Anno tricesimo

Georgii II. Regis.

An Act for repairing and widening the Road from the North End of *Dapdon Wharf*, in the Parish of *Stoke*, next *Guldeford*, through *Guldeford* to *Andrew's Cross*, and to *Alfold Bars* in the County of *Surrey*, and from thence to *Saint Mary's Gate* in *Arundel*, in the County of *Sussex*.

WHEREAS the Road leading from the North End of the Timber Wharf, called Dapdon Wharf, in the Parish of Stoke, next Guldeford, in the County of Surrey, through the Borough of Guldeford, and the Towns of Shalford and Bramley, to Alfold Bars, in that Part of the Parish of Alfold which lies in the said County of Surrey, and adjoins to the County of Sussex; and from thence through Loxwood, New Pound Common, in the Parish of Wisborough Green, in the said County of Sussex, over New Bridge, through Hadfold's-hern, Pulborough, Hardham, Coldwaltham, and Bury, to Saint Preamble.

Mary's Gate, in Arundel, in the said County of Sussex; and the Road leading through a Lane called Pain's Hill Lane, from a Place called Smithbrook, in the Parish of Bramley, to a Place called Andrew's Cross, in the Parish of Dunsfold, in the said County of Surrey, is in a ruinous Condition, and, in many Places, very narrow and incommodious; and the said Road cannot, by the ordinary Course appointed by the Laws in being, be effectually repaired and widened; 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 Heneage Finch, commonly called Lord Guernsey; the Right Honourable George Viscount Midleton, in the Kingdom of Ireland; the Right Honourable Frederick Lord Baltimore, in the Kingdom of Ireland; the Honourable Henry Finch, the Honourable Edward Boscawen, the Honourable Thomas King, the Right Honourable Sir John Ligonier, Knight of the Bath; Sir Francis Vincent, Sir John Elwill, Sir John Evelyn, Sir Nicholas Hackett Carew, Sir Kenrick Clayton, Sir Anthony Thomas Abdy, Sir Thomas Frederick, Baronets; Sir More Molyneux, Sir Charles Vernon, Sir William Moreton, Knights; Robert Austen, Admiral Broderick, Thomas Budgen, Humphry Coates, Solomon Dayrolle, Vigerus Edwards, John Evelyn, Forbes Fisher, Edward Garthwaite, William Gill, William Man Godschall, Nicholas Hardinge, Henry Hill, Israel Jalabert, Thomas Orby Hunter, George Fox Lane, Robert Fox Lane, James More Molyneux, Thomas More Molyneux, Moore, Fletcher Norton, Lieutenant General Richard Onslow, George Onslow, Captain George Onslow, Denzil Onslow, Middleton Onslow, Richard Onslow, Lieutenant General James Oglethorpe, Charles Pinkney, Benjamin Price, Charles Rochester, Henry Roker, Charles Searle, Edmund Shallet, John Shrubb, Thomas Smith of Milford, Thomas Smith of Westminster, Lee Steere, George Sturt, Peter Tahourdin, Abraham Tucker, Nicholas Turner, Edward Turnour, John Vincent of Beech Hill, Philip Carteret Webb, Philip Carteret Webb junior, Henry Weston, Thomas Woodford, Robert Woodford, George Woodroffe, Abel Waters, Esquires; Swithen Adee M. D. Robert Mitchell M. D. the Mayor and Magistrates of the Town of Guldeford, for the time being; the Reverend John Botham, the Reverend Thomas Bund, the Reverend

Trustees Names for the First District.

Edmund Brewer, the Reverend Charles Burdett, the Reverend Edward Eliot, the Reverend John Fulham, the Reverend Joseph Greenhill, the Reverend Thomas Heath, the Reverend Horton, the Reverend Cornelius Jeale, the Reverend Adam Langley, the Reverend William Murden, the Reverend Thomas Lowe, the Reverend John Persall, the Reverend John Proctor, the Reverend Henry Strudwick senior, the Reverend Henry Strudwick junior, the Reverend John Warner, the Reverend Thomas Woodford, Clerks; William Allen of Wonersh, William Arnold, George Barrett of Wintershall, Richard Baxter of Hascomb, John Boxall of Stovold's Hill, John Bullen, John Butcher of Parkhatch, Richard Butcher of Scotchlands, Daniel Butcher, John Chandler of Guldeford, John Chatfield, Thomas Child, Richard Elliott of Bramley, Francis Eliot, Richard Ford, Ralph Ford, John Ford junior, Edmund Field, Daniel Greenfield, William Hammond of Shalford, William Haydon, John Heyman, Thomas Jackman, John Mabanke, John Martyr, Thomas Mellersh of Graffham, Thomas Mildred, John Payne of Milford, William Poulter, Henry Punter, John Puttick of Stovold's Hill, James Puttick of Dunsfold, William Shaw, John Shotter, James Shrubb, John Shurlock of Bramley, Richard Shurlock, James Smallpiece of Bramley, George Smallpiece of Stoke, Thomas Smither of Pain's Hill, William Smyth of Burgate, Richard Sparkes, John Sparkes, Joseph Sparkes, John Steere, William Stoffold, John Street of Chilworth, John Street of Birtley, John Tanworth of Lee, John Tickner of Barrhatch, John Tickner of Losterford, John Vincent of Stoke next Guldeford, Thomas Whitbourn, John Whitbourn, Tempest Wight, Benjamin Wilply, shall be, and they and their Successors, to be elected in Manner as is herein after-mentioned, are hereby appointed Trustees for repairing, widening, and keeping in Repair, such Part of the said Road as leads from the North End of the said Timber Wharf, called Dapdon Wharf, in the Parish of Stoke, next Guldeford, through the Borough of Guldeford, and the Towns of Shalford and Bramley, to Alfold Bars, in that Part of the Parish of Alfold which lies in the County of Surrey; and the Road leading out of the said Road through the said Lane called Pain's Hill Lane, from Smithbrook, to Andrew's Cross in the said County, which shall be called the First District of the said Road; and for putting in Execution all the Powers by this Act granted, so far as the same relate to such Part of the said Road; and that the Right Honourable Arthur Onslow, Speaker of the House of Commons; the Right Honourable George Lenox, commonly

