in the Name of and as a Toll or Duty, Tolls or Duties; and the Money so to be raised and collected, shall be and is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, and disposed of, or assigned, in Manner following; that is to say, in the First Place, for the paying and defraying the Charges and Expences of procuring and obtaining this Act, and afterwards, for the making, amending, and keeping in Repair, the Roads hereby intended to be made and repaired, and to and for the several other Uses, Intents, and Purposes, and in such Manner, as is herein after declared and directed; and the said Trustees, or any Three or more of them, are hereby impowered by themselves, or by any Person or Persons by them, or any Three or more of them, under their Hands and Seals thereunto authorized, to levy the Tolls or Duties hereby required to be paid, upon any Person or Persons, who shall (after Demand thereof made) refuse or neglect to pay the same, by Distress of any Horse, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattles of such Person or Persons so neglecting or refusing

Tolls vested in Trustees,

to be levied by Distress and Sale.

refusing to pay the same; and the Cattle or Goods so distrained to detain and keep, until such Tolls and Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for distraining, detaining, keeping, and selling the same, shall be deducted and paid.

Distress to be sold after 4 Days.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the Roads hereby intended to be repaired, and upon, in, near unto, or across any Lane or By-way that doth lead into, or out of, any Part of the said Road; and at such Turnpike or Turnpikes to receive and take, or levy such Tolls as are by this Act granted and made payable at any Turnpike by virtue thereof, so as the same do not extend to a Double Charge, upon any Persons passing through any of the Turnpikes erected by virtue of this Act.

Trustees may erect Sidegates, &c.

and take Tolls thereat,

so as the same do not extend to a Double Charge.

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Land near to any of the Turnpikes, Toll-gates, or Side-bars, to be erected by virtue of this Act, shall, during the Continuance of this Act, permit any Person or Persons to pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle; or if any Person or Persons shall pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle, with or without such Permission as aforesaid; or if any Person or Persons shall at any Time unload, or cause to be unloaded, any Sort of Goods or Merchandize; or take off, or cause to be taken off, any Horse or Horses, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Or or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall conceal or secrete any Goods

Penalty on Persons permitting, or going through private Passage,

or unloading Goods,

or taking off Horses, &c.

or

or other Things chargeable with any of the Tolls aforesaid; or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Chair, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid, each and every Person and Persons so offending in any of the Cases aforesaid, and being thereof convicted, upon Oath, by the Testimony of One or more credible Witness or Witnesses, before the said Trustees, or any Three or more of them (which Oath the said Trustees or any Three or more of them, are hereby impowered to administer) or before One or more Justice or Justices of the Peace for the County in which such Offence shall be committed (which Oath the said Justice or Justices is and are hereby also impowered to administer) shall, for every such Offence respectively, forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals of the said Trustees, or any Three or more of them, or of the said Justice or Justices; rendering the Overplus to the Owner, on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any Three or more of them, or by the said Justice or Justices.

to avoid Payment of the Tolls.

Trustees to nominate Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, present at their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may chuse and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls and Duties aforesaid; and also shall and may, in like Manner, chuse and appoint One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same are repaired, and also that the Money raised by this Act, be duly applied; and, from time to time, to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion, and to appoint new ones, in case of Death, or such Removal: And such Person or Persons as is and are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or

and remove them, and appoint others.

Officers to account upon Oath.

or Collectors, as shall, from time to time, be appointed for that Purpose: And that the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor or Surveyors so appointed as aforesaid, shall, upon Oath if thereun to required, by the said Trustees, or any Three or more of them, or before One or more Justice or Justices of the Peace residing near to the said Roads (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) on the First Wednesday in every Month, or oftener if required, during the Continuance of this Act, give in a true, exact, and perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices (for which Oath no Fee or Reward shall be taken, and the same may be taken in Writing, without any Stamp thereupon;) and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Three or more of them, or to such Person or Persons as they, or any Three or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Roads, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Three or more of them, shall and may, out of the Money arising by the said Tolls and Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any Three or more of them, so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in Execution of his and their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Roads to be amended and repaired, as to the said Trustees, or any Three or more of them, shall seem meet: And in case the said Receiver or Receivers, Collector or Collectors of the aforesaid Tolls or Duties so to be paid as aforesaid, or the Surveyor or Surveyors, or any of them, shall not give and make such Account or Payment, as the said Trustees, or any Three or more of them, shall order and direct, that then any Two or more Justices of the Peace, at any Special Sessions,

Trustees to appoint Officers Salaries.

