Anno decimo

Georgii III. Regis.

An Act for the repairing, widening, and keeping in Repair, the Road leading from the *Eaton Bridge* Turnpike Road at *Cockham Hill*, in the Pariſh of *Weſterham*, in the County of *Kent*, through the Village of *Limpsfield*, to the Village of *Titſey*, over *Botley Hill*, *Worms Heath*, and *Willingham Common*, to the Turnpike Road leading from *Croydon* to *Godſtone*, in the County of *Surry*.



WHEREAS the Road leading from the Eaton Bridge Turnpike Road at Cockam Hill, in the Pariſh of Weſterham, in the County of Kent, by Kent Hatch, through the Village of Limpsfield, to the Village of Titſey, over Botley Hill, Worms Heath, and Willingham Common, to the Turnpike Road from Croydon to Godſtone, in the County of Surry; is very narrow and incommodious to Travellers in many Places, and cannot be effectually amended, Preamble.

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 Sir Anthony Thomas Abdy Baronet, Vincent Biscoe, John Bodicote, John Bodicote Clerk, George Bostock, James Bradshaw, William Bridges, Robert Burgis, James Burrow, Sir Robert Clayton Baronet, John Cook, the Reverend Downes, Thomas Ellison, Anthony Farrington, the Reverend Utrecht Featherstonhaugh, Henry Flitcroft, Sir John Gresham Baronet, Edward Gresham, John Griffies Clerk, John Heaton, the Reverend Hemington, Nathaniel Houlton, John Hughes, George Lewis Jones Clerk, John Jones Clerk, the Reverend George Lewis, the Reverend Marmaduke Lewis, James Lowe, Legh Masters, John M^cGuire, Doctor John Nash, the Reverend Peach, John Peach, Thomas Price, Samuel, Savage, Frederick Standart, Thomas Streatfield of Oxsted, John Thomas D. D. Sir Francis Vincent Baronet, John Ward, Thomas Whitaker, Thomas Wigsell, George Wombwell, John Wyatt, and their Successors, to be elected in Manner herein after mentioned, shall be, and are hereby appointed Trustees for putting in Execution all the Powers in and by this Act given and granted.

Trustees Names.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of William Eldridge, known by the Sign of the White Hart, in Limpsfield, in the said County of Surry, on the Second Saturday after the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to meet at such Place or Places near the said Road, as they the said 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 appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall from Time to Time, as often as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next

Time and Place of Trustees Meeting.

next after the Day for which such last Meeting was appointed; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order and Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine shall be present and concur therein; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only where they shall be personally interested.

Trustees to defray their own Expences.

No Order to be revoked, unless 9 Trustees shall agree thereto.

No Trustee to hold any Place of Profit.

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

Provided always, That if upon any Emergency a Meeting of the said Trustees shall be necessary to be held before the Time appointed by virtue of any Adjournment or Appointment to be made as aforesaid shall come; then and in such Case the said Trustees, or any Five or more of them, or the said Clerk at their Request, shall or may give Ten Days Notice at least in Writing, to be affixed on the said several Turnpike Gates as aforesaid, of the Time and Place of holding any such Meeting, and in such Notice shall be specified the particular Business intended to be done and transacted thereat; and which Business the said Trustees, or the major Part of them present at such Meeting, may do and transact, if they think proper; but any other Business done and transacted at such Meeting, other than shall be so specified in every such Notice thereof as aforesaid, shall be to all Intents and Purposes void and of none Effect.

Occasional Meetings may be held.

Notice of Meetings.

And be it further enacted, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen by virtue of this Act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, from Time to Time to elect One other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed upon all the Turnpikes erected by virtue of this Act, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers, for putting this

On Death, or Refusal to act, new Trustees to be chosen.

Notice thereof to be given.

Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification of Trustees.

Provided nevertheless, and be it further enacted, 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 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 Fifty Pounds above Reprizes; or possessed of a Personal Estate of the Value of One thousand five 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 Two hundred Pounds: And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning hereof, 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 by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Trustees may erect Turnpikes, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, or any such Person or Persons as they, or any Seven or more of them, shall appoint, shall and may erect One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes upon, in, or across any Part or Parts, Place or Places of the said Road, and also One or more Toll-house or Toll-houses, with suitable Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Road, or any Part or Parts thereof, as many Garden-spots as there shall be Toll-houses thereupon, suitable and convenient for such respective Toll-house or Toll-houses, and pull down and remove the same, as they the said Trustees, or any Seven or more of them, shall judge proper; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint to receive the same, at each of the said Turnpikes, Bars, or Gates, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same; that is to say,

and take Tolls thereat.