Trustees Names for the Second District.

monly called Lord George Lenox; the Right Honourable Percy Windham Obrien Earl of Thomond, in the Kingdom of Ireland; the Honourable Augustus Kepple, the Honourable Brown, the Honourable Edward Boscawen, Sir Cecil Bisshopp, Sir John Shelley, Sir Charles Goreing, Sir John Miller, Sir John Peachy, Sir Matthew Featherstonhaugh, Sir Hutchins Williams, Sir Thomas Ackland, Baronets; Walter Bartellott, Richard Biddulph, Charles Biddulph, Cecil Bisshopp, John Bridger, Robert Bull, John Butler, James Butler, James Colebrooke, George Colebrooke, Thomas Edsaw, Thomas Elder, John Fowler of Warburton, Thomas Fowler, James Goble, William Green, Admiral Thomas Griffin, John Haynes, Thomas Henshaw, Robert Huffman, John Hollist, Richard Holmes, John Lade, William Leaves, Samuel Leaves, James Lloyd, John Margesson of Offington, William Mitford, Peter Mose, George Naldrett, John Napper, Richard Nash, George Onslow of Ember Court, Captain George Onslow, Denzil Onslow, Middleton Onslow, Richard Onslow, Garton Orme, James Peachey of Fittleworth, William Peachey, James Peachey, William Peckham, Thomas Pelham, Henry Roker, John Sargent, John Shelley, Hans Stanley, Thomas Steel, Lee Steere, Thomas of Yapton, Nicholas Turner, Peckam Williams, Esquires; the Mayor of Arundel for the time being; the Reverend Thomas Ball Dean of Chichester, the Reverend Doctor William Green of Finden, the Reverend Paul Batchellor, the Reverend Julius Bate, the Reverend John Carr, the Reverend Crawley, the Reverend Crooker, the Reverend John Day, the Reverend Michael Dorsett, the Reverend Daniel Gittins, the Reverend Philip Hastwell, the Reverend Thomas Heath, the Reverend Thomas Manningham, the Reverend Thomas Newhouse, the Reverend Peckham of Amberly, the Reverend Edward Prattington, the Reverend Henry Strudwick, the Reverend Samuel Terrick, Clerks; Richard Badcock, Thomas Bagshell, Richard Batts, John Boxall, Richard Boxall, Richard Bettsworth, Thomas Birch, Ashton Birch, John Blunden, William Blunden, John Bristow, John Butcher, Edward Carlton, William Carlton, Christopher Coles, George Chitty, John Clayton, Richard Clement, John Clement, Samuel Ayling of Petworth, Anthony Edsaw, Thomas Elliot, William Ellis, John Eyston, John Fogden, James Ford, Michael Ford, James Ford of Sutton, Harry Ford of Burton, John Foreman, Arthur Foster, Thomas Gates, Gratwick, Maurice Greenfield, William Greenfield, Michael Greenfield, Thomas Greenfield, Allen Groom, Edward

Edward Harborough, William Harwood, John Heather of Bigner, John Hitchcock, Harry Hoad, James Holmes, Richard Hughes, Clement Hull, Abraham Ibbetson, Ibbetson, Maurice Ireland, John Jupp, John King senior, John King junior, William King, Henry King, John Laker, John Lane, Parkhurst Lane, Thomas Lawford, John Man of Tismarsh, Thomas Manfield, John May, Edward Mitchell, John Mitchener, William Morley, Jeremiah Morrell, John Naldrett senior, John Naldrett, John Napper of Paplins, Neale, Gentlemen; Richard Newland of Slinden Surgeon, John Newland of Petworth Surgeon, Richard Newland, John Pay, Thomas Piercey, William Peato, Thomas Penfold, Robert Saunders, William Sandham, Daniel Serle, John Seward, Thomas Sparkes of Warburton, John Standen, William Steyning, Robert Stoakes, William Streater, John Tompkins, John Towes, William Towers, William Tribe, George Trew, Thomas Tupper, Anthony Upperton, Clement Upperton, Thomas Wade, Allen Watts, Edmund Weston, Joseph Whicher, William White of Hardham, Thomas Wickham, Francis Winton, John Woods, William Woodroffe, Gentlemen; shall be, and they and their Successors, to be elected in Manner as is herein after-mentioned, are hereby appointed Trustees for repairing, widening, and keeping in Repair, such Part of the said Road as leads from Alfold Bars aforesaid, through Loxwood, New Pound Common, in the Parish of Wisborough Green, over New Bridge, through Hadfold's-hern, Pulborough, Hardham, Coldwaltham, and Bury, to Saint Mary's Gate, in the Borough of Arundel, in the County of Sussex; which shall be called the Second District of the said Road; and for putting in Execution all the Powers by this Act granted, so far as the same relate to such Part of the said Road.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee 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, of the clear yearly Value of Forty Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds; and unless he shall (not being such Heir Apparent as aforesaid) before he acts as a Trustee, take and subscribe the Oath following, before any

Trustees to take the Oath following before they act.

any Two or more of the said Trustees (who are hereby authorized to administer the same, either before or after they shall have taken such Oath themselves) 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 or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Value of Eight hundred Pounds.