Officers not making Account and Payment,

or Monthly Meeting of them, to be holden for the County where such Receiver, Collector, or Surveyor, shall inhabit and dwell, who shall refuse to give and make such Account or Payment as aforesaid, shall make Enquiry of and concerning such Default, 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 Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, commit the Party to the Common Gaol of the County where the Offence shall be committed, there to remain without Bail or Mainprize, until he, she, or they shall have made a true and perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees for the same, and have paid such Composition-money; which Composition the said Trustees, or any Three or more of them, are hereby authorized and impowered to make) and such Receiver, Collector, or other Person, so to be committed for not accounting, or for not paying over the Monies in his, her, or their Hands, shall remain and continue under such Commitment; and shall not be discharged, or admitted to Bail, upon his, her, or their accounting as aforesaid, until he, she, or they also shall pay over the Money which, on such Account or Composition as aforesaid, shall appear to be due, unto such Person or Persons, as the said Trustees, or any Three or more of them, shall appoint to receive the same.

Justices upon Complaint to enquire into the Default;

and commit the Offender,

until he shall conform,

or compound with the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of their said Offices, as to the said Trustees, or any Seven or more of them, shall seem meet: And that the said Trustees, or any Seven or more of them, shall and may, by Writing under their Hands, from time to time, appoint such Receivers and Collectors as they shall think fit; and which Treasurers, Receivers, and Collectors, the said Trustees, or any Seven or more of them, may at any Time discharge from his, her, or their Office or Offices.

Treasurer, &c. to give Security, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall

Surveyors may dig Gravel, &c. in Waste Grounds;

shall appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or out of or from the Waste or Common, of or in any Parish, Town, Village, or Hamlet, in the said several Counties, proper and convenient for repairing and amending of the Roads aforesaid; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, then to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in any other County or Counties, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away; and where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, (by Order of the said Trustees, or any Five or more of them) to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground, set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and, from time to time, to carry away the same, or so much thereof, as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of private Grounds, over which such Materials, gotten in any River, Brook, or Waste Grounds, shall be carried, as the said Trustees, appointed or to be appointed for repairing the said Roads, 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, touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for such County wherein the Place from whence such Materials shall have been taken or carried, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

without paying for the same;

levelling the Ground;

and where there is not sufficient of such Materials to be had there, they may be taken from private Grounds,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Three or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on, or in any Part of, the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Roads; and to cut down, lop or top, any Trees or Bushes (Timber Trees excepted) growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, the Owners or Occupiers of the Premisses, where such Annoyances as aforesaid shall happen to be, neglecting to remove the same; and to cut down such Trees (except as before excepted) or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any Three or more of them, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and shall and may, in case of Refusal, be levied by Distress and Sale of the Goods and Chattles of such Owners or Occupiers, by Warrant under the Hands and Seals of the said Trustees, or any Three or more of them, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein that Part of the Roads shall lie, rendering the Overplus (if any) after all Charges paid; such Charges to be settled by the said Trustees, or any Three or more of them, or by the said Justice or Justices; and if, after Removal of any of the said Annoyances, any Person or Persons shall again occasion any Annoyances by Filth, Dung, Ashes, or otherwise, upon the said Roads, or by turning into the same any Watercourse, Sink, or Drain, to the Prejudice thereof, every Person so offending, and being thereof convicted, upon Oath of One or more Witness or Witnesses, before the said Trustees, or any Three or more of them, or before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, is and are hereby impowered to administer) shall,

for

cut down Trees, &c.

the Owners neglecting to remove the same, after Notice;

and levy the Charges by Distress and Sale.