For

The Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing in any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Hearſe, or Chair, the Sum of Four-pence.

For every Horſe or other Beaſt, drawing in any Waggon, Wain, Wheel Car, Cart, Tumbrel, Carriage, or Sledge, the Sum of Three-pence.

For every Horſe, Mare, Gelding, Mule, or other Beaſt, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or 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, Swine, Sheep, or Lambs, the Sum of Five-pence per Score, and ſo in proportion for any greater or leſs Number.

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, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting of ſuch Tolls, to ſeize and diſtrain any Horſe or Cattle, Beaſt, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods and Chattels 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 Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattels ſo diſtrained; returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted; and all Tolls collected or levied by this Act ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after mentioned.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may 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 Road hereby intended to be repaired, and upon, in, near unto, or acroſs any Lane or Bye-way, that

Truſtees may erect Side-gates, and take Tolls thereat.

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 the Turnpike or Turnpikes to be erected by virtue thereof, so as the same do not extend to a Double Charge upon any Person or Persons passing the same Day, through any other of the Gates or Turnpikes to be erected by virtue of this Act.

Turnpikes and Toll-houses, &c. vested in Trustees.

And be it further enacted, 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 the Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; 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 Possession thereof.

Expences of this Act how to be paid.

And be it further enacted, That out of the Tolls collected and levied, or out of the Monies to be borrowed upon the Credit thereof, the said Trustees, or any Five or more of them, shall, in the first Place, pay all the Expences incurred in, and relating to, the obtaining of this Act; and afterwards all such Tolls and Monies shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, altering, widening, turning, and keeping in Repair the said Road, and of executing the other Purposes of this Act, and to no other Use whatsoever.

Application of the Tolls.

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

And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through any Gate, Land, Ground, or Hereditaments, lying near any Turnpike or Side-gate, which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of such Gate, Ground, Land, or Hereditament, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, 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

any such Turnpike with any Horse or other Cattle or Beast, 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, Cattle, or Beast, with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Five Pounds; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

Exemptions from Toll.

Provided always, and be it further enacted, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, laden only with or going unladen for, or returning unladen having been laden only on the same Day with Gravel, Stones, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Marl, Compost, or Manure employed in Husbandry for manuring or improving of Lands (Chalk, Lime, Ashes, and Soot excepted) or for any Person or Persons residing in any Township or Parish in which the said Road lies, and a Turnpike or Gate shall be erected, going to or from their proper Parochial Church, Chapel, or other Place of Religious Worship on the Sabbath Day or Sunday, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Kent or Surry 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 Exemptions by this Act granted, not being intitled to the same, such Person

shall forfeit for every such Offence the Sum of Forty Shillings.

Tolls how to be paid.

Provided also, and be it further enacted, That no Person or Persons shall be liable to pay Toll for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through the same Toll-gate or Turnpike more than Once in One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; but all and every Person and Persons, having paid Toll Once at any Side-gate or Turnpike to be erected by virtue of this Act, and producing a Note or Ticket denoting the Payment of such Toll, which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll, shall afterwards repass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day through the same Gate or Turnpike; but in case any Person or Persons shall pass through any Gate or Turnpike a Third Time with the same or any Carriage whatsoever, then and in that Case such Person or Persons shall again be liable to pay the said Toll; any Thing herein contained to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, upon One Month's Notice to be given thereof by Writing under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from Time to Time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be got for the same; payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Trustees to appoint Officers, &c.

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 choose 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 choose and appoint One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said

ſaid Road, and to ſee that the ſame is 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 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 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 thereto 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 Road; 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 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 Writing or Writings under their Hands, authoriſe 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 Monies 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, or 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 ſaid

and may remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers refuſing to account,

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 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,

Justices to inquire into the Default,

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

and, on Conviction, commit the Offender,

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

until Payment or Composition made.