So help me God.

Penalty on Persons acting, if not duly qualified.

And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

First Meeting of the Trustees for the First District;

And be it further enacted by the Authority aforesaid, That the Trustees for the First District of the said Road, or any Five or more of them, shall meet at the House known by the Sign of the White Hart, in the said Borough of Guldeford, on the Fourteenth Day after the passing of this Act; and that the Trustees for the Second District of the said Road, or any Five or more of them, shall meet at the House known by the Sign of the Swan, in the Town of Pulborough, on the Twenty first Day after the passing of this Act: And the said respective Trustees, or any Five or more of them, being so assembled, shall proceed to the Execution of this Act, in relation to such respective Districts; and shall then, and from time to time afterwards, adjourn themselves, and meet at such Places respectively, or at any other Place or Places, in or near such Districts, as they the said respective Trustees, or any Five or more of them, shall from time to time think most convenient, for putting this Act in Execution; and if, at any Meeting or Meetings so to be appointed, there shall not appear a sufficient Number of the respective Trustees to act, and to adjourn to another Day, the Clerk to such Trustees shall, from time to time, by publick Notice in Writing, to be affixed upon all the Turnpikes within such District, at least Ten

for the Second District.

Trustees may adjourn.

Days before the next Meeting, appoint such respective Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near such District, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and that the said Trustees, at all their Meetings, shall defray their own Expences.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Determinations of the said respective Trustees, in Execution of any of the Powers hereby granted, shall be made at Meetings to be held in Pursuance of this Act, and not otherwise; and that no such Order or Determination shall be valid, unless the Majority of the Trustees present at such Meetings shall concur therein, such Majority not being less than the respective Numbers in this Act authorized to make such Orders or Determinations.

All Orders to be made at Meetings held in pursuance of this Act.

Provided also, That no Person shall be capable of acting as a Trustee, during such Time as he shall hold any Place of Profit under this Act, or in relation thereto.

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

And be it further enacted by the Authority aforesaid, That such Trustees as are or shall be in the Commission of the Peace for either or both of the said Counties, shall and may act, nevertheless, as Justices of the Peace, in the Execution of this Act.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee for either of the said Districts shall die, refuse to act, or become disqualified, it shall be lawful for the surviving or remaining Trustees for such District, or any Nine or more of them, from time to time, to elect One other Person qualified as aforesaid, to be a Trustee, in the Room of the Trustee so dying, or refusing to act, or becoming disqualified; but Notice of the Time and Place of Meeting for every such Election, shall be affixed in Writing, under the Hand of the Clerk to such respective Trustees, upon all the Turnpikes within such respective District, at least Ten Days before every such Meeting; and all Persons who shall be so chosen, shall be joined with such surviving or remaining Trustees, and are hereby impowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner, as if such Persons had been particularly named in, and appointed Trustees by this Act.

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

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

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall and may cause to be erected One or more Turnpike or Turnpikes, in, upon, or across the Road,

Trustees to erect Toll-gates and Toll-houses,

in such respective Districts; and also to be erected or provided a Toll-house, at or near each Turnpike; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said respective Trustees, or any Five or more of them, shall, from time to time, appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, or other Cattle, One Shilling and Six Pence; and by Four Horses, or other Cattle, One Shilling; and by Two Horses, or other Cattle, Nine Pence; and by One Horse, Mare, Gelding, Mule, or other Beast of Draught, Six Pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Four or more Horses, or other Cattle, or Beasts of Draught, One Shilling and Six Pence; and by Three Horses, or other Cattle, or Beasts of Draught, One Shilling; and by Two Horses, or other Cattle, or Beasts of Draught, Nine Pence; and by One Horse, Mare, Gelding, Mule, or other Beast of Draught, Six Pence.

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

For every Drove of Oxen, or other Neat Cattle, One Shilling and Eight Pence per Score; and so in Proportion for any greater or less Number.

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

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid for collecting such Tolls, to seize and distrain any Horse or Horses, or other Cattle, or any Carriage upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the

Distress may be sold in 4 Days

Person

Person or Persons so distraining, shall and may sell the Horse, Cattle, Carriages, or Goods, so distrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure and Distress, and of detaining and keeping the same, and also by such Sale, shall be deducted; and that all the Tolls collected or levied within each of the said Districts, shall be and are hereby vested in the Trustees for the respective Districts wherein the same are raised; and shall be applied, or may be assigned, in such Manner, as is herein after-mentioned.

The same Toll to be paid for each Pair of Oxen, &c. as for One Horse.

Provided always, and be it further enacted by the Authority aforesaid, That such and the same Toll, and no more, shall be paid in the said Districts, for each Pair of Oxen, Steers, and Heifers, yoked together, and drawing abreast, as shall be paid for One Horse; any thing herein before contained to the contrary notwithstanding.

Trustees may erect Side-gates;

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Five or more of them, to cause to be erected or provided One or more Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the Road within each of their respective Districts, and cross any Lane or Way leading into the same; and to cause such Tolls to be collected and levied at such respective Turnpikes as are by this Act made payable upon the said Road, so as the same do not extend to a Double Charge upon any Person for passing through any other of the Turnpikes to be erected within such Districts respectively.

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

But One Turnpike to be erected within the Parish of *Bury*.

Provided always, That no more than One Turnpike shall be erected by virtue of this Act, within the Parish of Bury, in the said County of Sussex; and that such Turnpike shall be placed on the North Side of the Stream running from the Mill, now or lately belonging to Richard Hunt.