Penalty of a subsequent Offence.

for every such Offence, forfeit and pay to the said Trustees, the Sum of Twenty Shillings, to be levied and recovered in Manner herein after mentioned, and applied for and towards repairing the said Roads.

Surveyors, by Order of the Trustees, may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, to be appointed in pursuance of this Act, by Order of the said Trustees, or any Three or more of them, to make or cause to be made, Causeways; and

cut Drains,

to cut and make Drains through any Grounds lying contiguous to the said Roads; and to make and erect, and

erect Bridges, &c.

keep in Repair, Arches of Brick, Timber, or Stone, thereupon; and to divert and turn the said Roads and Highways over any Part of the Lands, Commons, or Waste Grounds, contiguous and adjoining, or lying near thereto; and also to widen any of the narrow Paths of

and widen the narrow Parts of the Road;

the said Highways or Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous to, or near such Highway or Road (not being an House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to an House) and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Three or more of them, shall adjudge necessary for the better diverting, turning, amending and keeping the said Highways and Roads in good Repair; making such reasonable

making Satisfaction to the Owners of the Grounds.

Satisfaction to the Owner or Occupier of such Ground which shall be so used in diverting or turning the said Roads, or laid in or unto the said Highways or Roads, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they, shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case

Justices to determine Differences.

any Difference shall arise between the said Trustees and such Owners or Occupiers respectively, concerning the same, then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter Session to be holden for the County in which the Matter in Dispute shall lie, to hear, adjudge, and finally determine the same: And if any

Owners neglecting to scour Ditches, &c. after Notice given them,

Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner as such Surveyor or Surveyors shall adjudge proper and convenient, after Ten Days Notice

shall be given for that Purpose by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him or them, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set a Man or Men to work to scour or cleanse and make the same; and by Warrant from any Three or more of the said Trustees, or of One or more Justice or Justices of the Peace for the County wherein such Watercourse or Ditch shall lie, to levy the Charge thereof upon the Persons, Goods, or Estates, of the Owners of such Watercourse or Watercourses, Ditch or Ditches, and by Distress and Sale of his, her, or their Goods and Chattles; rendering the Overplus (if any be) after all Charges of such Distress and Sale thereout deducted, to the said Owners or Occupiers, when by him, her, or them demanded.

Surveyors may set Men to cleanse the same.

and levy the Charge by Distress and Sale.

Provided always, That if the antient and former Way over any Ground shall, by virtue and in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road which shall thereby be left or discontinued shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth.

And whereas it may happen that some Person or Persons, Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which according to the Powers given by this present Act, may by the said Trustees be thought necessary or proper to be taken in, and added to the said Roads, either for extending, widening, enlarging, diverting, turning, altering, or amending the same as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by reason of Infancy or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees,

Bodies Politick, or Corporate, &c. impowered to sell Lands to be taken into the Roads.

stees, or any Seven or more of them, for Satisfaction to be made respectively for such their Lands, Grounds, Tenements, Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Custom, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of such Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling-house or Place of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to the said Roads as aforesaid, or into which such Way, Path, or Road as aforesaid, shall be diverted, turned, or altered, as aforesaid, shall, by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, 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, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes, in which the said Roads lie (which Oath the said Trustees, or any Three or more of them, are hereby impowered and required to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking in or adding of any such Lands, Grounds, Tenements, or Hereditaments, into the said Roads, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby shall respectively have by reason or on account thereof; and for that Purpose, and in order thereto, the said Trustees,

the Damage and Recompence to be assessed by a Jury.

Witnesses may be summoned and examined upon Oath.

tees, or any Three or more of them, are hereby impowered and required, from time to time, as it shall be necessary or requisite, to summon and call before them, all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Three or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the Places in Question, and to use all other lawful Ways and Means, as well for their own, as the said Jury's Information in the Premisses, as they the said Trustees, or any Three or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Three or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition, and Judgement of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties or Persons whatsoever, claiming in Possession, Reversion, or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all and every Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons any ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, barred and divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. of the County to impanel a Jury.

