Anno decimo

Georgii III. Regis.

An Act for repairing and widening the Roads leading from *Brighthelmston*, to the *County Oak* on *Lovell Heath*, in the County of *Sussex*.

WHEREAS the Roads leading from the Town of Brighthelmston, in the County of Sussex, through the Parishes of Preston, Patcham, Piecombe, and Clayton, to a certain Place called Stone Pond, in the said Parish of Clayton; and from thence to and over Saint John's Common, by Ansty Cross, and to and through the Parish and Town of Cuckfield, and from thence to and through a certain Place called Hand Cross, in the Parish of Slaugham; and from thence by a Place called Pease Pottage Gate, to and through the Parish and Town of Crawley, to the County Oak on Lovell Heath, in the said County; are ruinous, and in many Places very narrow and incommodious, Preamble.

modious, and liable to great Obſtructions in Time of Floods for want of Bridges or ſafe Fords, and cannot be effectually repaired, widened, and rendered commodious by the preſent Methods provided by Law: 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

Truſtees.

Abel Aldridge, John Aldridge, Thomas Arnold, John Arnold, John Aſhfold, Richard Aſhford, John Allington, Nathaniel Avery, Thomas Avery, Charles Aſhburnham Clerk, Peter Burrell, William Burrell, Samuel Blunt, Colvill Bridger, Charles Bridger, Bulkley, William Board, Walter Batchelor, John Brappel, Nathaniel Blaker, Thomas Barber, Richard Burt, William Bradford, William Borrer, Alexander Bridges, William Bridgen, James Burtenſhaw, John Burtenſhaw, John Burt, Jonathan Betchley, James Butler, Stephen Brice ſenior, Edward Bury, John Bodle, George Beard Clerk, Timothy Burrell Clerk, Timothy Browne Clerk, Charles Cocks, William Campion, Henry Courthop Campion, William Campion junior, Edward Campion, George Courthop, George Courthope junior, Thomas Cobby, James Clitherow, Philip Clitherow, James Cooke, William Clutton, Michael Chatfield, Charles Chatfield, Walter Chatfield, James Cooke Apothecary, Thomas Compton, Richard Cooper, Gibbs Crawfurd, Dennis Clarke, D. D. John Chatfield Clerk, Charles Dennett, Thomas Dennett, Richard Dungate, John Dungate, Chriſtopher Dodſon Clerk, John Dodſon Clerk, Charles Dodſon Clerk, George Raymond Evelyn, Siderick Elgar, Roſe Fuller, John Fuller of Morehouſe, Joſeph Farncombe, William Faulconer, Thomas Field, the Right honourable William Hall Lord Viſcount Gage, Sir Henry Goring Baronet, Charles Goring, Thomas Grainger, John Grainger, Henry Gatland, Edward Gatland, Charles Grainger Clerk, Richard Harcourt, Thomas Hay, Henry Humphrey, John Hamſhar, Richard Hamſhar, Holmes, John Hickes, Hayman, Edward Hards, Francis Hamlin, John Hamlin, Thomas Harman, Peter Holford, Robert Hart, Richard Hodd, John Holmwood, William Hayley Clerk, John Hoper Clerk, William Hopkins Clerk, Stephen Hooker, William Holman, William Hamſhar, John Haynes, Thomas Jackſon, Henry Jackſon, Francis Jefferſon, Samuel Jeffries Clerk, William Kempe of South Malling, Henry Kipping, Thomas Kempe, John Kempe, Thomas Kennard, Charles