No Toll to be paid for crossing the Road only.

Provided always, That no Toll shall be taken at any Turnpike erected by virtue of this Act, for any Carriage or Cattle which shall only cross the said Road.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials for building the same, and also of all Materials which shall be actually got or collected for repairing the Road in the said respective Districts, shall be, and are hereby vested in the Trustees for

for such Districts respectively; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk; or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

No Turnpike to be removed but by Order of 7 Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike which shall have been erected by virtue of this Act, in either of the said Districts, shall be taken down or removed to any other Place on the said Road, unless by Order of the Trustees for such respective Districts, or any Seven or more of them, assembled at a Meeting, and unless Ten Days Notice in Writing, under the Hand of the Clerk to such respective Trustees, shall be affixed upon all the Turnpikes within such respective Districts; and the Intention to take down or remove any such Turnpikes shall be set forth in such Notice; any thing herein contained to the contrary notwithstanding.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said respective Districts, or the Monies to be borrowed upon the Credit thereof, as is herein after-mentioned, the Trustees for such respective Districts, or any Five or more of them, shall, in the First Place, pay all the Expences incurred in and in relation to the obtaining this Act; and One Moiety of such Expences shall be defrayed out of the Monies arising within or upon account of the said First District; and the other Moiety of such Expences shall be defrayed out of the Monies arising within or upon account of the said Second District; and afterwards such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, and keeping in Repair, the respective Road in the District wherein such Tolls are collected and levied, and for which such Monies are borrowed, and of executing the Purposes of this Act within such Districts respectively, and to no other Purpose whatsoever.

Proviso.

Provided always, and be it further enacted by the Authority aforesaid, That no Part of the Tolls, arising within the said First District, or of any Monies borrowed upon the Credit of such Tolls, shall be applied in repairing or widening the Road leading from Smithbrook through Pain's Hill Lane to Andrew's Cross, until the Road leading from Dapdon Wharf to Alfold Bars aforesaid shall be adjudged by Eleven or more of the Trustees for

for the said District, assembled at a Meeting to be held for that Purpose, to be effectually repaired and widened; and Notice in Writing of such Meeting shall be affixed upon all the Turnpikes in such District, at least Twenty one Days before the holding thereof; and the Intention to take such Matter into Consideration shall be expressed in such Notice.

Pavements in Streets not to be repaired by the Trustees.

Provided always, That nothing in this Act contained shall authorize the respective Trustees, or any of them, to repair or amend the Pavements in the Streets of any Town through which the said Road leads.

Trustees, with Consent of the Creditors, may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Eleven or more of them, assembled at a Meeting, with the Consent of the Mortgagee or Mortgagees, or other Creditors, to lessen all or any or either of the said Tolls within such respective Districts, at any Time hereafter, and for such Time as they shall think proper; but Notice in Writing under the Hand of the Clerk to such respective Trustees shall be affixed upon all the Turnpikes within such respective Districts at least Fourteen Days before the holding of such Meeting, and the Intention to lessen such Tolls expressed in such Notice; and such Tolls so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Twice a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Twice for passing or repassing, at any Time or Times, in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through all or any of the Turnpikes to be erected by virtue of this Act, cross, and on the Sides of, the Road in either of the said Districts, and cross any Lane or Way leading into the same respectively; but all and every such Person and Persons, after having paid Toll Twice, and upon producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll Twice, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through all the Turnpikes in and belonging to the respective District wherein, or in relation whereto, such Toll was paid; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Tolls to be paid but Once for passing through any One Turnpike.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be subject to pay Toll more than Once for the Passage of the same Cattle or Carriage, in any One Day, to be computed as aforesaid, through any One of the said Turnpikes.

Trustees may compound with Parishes, &c.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, are hereby impowered to compound by the Year or otherwise, with all or any of the Inhabitants of the several Towns, Parishes, Hamlets, or Places, near or through which the Road in such respective Districts leads, for the passing of their Carriages or Cattle through all or any of the Turnpikes in or belonging to such respective Districts; which Composition-money shall be instantly paid, and shall be applied in the same Manner, as the Tolls within such respective Districts are directed to be applied.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken for any Carriage or Cattle going unloaden for, and returning loaden only with Stones, Gravel, or other Materials, for repairing of the said Road, or any Highway in any of the Parishes through or into which any Part of the said Road leads, or in any of the neighbouring Parishes; or going unloaden for, and returning loaden only with Hay or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or other Places, belonging to any of the Inhabitants of any of the said respective Parishes; or going unloaded for, or returning only loaded with, Dziers to be laid up in the Barns or Store-houses of the Occupiers of the Lands where such Dziers shall have grown; or going unloaden for, and returning only loaden with, any Lime, Dung, Mould, or Compost, of any Nature or Kind whatsoever (except Chalk) to be used in manuring or improving of Land, in such Parishes; or going unloaden for, and returning loaden only with any Bricks, Lime, Stone, Plaister, Timber, or other Materials, for building or repairing any Church, Chapel, Out-house, Barn, Stable, or Hovel, within any Parish where such Bricks, Lime, Stone, Plaister, Timber or other Materials, were made, gotten, or felled; nor for any Carriage or Cattle going for, or passing with, any Plough, Harrow, or other Implement of Husbandry only, which shall belong to the Inhabitants of any of the Parishes through or into which the said Road leads; nor shall any Toll be demanded or taken for any Post-horse carrying the Mail or Packet;

Packet; nor for any Horse which shall be used only to ride on by the Driver of any Pack-horses, Waggon, Cart, or Carriage, which shall pass through any of the said Turnpikes with such Pack-horses, Waggon, Cart, or Carriage; nor for any Cattle going to or from Water or Pasture; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horse-back, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of Surrey or Sussex, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit the Sum of Forty Shillings.