And, for the summoning or returning such Jury or Juries; be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, are hereby impowered to issue out their Warrant to the Sheriff of the County where such Grounds so intended to be taken in and added to the said Roads lie; thereby requiring him to impanel, summon, and return an indifferent Jury of Twenty four, to appear before the said Trustees,

Trustees, or any Three or more of them, at such Time and Place as in such Warrant shall be appointed; whereupon such Sheriff is hereby required to impanel, summon, and return such Twenty four accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear, the said Trustees, or any Seven or more of them, shall choose Twelve, who being sworn, shall be the Jury for the Purposes aforesaid; and in case any One Piece of Ground, so intended to be taken in and added to the said Roads, shall be situate in both the said Counties, of Sussex and Surry, then and in such Case, the said Trustees, or any Seven or more of them, shall direct their Warrant for the Purposes aforesaid, to the Sheriff of both the said Counties indifferently, who together with the said Trustees, shall proceed thereupon in the same Manner as if the said Ground had been situate wholly in One County; and for want of a sufficient Number of Jurymen, the said Sheriff, or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn; and that the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or being so sworn, and refusing, and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse to be sworn and examined, or to give Evidence touching the same; and, from time to time, to set such Fine or Fines not to exceed the Sum of Ten Pounds upon any One Person; and, from time to time, to levy such Fine or Fines by Distress and Sale of the Goods and Chattles of such Person, by Warrant from any Three or more of the said Trustees; the same to be applied towards repairing the said Roads.

Trustees to give their Warrants to the Sheriff of the County to impanel a Jury.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and are hereby charged and chargeable upon all Tolls and Monies which shall be raised, received, collected, or borrowed, for the Purposes of this present Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto; and in case of Refusal to accept the same, that then upon leaving the same in the Hands of the Clerk to the said Trustees for the time being, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto; and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, Servants, or Agents, to take into and add to the said Roads, such said Grounds, Lands, or Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Grounds, Lands, Tenements, and Hereditaments, so taken into and added, or to be taken into and added to the said Roads; and to ditch and fence the same, as the said Trustees, or any Five or more of them, shall think fit; and the said Grounds, Lands, or Tenements, so taken or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and to be from thenceforth Part of the said Roads, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as other Highways are by Law to be repaired and kept in Repair.

Lands, &c. when taken into the Roads, to be fenced, &c.

and esteemed as publick Highways.

Trustees not to act where interested.

Provided always, That no Person or Persons shall sit or act as a Trustee or Trustees, in any Case relating to the contracting for, or purchasing of, any Grounds, Lands, Tenements, or Hereditaments, so to be taken into the said Roads, where he or they are concerned in Interest.

And, forasmuch as the Money to be collected by the Receipts of the Tolls or Duties by this Act made payable, as aforesaid, will not for some Time be sufficient for the repairing of the said Roads; be it further enacted

ed by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over or mortgage the Tolls or Duties arising by virtue of this Act, or any Part thereof (the Tolls and Charges of assigning the same to be borne and paid out of such Tolls and Duties) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with Interest not exceeding Four Pounds per Centum per Annum; which Money so to be borrowed shall be applied and disposed of, as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may assign over the Tolls for Money borrowed.

Interest not to exceed 4 *l. per Cent.*

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignments or Mortgages so to be made by the Trustees, as aforesaid, shall be registered or entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused, at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assignments to be entered in a Book.

Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the Tolls to be collected by virtue of this Act, after the First Meeting of the Trustees for putting this Act in Execution; unless Notice be for that Purpose fixed in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes then erected by virtue of this Act, at least Twenty one Days before the borrowing of such Money.

21 Days Notice to be given of borrowing Money.

And it is also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment, Mortgage or Mortgages of the said Tolls shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, or shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under

Assignments may be transferred.

under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Seven or more of them, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Money thereby due, or any Part thereof.

Entries to be made of all Assignments.

Clerk's Fee.