Charles Langford, George Lowdell, Richard Lemon, Thomas Lintott, John Henry Lintott, John Linfield, William Linfield, John Lintott, John Laughan, Stephen Laughan, James Lloyd, Robert Leach, George Medley, John Meggott, Thomas Milward, William Marchant, Thomas Marchant, John Mill, John Mill junior, William Marten, Thomas Marten, George Martin, James Morris Clerk, William Marchant Clerk, John Margeſſon, James Margeſſon, John Marſhall, Nathaniel Newnham, John Newnham, George Lewis Newnham, Thomas Newnham, Nathaniel Newnham junior, William Newnham, William Newnham of Ardingly, John Newnham of Ardingly, Thomas Norton, John Norton, James Norton, William Nicholas, John Napper, Hungerford Oliver, William Oſborne, John Oſborne Clerk, the Honourable Thomas Pelham, the Honourable Henry Pelham, Sir Ferdinando Poole Baronet, John Pelham, Henry Pelham, William Poole, Henry Poole, John Paine, Ralph Payne, Thomas Holles Payne, William Powell, Richard Penfold, Nicholas Place, William Weſtbrook Richardſon, William Rogers, Thomas Rogers, James Ridge, Stephen Rickwood, the Right Honourable John Shelley, Henry Shelley, Thomas Steele, Michael Sergiſon, John Shelley of Field-place, Charles Scraſe, John Scraſe, Richard Scraſe, Henry Smither, Bartholomew Smither, Thomas Scutt, Samuel Shergold, Philip Soal, Luke Spence, William Scraſe, Henry Thrale, Richard Tidy, William Turner, Nathaniel Tredcroft, the Honourable George Venables Vernon, John Vallance, William Uwins, Thomas Uwins, Sir Thomas Spencer Wilſon Baronet, Francis Warden, James Wood, Henry Wood, Charles Weſtern, Thomas Walſingham Weſtern, Edward Wilſon ſenior, Edward Wilſon junior, John Wood, Henry Wood of Shermanbury, James Wood of Park, Henry Wood of Hurſtperpoint, Jaſper Ward, the Honourable John Yorke, and their Succeſſors, to be elected in the Manner herein after-mentioned, ſhall be and are hereby appointed Truſtees for putting in Execution all the Powers in and by this Act granted.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of Thomas Bartlett, known by the Sign of the Royal Oak, at Huſtperpoint, in the ſaid County of Suſſex, on the Twenty-firſt Day next 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 the Fourteenth Day 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 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 or Determination shall be made, unless the Majority of the Trustees present at the Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees 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 Peace in the Execution of this Act, notwithstanding their being Trustees.

In Default of a sufficient Number to act, Notice to be given of another Meeting;

Trustees to defray their own Expences.

No Act valid except at a publick Meeting.

No Order to be repealed unless Nine Trustees present.

Trustees not to hold any Place of Profit, but may act as Justices.

And be it further enacted by the Authority aforesaid, 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 Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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

Notice of Election to be given.

Provided

Provided nevertheless, 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 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 above Reprizes; or possessed of or intitled unto a Personal Estate 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 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 Essoin, 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.

Qualification of Trustees.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, 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 Gate or Gates, Turnpike or Turnpikes, upon, in, or across any Part or Parts of the said Roads, and also One or more Toll-house or Houses, with suitable Out-buildings thereto, in and upon the same; and also shall and may take in and inclose from the said Roads, or any Part or Parts thereof, as many Garden Spots as there shall be Toll-houses thereupon, suitable and convenient for each respective 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, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the said Gates or Turnpikes to be respectively erected on any Part of the said Roads between the Towns of Brighthelmston and Cuckfield, and the said Town

Trustees may erect Turnpikes and Toll-houses.

of Cuckfield and the County Oak on Lovell Heath aforesaid; that is to say,

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Four-pence.

For every Horse, Mare, Gelding, Mule, or other Beast, laden or unladen and not drawing, the Sum of Two-pence.

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, Hogs, Swine, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.

Tolls may to 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 Demad 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 distrained shall or may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattels so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and all the Tolls collected or levied by virtue of 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.

Distress may be sold after 4 Days.

Trustees may erected Side-gates,

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Roads, and upon, in, or across any Lane or Bye-way that does or shall lead into or out of the same; and at such Gate or Gates, Turnpike or Turnpikes, to receive and take such Tolls as are by

by this Act granted and made payable at any 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, save and except as is herein after provided and declared.