Penalty on Persons making illegal Claims, not being intitled thereto.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Cattle or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to or lying near any Turnpike, which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly or willingly permit or suffer any Person or Persons, with any Cattle or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to, or receive from any Person or Persons (except the Collectors of the Tolls) or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse or other Cattle, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle, from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, or other Cattle, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; every Person so offending, in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Twenty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall

Penalty on Persons permitting, or going through private Passage, or giving or receiving Tickets; or taking off Horses, &c. to avoid Payment of the Tolls.

shall be applied in such Manner as the Penalties are herein directed to be applied.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Trustees for the said respective Districts, or any Nine or more of them, from time to time, upon the Credit of the Tolls, within such Districts, in such Manner as they shall think proper, to borrow and take up at an Interest not exceeding Five Pounds per Centum per Annum, such Sum and Sums of Money as they, or any Nine or more of them, shall think needful; and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the Tolls in such Districts respectively, or any Part or Parts of such Tolls (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term, during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid: Which said Sums of Money, so to be borrowed (the Charges of obtaining this Act being thereout first paid, in Manner aforesaid) shall be applied in and upon Account of the repairing, widening, and keeping in Repair, the Road within the respective District for which such Monies shall be borrowed, and defraying the Expence of executing this Act, in relation to such District respectively, in such Manner as the Tolls arising within such District are herein before directed to be applied, and to no other Use or Purpose whatsoever; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose, by the Clerk or Treasurer to such respective Trustees: But no Money shall be borrowed by the said Trustees upon the Credit of the said respective Tolls, after their First Meeting, unless Notice be for that Purpose given in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpikes then erected by virtue of this Act, within such respective Districts, at least Fourteen Days before the borrowing of such Money: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, 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 his, her, or their Hands and Seals, duly executed in the Presence of Two or more credible Witnesses, to assign over his, her, or their

Application of the Money borrowed.

Assignments to be entered in a Book.

14 Days Notice to be given of borrowing Money.

Assignments may be transferred, and the Manner of doing so.

Right

Right to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; all which Assignments shall be produced and notified to the respective Clerk or Treasurer, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignment, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned, in the said Book or Books to be kept for entering the said original Assignments; for which the said Clerk or Treasurer 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, and 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 any Person who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due. Clerk's Fee.

And be it further enacted by the Authority aforesaid, That the Trustees for each of the said Districts, or any Nine or more of them, may, and are hereby impowered, from time to time, to appoint a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the Road within and for such respective Districts, and such other Officer or Officers as they shall think necessary or convenient; and shall respectively take such Securities for the due Execution of their respective Offices, as they shall think fit; and may remove such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, from time to time, and appoint others in their Stead (but Fourteen Days Notice shall be given of every such Meeting, upon all the Turnpikes within the District for which such Meeting shall be held) and may, and are hereby impowered, out of the Tolls in such respective Districts, or the Monies to be borrowed on the Credit thereof, to allow to such Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person and Persons as shall be assisting in or about the repairing, widening, or altering the said Road, or executing this Act, within such Districts, such Salaries, Rewards, and Allowances, as to them the said Trustees, or any Nine or more of them, shall seem reasonable and convenient. Trustees may appoint Officers; and remove them, and appoint others. Trustees to allow Officers Salaries.

Provided always, That no such Collector of the Tolls shall gain a Settlement in any Parish or Place, by reason of his being appointed such Collector. Collector not to gain a Settlement.

Officers to account upon Oath,

And be it further enacted by the Authority aforesaid, That all Persons whatsoever who shall receive, or be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at such Time and Times, and in such Manner, as the said respective Trustees, or any Seven or more of them, shall direct and appoint, produce and deliver to such Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts in Writing, under their respective Hands, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Purposes, such Monies have been applied, together with the proper Vouchers for such Payments; and shall pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees acting for such respective Districts, 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 the said Officers and Persons so accounting as aforesaid, shall, if required, upon their several Oaths (which Oaths the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts, and the particular Articles thereof: And if any such Officer or Person, being required so to do, shall refuse or neglect to give a true and perfect Account in Writing, as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof upon his Oath; or shall refuse or neglect to pay over, in Manner as aforesaid, all the Monies which shall appear to remain in his Hands, in each, any, or either of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the County, Division, or Place, where such Officer or Person shall be or reside; and such Justice or Justices, upon Complaint thereof to him or them made, is and are hereby required to make Enquiry concerning such Default, as well by Confession of the Party, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Reward); and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol of the County, Division, or Place, there to remain, without Bail or Mainprize, until he shall give a true and perfect Account, and verify the same, and make such Payment as aforesaid;

and pay the Balance.

Officer refusing or neglecting to account,

Justices upon Complaint to enquire into the Default;

and commit the Offender to Gaol

until he shall conform,

or

or until he shall have compounded with the said respective Trustees, or any Seven or more of them, and shall have paid such Composition to such Trustees, or any Five or more of them, or to their Appointment; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make. or compound with the Trustees.