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted; be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person or Persons giving or disposing of such Note or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted before the said Trustees, or any Three or more of them, or before One or more Justice or Justices of the Peace for either of the said Counties wherein such Offence shall be committed (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in such Manner as is herein after mentioned; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied towards repairing the said Roads.

Penalty on Persons giving, or receiving, Tickets, &c.

Provided

Provided always, and it is hereby declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for any Quantity of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Roads, or for any Lime, Lime-stone, Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards of, or belonging to, the respective Inhabitants of the several Parishes, Townships, or Places, in which the Roads hereby directed to be repaired do lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever belonging to or employed by such Inhabitants respectively in Husbandry, manuring or stocking of Lands lying near the said Roads, Chalk excepted; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes, in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of religious Worship, on Sundays; or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the Parishes in which the said Roads hereby directed to be repaired do lie; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from Pasture, Watering-places, or Shoeing, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near the said Road; or for any Post-horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes. Persons and Things exempted from Toll.

Provided always, That nothing herein contained shall exempt any Person or Persons from the Payment of any of the said Tolls or Duties hereby granted, for any Carriages or Horses drawing or carrying any Lime or Lime-stones on the said Roads, not made or gotten in any of the Parishes, Townships, or Places, on the said Roads in which the same shall be used. Proviso.

Provided always, and it is hereby enacted by the Authority aforesaid, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, No Toll on Election Days.

Chaises, Litters, and Passengers on Horseback, shall pass and repass Toll-free on the Days or Times on which there shall be an Election of a Knight or Knights of the Shire for the said Counties of Sussex and Surry, or either of them, such Coaches, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers, going to, or returning from, such Election; any thing herein contained to the contrary notwithstanding.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person who shall have paid the Toll or Duty for passing through any of the said Turnpikes or Toll-gates, shall be liable to pay any Toll or Duty for repassing through the same Turnpike or Toll-gate, with the same Carriage or Cattle the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night; such Person producing a Note or Ticket of the Day denoting such Payment; which Note or Ticket the Collector of the Tolls is hereby required to give, upon the Payment of such Toll, gratis; but that all and every Person and Persons who shall have passed and repassed Once in the same Day through the same Turnpike or Toll-gate as aforesaid, shall remain, and be subject and liable to the Payment of the same Toll or Duty, for every Time such Carriage or Cattle shall pass and repass through the same Turnpike or Toll-gate; any thing herein contained to the contrary notwithstanding.

Property of the Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed or to be appointed to put the same into Execution; and that they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper; or to bring Actions, and to prefer Bills of Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall steal, take away, break down, damage, or spoil, such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid.

Trustees to apply Part of the Money arising by this Act, in maintaining of Bridges, &c.

Provided always, and be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees nominated and appointed for the Purposes of this Act, or their Successors, or any Five or more of them, to lay out and apply so much and such Part of the Money to be raised and levied by Force and Virtue, and upon the Credit of this Act, as they shall, from time to time, think requisite and necessary in

in that Behalf, for and towards the building, supporting, maintaining, and repairing such Bridges, and the Way and Passage over the same, over which the Road intended to be repaired by this Act, doth lead.

Persons chargeable to Repair of the Road, &c. to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said Roads and Bridges hereby intended to be repaired, shall still remain chargeable, and do their respective Days Work in the several Parishes, Townships, and Places, in which the said Roads and Bridges do respectively lie, in such Manner as he, she, or they, ought to have done before the passing of this Act.

Trustees to determine the Repairs to be done on the Road.

And, for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways for the time being for the several Parishes or Places through which the Roads aforesaid do lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done on the Roads by this Act directed to be repaired; be it further enacted by the Authority aforesaid, That it shall and may (yearly and every Year, during the Continuance of this Act) be lawful for any Five or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike Surveyor or Surveyors, to adjudge and determine what Part or Proportion of the said Statute-work shall be done upon the Roads aforesaid, by the Inhabitants of each or any of the Parishes in which the said Roads hereby directed to be amended do lie; so that the same shall not in the Whole exceed Four Days Statute-work in each Year; and that such Statute-work shall not be done in Hay-time or Harvest.