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

And be it further enacted, That no Turnpike, Bar, Side-gate, or Cross-gate shall be set up or erected within Three Quarters of a Mile of the Town of Brighthelmston aforesaid.

No Turnpike within 3-4ths of a Mile of *Brighthelmston*.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That all and every of the said Tolls and Duties being paid at any One of the said Bars, Gates, or Turnpikes so to be erected, by virtue of this Act as aforesaid, on any of the said Roads hereby directed to be repaired between the Towns of Brighthelmston and Cuckfield, shall not be looked upon, or deemed to be an Exemption from the Payment of the like Tolls and Duties at any other of the said Bars, Gates, or Turnpikes to be erected between the said Town of Cuckfield and the County Oak on Lovell Heath; but that the same Tolls and Duties shall be paid Twice between the Town of Brighthelmston and the County Oak on Lovell Heath aforesaid, for all Horses, Cattle, Carriages, and other Things above-mentioned; that is to say, Once at the Bars, Gates, or Turnpikes to be erected between the Towns of Brighthelmston and Cuckfield aforesaid, and Once between the Town of Cuckfield and the County Oak on Lovell Heath aforesaid; any Thing in this Act contained to the contrary thereof notwithstanding.

Tolls to be paid at several Gates.

Provided also, and it is hereby enacted by the Authority aforesaid, That no more than Two Tolls in the Whole shall be demanded or taken from any Person for Once passing and repassing the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the succeeding Night) with the same Horses, Cattle, Beasts, and Carriages, through all the said Toll-gates or Turnpikes so to be erected by virtue of this Act between Brighthelmston and the County Oak on Lovell Heath aforesaid; but that all and every Person and Persons having paid the said Two Tolls in the Whole, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis) shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages, Toll-free, through all the Turnpikes or Toll-gates to be erected on the said Roads

What Number of Tolls to be taken.

by this Act intended to be repaired by virtue thereof; but if any Person or Persons shall pass through any Gate or Turnpike a Third Time with the same Horses, Cattle, Beasts, or Carriages, then, and in that Case, such Person or Persons shall again be liable to pay the said Toll, and so toties quoties for every Third Time the said Person or Persons shall pass, the same Day, through the same Gate or Turnpike on the said Roads, with the said Horses, Cattle, Beasts, or Carriages as aforesaid.

No more than One Toll to be paid for passing and repassing the same Day between *Brighthelmston* and *Cuckfield*,

Provided also, and it is hereby enacted by the Authority aforesaid, That no more than One Toll shall be demanded or taken from any Person or Persons for Once passing and repassing the same Day with the same Horses, Cattle, Beasts, or Carriages through all the said Gates or Turnpikes to be erected on any of the said Roads hereby directed to be repaired between Brighthelmston and Cuckfield; nor shall any more than One Toll be taken or demanded from any Person or Persons for Once passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages through all the said Gates or Turnpikes to be erected between Cuckfield and the County Oak on Lovell Heath; but that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets as aforesaid, shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, or Carriages Toll-free through all the Turnpikes or Toll-gates to be erected on the said Roads between the respective Places aforesaid: But if any Person or Persons shall pass through any Gate or Turnpike between the respective Place aforesaid a Third Time with the same Horses, Cattle, Beasts, or Carriages; then, and in that Case, such Person or Persons shall again be liable to pay the said Toll, and so toties quoties for every Third Time the said Person shall pass, the same Day, through the same Gate or Turnpike on the said Roads between the respective Places aforesaid, with such Horses, Cattle, Beasts, or Carriages aforesaid.

and between *Cuckfield* and the *County Oak*;

but a new Toll to be paid every Third Time.

No Toll to be taken at *Cuckfield* Turnpike,

till 3 Miles of Road be amended.

Provided also, and be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken at any Gate to be erected by virtue of this Act at or near the Town of Cuckfield, till such Time as the said Road leading from Cuckfield to the said County Oak on Lovell Heath, shall be properly amended Three Miles in Length from the said Town of Cuckfield towards the said County Oak; any Thing herein contained to the contrary thereof notwithstanding.