Provided always, That it shall be lawful for any Five or more of the said respective Trustees, at any Time or Times, when they shall not be assembled at any Meeting to be held in pursuance of this Act, to remove any Collector of the Tolls for such respective District, for Fraud, or Neglect of Duty in his Office; and in case of such Removal, and also as often as any Collector shall die, or be incapable of performing his Duty, to appoint another Person to collect such Tolls; and such Person shall continue to collect the same, until the Trustees for such District shall, at a Meeting to be held in Manner herein before mentioned, appoint a Collector of such Tolls; any thing herein contained to the contrary notwithstanding. Trustees may remove Collectors for Fraud or Neglect, though not at a publick Meeting.

And be it enacted by the Authority aforesaid, That if any Clerk or other Officer to the said respective Trustees, shall refuse or neglect to deliver up to such Trustees, or any Five or more of them, within Seven Days after being thereunto required by any Five or more of such Trustees respectively, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, it shall be lawful for such respective Trustees, or any Five or more of them, by Warrant under their Hands, to commit such Person or Persons to the Common Gaol of the County wherein such Offence shall be committed, there to remain, without Bail or Mainprize, until he shall deliver, or cause to be delivered, to the said Trustees, or any Five or more of them, or according to their Order, all and every such Books, Papers, and Writings, or until he or they shall give such Satisfaction to the said Trustees, or any Seven or more of them, as they shall think reasonable concerning the same. Officers refusing to deliver up Books and Papers relating to the Trust, to be committed.

And be it further enacted by the Authority aforesaid, That all Persons, during the Time they shall sell Ale, Wine, Brandy, or other Spirituous or Fermented Liquors, by Retail, shall be incapable of holding any Place of Profit under this Act. Victuallers, &c. disqualified to hold a Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for each District, and such other Persons as shall be employed by him or them for that Purpose, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper Surveyors may dig Gravel, &c. in Waste Grounds, &c.

for the repairing of the said Road, in, upon, out of, or from, any Waste Grounds, or Commons, Rivers, or Brooks, in any Parish, Town, or Place, through which any Part of the said Road leads, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of such Materials cannot be found in or upon such Grounds or Commons, Rivers or Brooks, then to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flints, Gravel, Sand, or other Materials, proper for the Repair of the said Road, in, upon, or out of, from, and over, the Lands of any Person or Persons where the same may be had (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) they the said Surveyors, or other Persons aforesaid, having an Order from such respective Trustees, or any Five or more of them, for so doing, and paying, or tendering Payment, of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be cut, digged, gathered, and conveyed, and over which the same shall be carried; as also for the Damage done to the Owners and Occupiers of private Grounds, over which any such Materials gotten in any Waste Ground, Common, River, or Brook, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall adjudge reasonable; they the said Surveyors, or other Persons, filling up the Pits, and levelling the Ground, from which such Materials shall be so taken; and in case of any Difference between the said Trustees, Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, concerning such Damages, the Justices of the Peace at any General Quarter Session to be held for the County, Division, or Place, wherein such Lands are situate, within Six Months after any such Difference shall arise, and on Six intire Days Notice thereof to be given by such Surveyor or Surveyors to the said Owners or Occupiers, or by them to the said Surveyor or Surveyors, and to be left at his or their respective Places of Abode, shall hear and determine the said Damages; whose Order therein shall be conclusive to all Parties.

without paying for the same; levelling the Pits;

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 Ground.

Justices to determine Differences.

And

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order from the Trustees for such respective Districts, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise; and also to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the same, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same; and to lop or top, or to cut down and carry away, such Trees or Bushes as aforesaid; or to open, scour, or cleanse, such Watercourses or Ditches, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such respective Surveyor or Surveyors; the Charges whereof (to be settled by the said respective Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Surveyors may remove Annoyances,

and cleanse Ditches, &c.

Owners neglecting to remove Annoyances, &c. after Notice given them,

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Surveyor or Surveyors (by Order of the Trustees for such respective Districts, or any Five or more of them) to make, or cause to be made, Causeways and Drains in and upon the said Road, and also Ditches and Drains through any Ground lying contiguous thereto; and to erect Bridges or Arches upon the said Road, and cross any such Ditch or Drain, where necessary; and also to make, or cause to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the said Road (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made Use of by all Passengers, Cattle, and Carriages, as a publick Highway, whilst the old Road is repairing or widening, and

Surveyors may make Causeways,

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

till such Time as it shall be convenient for Passengers and Carriages to pass through the same; making such Recompence to the Owners and Occupiers of the Ground respectively through which any such Drain or temporary Road shall be made, or on which any such Arch or Bridge shall be erected; for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the Trustees for such respective Districts, or any Nine or more of them; and in case of any Difference concerning the same, or concerning the turning or conveying any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, between any Person or Persons, and the said respective Trustees, that then it shall be lawful for the Justices of the Peace assembled at any General Quarter Session to be held for the County, Division, or Place, wherein such Ground is situate, within Six Months after such Difference shall arise, finally to determine such Differences, and adjudge what Recompence shall be made to such Owners or Occupiers for such Damages.

Justices to determine Differences.

Trustees may contract for the Purchase of Lands to be taken into the Road, &c.

And be it further enacted by the Authority aforesaid, That in case the said respective Trustees, or any Seven or more of them, shall think proper to widen, turn, or alter any Part or Parts of the said Road within such respective Districts, such respective Trustees, or any Seven or more of them, are hereby impowered, from time to time, to contract and agree with the several Owners, Occupiers of, and Persons interested in, any Lands or Hereditaments lying contiguous or near to the said Road, for the Purchase of any such Lands or Hereditaments, or for the Loss or Damage such Owners, Occupiers, and Persons interested, shall thereby sustain; and out of the Tolls arising within such respective Districts, or the Money to be borrowed on the Credit thereof, to pay for such Lands or Hereditaments, and for such Loss or Damage, and also the Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, and Feoffees in Trust, Guardians and Committees for Lunaticks or Idiots, Executors, Administrators, Guardians, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Coverts, or other Person or Persons whatsoever; and to and for all Femes Coverts, who are or shall be seised in their own Right; and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments,

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

ments, to contract with the said respective Trustees, or any Seven or more of them, and sell to them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick or Corporate, Corporation Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of such Body Politick or Corporate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any Part of such Road, or through which any Part of such Road is intended to be turned or altered, shall, for the Space of Twenty one Days after such Notice given or left, 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 such Case, the said respective Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments are situate; and, in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and such Trustees, or any Seven or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge,

In case of Refusal to treat, &c.