Trustees may compound with Parishes for Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Roads do belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads or Bridges, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments

Hereditaments chargeable, or other Person or Persons liable as aforesaid; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways for the time being of all and every the Parish and Parishes, Townships, or Places, in which the said Roads intended to be repaired by this present Act do lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing, by the Turnpike Surveyor or Surveyors, give and deliver to the said Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, Townships, or Places, who are by Law chargeable towards repairing the Roads in any of the said Parishes, Townships, or Places, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Parish Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall be given them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time when (except in Hay or Corn Harvest) and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give publick Notice thereof, to the said Person or Persons so chargeable as aforesaid; and if any Parish Surveyor or Surveyors aforesaid, shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit the Sum of Twenty Shillings, to be levied and recovered in such Manner as any other Forfeiture or Penalty is by this Act directed to be levied and recovered; which said Sum of Twenty Shillings shall be applied towards repairing the said Roads; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall after such Summons or publick Notice, neglect or refuse to send their respective

Penalty on Surveyors, &c. neglecting to give in such Lists.

Penalty on Persons not performing Statute-work.

Teams,

Teams, Draughts, or Carts (each Team or Cart not to contain less than Four good Horses or Beasts of Draught, with One able Man to attend the same) to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit the Sum of Six Shillings for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer or other Person or Persons so chargeable towards repairing the said Roads, shall at any Time neglect or refuse (after such Summons or publick Notice) to do and perform the said appointed Days Work on the said Roads, he, she, or they, shall respectively forfeit the Sum of One Shilling for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done; in such Case the said Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off who shall be found idle or negligent as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come as a Labourer, or had not come with, or sent, any Team, Draught, or Cart, to work on the said Roads; and he, she, or they, shall be subject and liable to do their respective Days Work so ordered and appointed as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound or agree by the Year with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected on the said Road, with any Waggon, Wain, Cart, Horse, Gelding, Mare, or other Beast of Burthen, for any Sum or Sums of Money to be paid quarterly or otherwise, from time to time, after such Agreement shall be made; Copies of all which Compositions or Agreements so to be made by the Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused at all seasonable Times, by any Person whomsoever, without Fee or Reward.

Compositions to be entered in a Book.

Composition-money how to be recovered.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Roads to be amended by virtue of this Act, do lie, shall not be paid within One Month next after the same shall become payable according to such Composition or Agreement; that then it shall and may be lawful for any Justice of the Peace of the County wherein such Person or Persons so compounding as aforesaid, shall reside, by Warrant under his Hand and Seal, to impower the Person authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, and Oath being first made that the same has been demanded, and remains unpaid (which Oath such Justice is hereby authorized to administer) to levy the same by Distress and Sale of the Goods of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free, as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways for the time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus, after the Charges of such Distress and Sale first thereout deducted.

Surveyors, &c. paying the Composition-money to be reimbursed.

Provided also, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in the Manner herein before provided; all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner, as by the Laws now in being Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Person chargeable to the Highways, to continue so.

Provided always, and it is hereby enacted and declared, That if it shall appear to the said Trustees, or any Seven or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of

any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable and chargeable towards the amending the Roads and Bridges by this Act directed to be repaired, or any Part thereof, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits, to such Person and Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Three or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending that Part of the said Roads to which the said Lands and Rents were liable before the passing this Act, and the Bridges there; and to no other Use or Purpose whatsoever.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act incurred (touching which no other Provision is herein made) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of One or more Justice or Justices of the Peace for the said Counties of Sussex or Surry respectively, where the Offence shall happen; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, to the Party or Parties whose Goods or Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go, and be applied and laid out, (if not otherwise directed to be applied by this Act) towards amending the Roads hereby directed to be repaired.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That the said Trustees appointed, or to be appointed, to put this Act in Execution, shall, during the Continuance thereof, take care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered

entered into, for, upon, or on account of, the making and amending, widening, diverting, or turning the said Roads, and all other the Proceedings of them the said Trustees, to be fairly written and entered in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused at all reasonable Times without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees so appointed shall and may take Copies of all or any Part thereof, paying for every Copy not exceeding One hundred Words Six Pence, and so proportionably for any greater or less Number of Words; and that all such Orders so entered, shall be signed by the Clerk to the said Trustees, at any Meeting of any Five or more of the said Trustees aforesaid assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any Five or more of the Trustees; which said Book or Books, and also the said Book directed to be kept for registering or entering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other 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, within the Space of four Months, to appeal to the Justices of the Peace, at their next General Quarter Session of the Peace to be held for the County where the Matter in Question shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any the Penalties or Forfeitures incurred by the Party or Parties complaining; or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty; or otherwise ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and to levy by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to pay the same; and, for want of sufficient Distress, to commit

commit the Party or Parties to the Common Gaol or House of Correction of the said respective Counties of Sussex or Surry, wherein such Appeal shall be heard and determined, for any Time not exceeding One Month, or until Payment of such Costs shall be made; but the Person or Persons so appealing, as aforesaid, shall, and they are hereby directed to give Notice in Writing, to the Treasurer or Treasurers for the time being, of the Tolls and Duties granted by this Act where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Session, and shall within Five Days after such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace of and for such County where such Appeal shall lie, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Session of the Peace which shall be held for such County, next and immediately after giving Notice of such Appeal; and every such Appeal shall, at the next General Quarter Session, be there heard and finally determined.

Notice of Appeal to be given.

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only; or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

Orders not to be quashed for want of Form;

nor removeable by *Certiorari*

And it is hereby further enacted and declared, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Determination whatsoever, under the Hand and Seal, or Hands and Seals, of any of the Trustees of this Act, or under the Hand and Seal, or Hands and Seals of, or exhibited before any Justice or Justices of the Peace, touching, concerning, or in Execution of any Power or Authority hereby vested in them, some or any of them respectively, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

And it it hereby further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls and Duties hereby granted and made payable, or any of them, and for such Time as the

Trustees may lessen the Tolls, &c.

said Trustees, or any Seven or more of them, shall think fit; and to order and direct such Tolls and Duties, so to be lessened and reduced, to be collected, received, and taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money secured thereby; any thing herein contained to the contrary in any wise notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls or Duties, and Powers hereby granted, shall take Place from and after the First Day of June, One thousand seven hundred and fifty seven, and shall continue and be paid from thenceforth (subject to such Reductions as aforesaid) for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees, who are in Commission of the Peace, may act as Justices.

And be it further enacted and declared, That it shall and may be lawful to and for any of the said Trustees appointed or to be appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the several Counties in which the said Roads, hereby intended to be repaired, do lie, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further enacted and declared, That no Person or Persons appointed or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of it, or by reason of any Tolls or Duties by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment, of such Place of Profit, as aforesaid.

Road to be measured and Mile-stones erected.

Provided always, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Roads, each Stone or Post at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet; and if any Person or Persons shall voluntarily and maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures,

Penalty on defacing Mile-stones,

or

or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said respective Counties of Surrey and Sussex, where such Offence shall be committed; every such Person or Persons so offending, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so voluntarily or maliciously broke, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, before whom such Conviction shall be made; One Moiety whereof to go to the Informer, and the other Moiety thereof shall be applied in repairing the said Roads, and making good such Stones or Posts so broken and defaced; and in case the Person or Persons so offending, and convicted, shall have no Goods and Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, respectively, to commit such Person or Persons to any Gaol or House of Correction in such County where such Offence was commited; there to remain for the Space of One Calendar Month.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

And be it further enacted, That no Person shall be capable of acting as a Trustee, in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of Fifty Pounds, above Reprizes, or shall be possessed of an Annuity of Fifty Pounds a Year, issuing out of Lands, Tenements, or Hereditaments; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds; or shall be possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, over and above what will pay all his Debts; and unless the Person, not being such Heir Apparent, claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath following, before any Three or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon

Qualification of Trustees.