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 authorised 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.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and 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

Trustees may appoint Officers,

any Seven or more of them, shall and may, by Writing under their Hands, from Time to Time appoint such Treasurers, Receivers, and Collectors, as they shall think fit; and which Treasurers, Receivers, and Collectors, the said Trustees, or any Seven or more of them,

and may remove them,

may

may at any Time discharge from his, her, or their Office or Offices.

Collectors may be appointed although not at a Meeting.

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

Victuallers, &c. not to enjoy Places of Profit.

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyors, and such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Chalk, Furze, Heath, Sand, Stones, or other Materials, in and out of any River, Brook, Waste, or Common, in any Parish, Town, Village, or Hamlet, in the said Counties of Kent and Surry, proper and convenient for repairing and amending the Road aforesaid, 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 Road aforesaid, paying such Rates for such Materials, and for the Damage done to the Owner and Owners respectively of the Grounds where and from whence the same shall be digged, gather-

without paying for the same,

levelling the Pits;

or from private Grounds,

making Satisfaction to the Owners.

ed, 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 Road, or any Five or more of them, shall adjudge reasonable.

Surveyors may remove Annoyances.

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 Five or more of them, under their Hands) from Time to Time to remove and prevent all Annoyances on or in any Part of the Road aforesaid by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to, or running into or out of the said Road, to the Prejudice thereof, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or the Hedges and Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Two or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; 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 Forty Shillings.

Owners neglecting to scour their Watercourses after Notice,

Charges to be reimbursed the Surveyor.

Penalty on a Second Offence.

Surveyors may make Causeways, &c.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto;

thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Road, or across any such Ditch or Drain where necessary; and to divert and turn the said Road and Highway over any Part of the Lands, Commons, and Waste Grounds, contiguous and adjoining or lying near thereto, and particularly the Road from Limpsfield to Botley Hill, in Manner herein after expressed; and also to widen any narrow Parts of the said Road by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road not exceeding Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Grounds respectively not being the Grounds where any House stands, or 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 as a publick Highway, whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground or Common; and if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in cutting, digging, taking, or carrying away, of any Materials for the altering, widening, or repairing of the said Road, or in removing of any Annoyances from the same, or in cutting down, lopping, or topping, of any such Trees, Shrubs, Hedge-rows, or Bushes, as aforesaid, or in removing or carrying away the same, or in turning away, cleansing, scouring, widening, or making deeper, any such Watercourses or Ditches as aforesaid, or in making any Causeways, Ditches, or Drains, or erecting Bridges, or in doing any other Act in or for the repairing, widening, or altering the said Road, or otherwise in or for the Execution of any of the Powers by this Act given; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied, recovered, and applied, in such Manner as the

erect Bridges,

widen the narrow Part of the Road.

and make a temporary Road;

making Satisfaction to the Owners.

Penalty on interrupting Surveyor in his Duty.

the other Penalties by this Act inflicted are directed to be recovered and applied.

Road may be turned over Moors, &c. without paying for the same.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall be and are hereby impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Road through any Moor, Common, or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall and may be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and also for all Persons whomsoever seised of, or interested in, or intitled unto, such Lands, Tenements, or Hereditaments, in Mortmain, or any other Ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whomsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons whomsoever, and to and for all Femes-covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in, any such Lands or Hereditaments, under any Manner of Right or Title whatsoever, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; or to contract for and give in Exchange any Part or Parts of the said new Roads or Paths so to be made as aforesaid, for the said old Road or Paths so to be diverted or altered as aforesaid, or for any Part or Parts thereof: And all Contracts, Exchanges, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, or other Matter whatsoever to the contrary notwithstanding:

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

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

notwithstanding: And all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Persons seised in Mortmain or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons whomsoever, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain or in Right of the Church, Husbands, Guardians, Trustees, Feoffees, 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 Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees, or any Seven 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 Premises (which Oath any Two or more of the said 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 Information in the Premises; 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, and determine the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners 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,

Where Persons refuse to treat, &c.

Jury to settle the Damage and Recompence.

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, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Persons seised or intitled in Mortmain or in Right of the Church, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County where such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said 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 summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven 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 either 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 when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or that shall refuse to be sworn on the said Jury, or being 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 which Fine

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

Jurors may be challenged.