Damages to be settled by a Jury.

judge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Coverts, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever, claiming or to claim, in Possession, Reversion, Remainder, Contingency, or otherwise, their Heirs, Executors, and Administrators; and for summoning and returning such Juries, the said respective Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands are situate, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before the said respective Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen; and the said respective 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, his Deputies, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear; or that shall refuse to be sworn on the said Jury; or, being

Verdict of the Jury to be final.

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

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

so sworn, shall refuse to give, or not giving, their Verdict; or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear; or, appearing, shall refuse to be examined, or to give Evidence; and to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied, so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, upon any One Person for One Offence.

Purchase Money charged upon the Tolls.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is hereby charged upon the Tolls in the respective District wherein the Road so to be widened or altered lies, or out of the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment, or Tender thereof, to such Persons, or their Agents; and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the Trustees for such respective District, for the Use of such Persons; and after Twenty one Days Notice thereof given to such Persons, or left with the Occupier or Occupiers of the Premisses, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the Trustees for such respective District, or any Five or more of them, to take into or add to such Road, or to turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said respective Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments, so taken into, or made Part of the said Road, shall be to all Intents and Purposes, a common Highway, and shall be repaired and kept in Repair, in such Manner as the Road hereby appointed to be repaired and widened, is by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands constituting the former Road, unless the same leads to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said respective Trustees, or any Nine or more of them, for the best Price that can be gotten for the same; the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road within such respective District, are directed to be applied.

Upon Payment, or Tender of the Purchase Money, the Trustees may make use of the Lands.

Lands taken in, to be deemed publick Highways.

Old Road may be sold.

Buildings, &c. not to be damaged.

Provided always, That this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands or Hereditaments, where he shall be concerned in Interest.

Persons, &c. liable to the Repair of the Roads, to continue so.

And be it further enacted by the Authority aforesaid, That all Persons, and the Inhabitants of every Parish and Place, and Bodies Politick and Corporate, who, before the making of this Act, have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part of the Road hereby intended to be repaired, shall still be liable to such Repairs, in the same Manner as they have heretofore usually done, or ought to do; and that the Inhabitants of the several Parishes and Places through or into which the said Road leads, who by Law are, or shall be liable to perform Statute-work, shall still be subject to and perform the same Work; and are hereby required to perform such and so many Days Work, in such Parts of the said Road as lies within such Parishes or Places, at such Times, and in such Manner, as the Trustees for the respective Districts in which such Road lies, or any Seven or more of such respective Trustees, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Parishes and Places respectively, who shall hold or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed to keep a Team, and shall perform such Work in the repairing the Highways of the several Parishes and Places, in which he or she respectively resides, as any Person keeping a Team is obliged by Law to do; and that the Surveyors of the Highways for each of the said Parishes and Places are hereby required, Once in every Year, at such Meeting of the Trustees for each of the said respective Districts, as they the said respective Trustees, or any Five or more of them, shall appoint for that Purpose (Notice in Writing thereof being fixed on all the Turnpikes erected by virtue of this Act, within each respective District, at least Ten Days before any such Meeting shall be held) to deliver to the Trustees for such Districts respectively, or any Five or more of them, assembled at every such Meeting, true and perfect Lists in Writing under the Hands of such Surveyors, the Names of all the Inhabitants of such Parishes

Persons rented at 50 l. a Year, to be deemed Team holders.

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

and

and Places respectively, who are liable to do Statute-work upon the Highways, within every such Parish and Place; and shall in all such Lists distinguish and set forth which of the said Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and if any such Surveyor for any Parish or Place shall not deliver in to the said respective Trustees, true and perfect Lists of such Inhabitants, in the Manner, and at such Times, as shall be appointed as aforesaid, every such Surveyor shall forfeit, for every such Default, the Sum of Five Pounds: And if any Inhabitant of any such Parish or Place, being liable by Law to do Statute-work upon the Highways, shall not do such Statute-work in and upon the said Road, at such Times and Places, and in such Manner, as shall be appointed and directed by the said respective Trustees, or any Five or more of them, or by their Surveyor or Surveyors, every such Inhabitant shall, for every such Default, forfeit the several Sums herein after mentioned; that is to say, Every such Inhabitant who shall keep, or by virtue of this Act be deemed to keep, a Team, for every Day's Work, the Sum of Ten Shillings; and every other Inhabitant or Person, not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Work, the Sum of One Shilling and Six Pence; and if any Person who shall come or be sent to work with a Team, or as a Labourer, on the said Road, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, in such Case such Surveyor or Surveyors may, and is and are hereby impowered and required to discharge every such Person; and it shall be esteemed and taken as if such Team or Labourer had not come or been sent to work on such Road.

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

and on Persons not performing Statute-work.

Penalty on Labourers Neglect.