Trustees to take the Oath following, before they act.

upon himself to act in the Trusts and Authorities of this Act; (which Oath shall be in the Words, or to the Effect following; that is to say,

The Oath.

I *A. B.* do swear, That I truly, and *bona fide*, am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or possessed of an Annuity of Fifty Pounds a Year, issuing out of Lands, Tenements, or Hereditaments; or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, over and above what will pay all my Debts.

So help me God.

Penalty on Persons acting, if not duly qualified.

And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person or Persons shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform and sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Seven or more of them, shall meet together at the House of Francis Graves, known by the Sign of the Half Moon, in Petworth, on Wednesday the First Day of June, One thousand seven hundred and fifty seven, and shall proceed to the Execution of this Act, and shall adjourn themselves, and afterwards meet at Chiddingfold, and afterwards shall hold Two Meetings at Petworth, and One at Chiddingfold, as often as it shall be necessary, for putting this Act in Execution; and if there shall not appear at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to the said Trustees shall and may by publick Notice in Writing to be fixed at all the Turnpikes, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held: And the said Trustees, at their First and every subsequent Meeting, shall defray their own Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to bear their own Expences.

And,

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, during the Continuance thereof; be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for the surviving Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Term aforesaid, at such Meetings to be held as aforesaid, to nominate and appoint One or more fit Person or Persons, qualified as aforesaid, in the Room of such Trustee or Trustees so deceased or refusing to act; Notice of the Time and Place of Meeting for the Election of all and every such Trustee or Trustees being affixed in Writing at all the Toll-gates or Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all and every such Person and Persons as shall, from time to time, be chosen and appointed, is and are hereby impowered to act, to all Intents and Purposes, in as full and ample Manner, as the said Trustees nominated in this Act, are impowered to act.

On Death, &c. of Trustees, others to be chosen.

14 Days Notice to be given of the Meeting for such Election.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed to put this Act in Execution, or any Seven or more of them, from time to time, by Writing under their Hands and Seals (without any Stamp thereupon) to assign, lease, demise, lett, farm, or set out the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the said Term hereby granted, not exceeding Three Years, upon Twenty Days Notice in Writing, to be affixed on all the Turnpike-gates to be erected by this Act, and upon publick Bidding to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any Seven or more of them, shall think fit, and to be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of for repairing the said Roads, and the other Purposes herein mentioned; and to no other Use or Purpose whatsoever.

Trustees may lease, &c. the Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby impowered,

Trustees may contract for repairing the Roads,

impowered, under their Hands and Seals (without any Stamp thereupon) to contract with any Person or Persons for the repairing, amending, and widening the said Roads, or any Part thereof, and also for the erecting and setting up Mile-stones, or Posts, in, upon, or on the Sides of the said Roads, or any Part thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Seven or more of them, and such Person or Persons so contracting with the said Trustees, or any Seven or more of them.

and erecting Mile stones.

Provided always, That no Gate or Turnpike to be erected or set up in, across, or on the Side of the aforesaid Roads, as by this Act is directed, shall be taken down or removed, or any other new Gate or Turnpike shall hereafter be erected or set up in, across, or on the Side of any Part of the said Roads, except by Order of the Trustees, or any Seven or more of them, at a Meeting for that Purpose to be appointed, whereof Fourteen Days Notice shall be given in Writing by the Clerk of the said Roads wherein such Turnpike shall be taken down or removed, to be fixed on all the Turnpike Gates to be erected on the said Roads by virtue of this Act.

No Turnpike to be removed but by Order of the Trustees.

Provided always, and be it further enacted, That no Person or Persons keeping a Publick House, or retailing or selling any Liquors, or Spirituous Liquors, shall be capable of acting as Collector or Collectors of the Tolls and Duties to be collected by virtue of this Act.

No Victualler, &c. capable of being a Trustee.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County in which the Cause or Causes of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of, and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared;

Limitation of Actions.

General Issue.

or

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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 any Defendant or Defendants hath or have in any Cases by Law. Treble Costs.

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

FINIS.