Trustees may impose a Fine.

or

or Fines shall be levied, and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine shall be more than Five Pounds, nor less than Forty Shillings, for One Offence. Fine not to exceed 5 *l.* nor be less than 40 *s.*

And, in order to avoid the Ascent at Botley Hill, and that the Road may be made more easy and commodious, it is further enacted, That the Road hereby intended to be repaired shall be turned, carried, and diverted from the Blacksmith's Shop at the Bottom of the said Village of Limpsfield across the Meadows and the Village of Titsey, and from thence to the Top of Botley Hill aforesaid. Direction of the Road from *Limpsfield* to the Top of *Botley Hill*.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to stop up, or cause to be stopped up and discontinued, a certain Lane and Footway leading from the Bottom of Botley Hill aforesaid to Titsey Place, when and in such Manner as they the said Trustees, or any Seven or more of them, shall think fit; and that it shall not be lawful for any Person or Persons whomsoever during the Continuance of this Act, on Foot, or with any Horses, Cattle, or Carriages, to make use of the same. Road from *Botley Hill* to *Titsey Place* to be stopt up.

Provided always, That after the said Lane and Way from the Bottom of Botley Hill to Titsey Place aforesaid, shall be stopped up and discontinued by virtue of this Act, the Occupier or Occupiers, and Inhabitants of the Farm-house called Lodge or Park-Farm, near the Bottom of Botley Hill aforesaid, now in the Occupation of Richard Palmer, and his and their Workmen and Servants, shall and may pass and repass upon and over all or any Part of the said Road hereby intended to be repaired, with Horses, Cattle, Carts, and Carriages, without paying for the same any Toll or Duty at any Gate or Gates to be erected by virtue of this Act; any Thing in this Act contained to the contrary notwithstanding. Occupiers of *Park-Farm*, exempted from Toll.

And be it further enacted, That every Sum of Money or Recompence, to be agreed for or assessed as aforesaid, shall be paid out of the Tolls arising by virtue of this Act, or out of the Monies to be borrowed upon the Credit thereof, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Treasurer to the said Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Seven or more of them, to divert or turn such Road through such Lands or Hereditaments, and to Money allowed for Lands, &c. how to be charged and tendered.

do all and every such Act, Matter and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Road as shall be diverted or turned through any private Grounds, to be ditched and fenced off from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts by virtue of this Act, shall be for ever thereafter, 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, is by this or any other Law to be amended; and from thenceforth all Persons and Parties whatsoever, shall be divested of all such Right and Title to such Lands and Hereditaments; and after any such new Road shall be compleated, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or 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 Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the said Road by this Act directed to be repaired; or the said Trustees, or any Seven or more of them, may and are hereby impowered to give in Exchange any Part or Parts of the Lands so constituting the former Road for any Part or Parts of such new Road: But 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, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithstanding.

Lands when purchased to be made Part of the Road, and kept in Repair as such.

Old Road may be sold,

or given in Exchange.

Houses, &c. not to be injured.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments so to be taken into the said Road, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at their first or any subsequent Meeting, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they the said Trustees, or any Seven or more of them, shall think proper, to borrow and take at legal or less Interest, such Sum or Sums of Money as they, or any Seven or more of them, shall think fit; and also they the said Trustees, or any Seven or more of them, may

Tolls may be assigned for Money borrowed.

and are hereby impowered from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, or any Part or Parts thereof (the Charges of such original 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; 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 the said Trustees; and all and every Person and Persons to whom such Mortgage or Assignment shall be made, or who shall be entitled to the Money thereby secured, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured: All which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Three Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall entitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon: And all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree with one another; and shall have no Preference in respect to the Priority of advancing any such Monies.

Assignments may be transferred.

Assignments to be entered in a Book.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

Notice to be given of borrowing Money

Provided always, and it is hereby enacted and declared, That no Money shall be borrowed by the said Trustees, on the Credit of the said Tolls and Duties, after the First Meeting, unless Notice for that Purpose be fixed in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpikes erected by virtue of this Act, at least Ten Days before borrowing such Money.

Persons liable to repair the Road, to continue so.