Provided always, and be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, or their Surveyor or Surveyors, being impowered so to do by the said respective Trustees, or any Seven or more of them, may, and are hereby impowered to compound with the several Inhabitants of the Parishes and Places, for the several Days Statute-work to be by them respectively done upon the said Road, for such Sums of Money, by the Year, or otherwise, as they the said respective Trustees, or any Seven or more of them, or their Surveyor or Surveyors, shall think proper; which said Money shall be instantly paid, and shall be applied to the Repair of the Road in such respective Districts.

Trustees may compound with Parishes, &c. for Statute-work.

Provided

Surveyors may appeal to Quarter Sessions, to determine Statute-work.

Provided also, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being, for any of the said Parishes or Places, shall think the said respective Trustees, or their Surveyor or Surveyors, hath or have directed or appointed too large a Proportion of the Statute-work in any Parish or Place to be done on the said Roads, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace to be held for the County or Place next after such Direction or Appointment is given, in case such Direction or Appointment shall be given Ten Days before the holding such Quarter Session; and in case such Direction or Appointment shall not be given Ten Days before the holding of such Quarter Session, then such Surveyor or Surveyors may appeal to the next succeeding Quarter Session; and the Justices in such respective Quarter Session are hereby impowered finally to adjust and determine what Proportion of the Statute-work in any Parish or Place shall be done on the said Road; such Surveyor or Surveyors of the Highways as aforesaid, having first given Six intire Days Notice in Writing of such Appeal to the respective Turnpike Surveyor or Surveyors.

Penalty on drawing Timber, &c. other wise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mile-stones excepted) otherwise than upon Wheel-Carriages, or who shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel-Carriages, to drag upon any Part of such Road, to the Prejudice thereof, every such Person or Persons, for every such Offence, shall forfeit the Sum of Twenty Shillings.

Road to be measured and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall cause the Road, within their Districts, to be measured, and Stones or Posts to be set up, in, upon, or near, the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and if any Person or Persons shall wilfully pull down, break, or damage, any of the said Stones or Posts, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted, upon Oath, by One or more credible Witness or Witnesses, or by his own Confession, before any

Penalty on defacing Mile-stones, &c.

Justice of the Peace for the County or Place wherein the Offence shall be committed (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the House of Correction, there to be kept to hard Labour, for any Time not exceeding Two Months; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures when recovered, how to be applied,

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of Peace of the County or Place wherein the respective Offender or Offenders shall reside, or the Offence be committed, either by the Confession of such Party or Parties, or by the Oath of One Witness (which Oath any such Justice is hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice of the Peace; which Warrant or Warrants any such Justice is hereby impowered to grant for those Purposes; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties and Forfeitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to the Trustees for the District wherein, or in relation whereto, the Offence was committed, or to their Treasurer; and applied in the Repair of the Road within such District; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by

a Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the County or Place; there to remain without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise, within Six Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Six intire Days Notice at the least in Writing, of his or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the Trustees for the District in relation whereto such Appeal is brought; and within Two Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of the said Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine such Appeal, in a summary Way; and if they see Cause, may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties; or vacate and set aside any Conviction or Convictions of any Justice or Justices of the Peace; or otherwise may ratify and confirm the same; and award such Costs as they shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

Notice of Appeal to be given,

and Recognizance to be entered into.

Proceedings not to be quashed for want of Form,

nor removeable by *Certiorari*.

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form; nor shall be removed or removeable by Certiorari, or other Writ or Process, into any of his Majesty's Courts of Record at Westminster; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful; nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Want of Form in, or Defect of Summons, Conviction, Notice, Warrant of Distress,

Distress not to be deemed unlawful for Want of Form, nor shall the Party distraining be deemed a Trespasser.

or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage, in an Action upon the Case; but no Plaintiff shall recover in any Action, for any such Irregularity as aforesaid, Trespass, or other wrongful Proceedings, by virtue of this Act, if Tender of Amends shall be made before such Action is brought, by or on Behalf of the Party or Parties who shall commit, or cause to be committed, any such Irregularities, Trespass, or wrongful Proceedings.

Plaintiff not to recover if Tender of Amends be made.

And be it further enacted by the Authority aforesaid, That all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted, or entered into, by or on the Behalf of the Trustees acting in each District, or any of them; and all Orders, Acts, and Proceedings of such Trustees in the Execution of this Act, shall be entered in One or more Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, for such respective Districts; and that all and every Person and Persons whomsoever, may take Copies of all or any Part of such Book or Books, paying for every Copy not exceeding One hundred Words Six Pence, and so proportionably for any greater Number of Words; and all such Orders, so entered, shall be signed by any Five or more of the said Trustees as the Case shall require; and such Orders so signed, shall be deemed and taken to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance of this Act.

Proceedings to be entered in a Book.

Copies may be taken thereof.

Books may be produced and read in Evidence in Cases of Appeals.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Information, Appointment, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Order made by the said respective Trustees, or any Five or more of them, in, for, or concerning the Execution

No Order to be repealed, unless 11 Trustees be present.

Execution of the Trusts and Authorities of this Act, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the Trustees, unless Eleven Trustees shall be present at a Meeting to be held for that Purpose; of which Ten Days previous Notice in Writing shall be given upon all the Turnpikes within the respective District.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Tolls, Authorities, and Powers, hereby granted and made payable, shall commence and have Continuance from the Day of the passing of this Act, for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not elsewhere; and the Defendant or Defendants in

General Issue.

all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid or brought in any other County or Place, than as aforesaid; the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Suit shall become Nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants therein, then and in either of the said Cases aforesaid, such Defendant

Triple Costs.

or Defendants shall have Triple Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Publick Act.

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

FINIS.