And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuites, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repairs thereof, in such Manner as they were before the making of this Act; and that all Inhabitants of the Townships, Parishes, and Places in which any Part of the said Road lies, and all other Persons liable to perform the Work commonly called Statute-work upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements or Hereditaments of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do; and that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places in which any Part of the said Road lies, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly, and every Year, within Ten Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing under his, her, or their Hand or Hands of the Christian and Surname of every Person, who within such respective Townships, Parishes, and Places are liable to do Statute-work; and shall distinguish in such Lists, which of such Persons shall, or 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 the Statute-work shall be done by all such Persons on such Parts of the Roads hereby intended to be repaired as lie within such respective Townships,

Persons renting 50 *l.* a Year, deemed Teamholders.

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

Parishes, and Places, in such Manner and at such Times as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors shall, from Time to Time, direct or appoint, so that no more than Two Days Work shall be done by any One Person or Team on the said Road in One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, and Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time and Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Road, shall give Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, or Churchwarden or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team 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 Default the Sum of One Shilling and Sixpence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with any Team to work upon the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the said Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures beforementioned; and all Persons doing such Days Work on the said Road as aforesaid shall not be liable to do any other Statute-work thereon.

Penalty on Surveyors not delivering in such Lists;

and on Persons not performing Statute-work.

Labourers found idle, to be turned off.

Provided always, and be it enacted, That it shall be lawful to and for the said Trustees, or any Five or more

Trustees may compound for Statute-work.

more of them, to compound or agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or with any Person or Persons for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships or Places, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road; all which Composition-monies shall be, from Time to Time, paid in Advance, and be applied in Repair of the said Road; and all such Surveyors, Churchwardens, or Overseers of the Poor shall be reimbursed the Money by them paid, in such Manner as the Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound with Travellers.

And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby impowered from Time to Time, as they shall think fit, to compound or agree by the Year or otherwise, with any Person or Persons using to travel through the Turnpikes to be erected in or upon the Road to be repaired by virtue of this Act, with any Horses, Cattle, Beasts, or Carriages, for any Sum or Sums of Money, for and in lieu of Payment of any of the said Tolls or Duties, to be paid Quarterly from Time to Time after such Agreement shall be made; Copies of 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 Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which Book or Books shall and may be seen and perused by any Person or Persons whomsoever without Fee or Reward.

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

And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon

Wheel-

Wheel-carriages; or 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 shall, for every such Offence, forfeit the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, may cause the said Road 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 every Town or Place, as they shall think fit: And if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, 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 or her own Confession, before any Justice of the Peace for the County or Place wherein such 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 Penalties are herein after directed to be applied; and in case such Penalties shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months, nor less than One Calendar Month, unless such Forfeiture and all reasonable Charges shall be sooner paid; and every such Offender shall and may in either of the said Cases, 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 before any Justice of the Peace, to be dealt with according to Law, and the Direction of this Act.

Penalty on defacing Mile-stones.

On Non-payment, Offender to be committed.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the Penalties, Forfeitures, and Fines hereby inflicted or authorised to be imposed (the Manner of levying and recovering whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Of-

fender shall be or resde, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for that Purpose); and the Overplus, after such Penalties, Forfeitures, and Fines, 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 Chattels; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from Time to Time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Road; and in case sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorised and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Pealties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Overplus Money to be returned to the Owner.

For want of Distress, Offender to be committed.

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-sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall have arisen; such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace of such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter-session; and the said Justices at the said Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering

Notice of Appeal to be given.

Recognizance to be entered into, &c.

ing into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Trustees shall think proper; and the Determination of such Quarter-sessions shall be final, binding, and conclusive to all Intents and Purposes.

Distress not to be deemed unlawful for want of Form;

And be it further enacted, That 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 Defect or Want of Form in the Summons, Conviction, Notice, Warrant, or Distress, 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.

nor the Party distraining deemed a Trespasser *ab initio*.

Writings to be without Stamps.

Provided always, and be it enacted, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, 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, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in Books.

And it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Clerk or Clerks at any Meeting of Four or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books to be read in Evidence.

Proceedings not to be quashed for want of Form;

And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done and transacted in or relating to the

not removeable by *Certiorari.*

the Execution of this Act, shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, shall and may at his Election, plead specially, or

General Issue.

the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover

Treble Costs.

Treble Costs; and have such Remedy for the same, as any Defendant or Defendants have or hath in other Cases by Law.

Commencement and Continuance of this Act.

And be it further enacted, That this Act shall commence and have Continuance from the Day of passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

Publick Act.

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

FINIS.