And

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 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 the Possession thereof. Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, 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 in relation 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, widening, altering, turning, and keeping in Repair the said Roads, and of executing the other Purposes of this Act, and to no other Use whatsoever. Expences of passing this Act to be first paid. Application of the Monies.

Provided always, and be it enacted, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied to the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the Roads, by this Act directed to be widened and repaired, shall lead. Pavements in Towns not to be repaired.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First Meeting, and from Time to Time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and the said Trustees, or any Seven or more of them, may from Time to Time direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions (except as aforesaid) at the Turnpikes, as they the said Trustees Trustees may reduce the Tolls, and raise them again,

Truſtees, or any Seven or more of them ſhall think fit; and ſuch reduced Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the ſaid Tolls are directed to be collected, levied, and applied: But no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting, unleſs the Perſon or Perſons who ſhall be intitled to Two Thirds of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch ſubſequent Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Fourteen Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act.

with Conſent of Creditors.

Notice thereof to be given.

Carriages laden with Timber, &c. at what Time to pay double Tolls.

Provided always, and it is hereby enacted by the Authority aforeſaid, That all and every Carriage and Carriages laden with Timber, Plank, Boards, Wood, Hay, or Straw, for Sale, Brick, or Tiles, Gun, or any other Iron, Hop-poles, or Chalk, paſſing through any Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act, between the Twentieth Day of October and the Firſt Day of April in every Year, ſhall pay double Tolls or Duties at each Gate or Turnpike through which ſuch Carriage or Carriages whatſoever ſo laden ſhall paſs; any Thing in this Act contained to the contrary thereof notwithſtanding.

Truſtees may leaſe the Tolls.

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

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage paſs through any Land, Ground, or Hereditament lying near any Turnpike which ſhall be erected by virtue of this Act (the ſame not being a publick Highway);

Highway); or if any Owner or Occupier of any such 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 of 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 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 Roads 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.

or giving or receiving Tickets,

or taking off Horses to avoid Payment of the Toll.

Provided always, and be it further enacted by the Authority aforesaid, 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 with on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Townships or Parishes in which such Roads do 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 or Lime excepted); or for any Person or Persons residing in any Township or Parish in which the said Road lies, 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

Exemptions from Tolls.

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 Sussex or Surry during the Time of such Election; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person shall forfeit for every such Offence the Sum of Forty Shillings.

Penalty on making undue Claims.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, 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 up at legal or less Interest such Sum and 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 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 borrowed, and the Interest thereof; and the 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; but no Money shall be borrowed on the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes erected by virtue of this Act at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any 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 and transfer his, her, or their Right to the Principal and Interest

Assignments to be entered in a Book.

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 Sum 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 intitle 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 one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

Assignments may be transferred.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may from Time to Time appoint Officers and other Persons as they shall think necessary to employ in the Execution of this Act, and from Time to Time remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act make such Allowances to the said Officers and Persons as to them the said Trustees, or any Seven or more of them, shall seem reasonable; and all such Officers and Persons shall under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments;

Trustees may appoint Officers, and remove them;

and allow Salaries.

Officers to account.

ments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then in each, any, or either of the said Cases, any One or more Justice or Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Inquiry concerning such Default, either by Confession of the Party, or 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 Fee or 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 for such County or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

On Refusal to account, Justices to inquire into the Default;

and commit the Offenders

till Payment or Composition made.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think proper.

Treasurer, &c. to give Security.

Provided also, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall

Trustees may appoint Collectors, though not at a public Meeting.

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 held by virtue of this Act, appoint a Collector of ſuch Tolls.

Victuallers, &c. not to hold any Place of Profit.

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

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

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors appointed by any Seven or more of the ſaid Truſtees, and ſuch other Perſons as ſhall be employed by ſuch Surveyor or Surveyors, 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 for the repairing of the ſaid Road, out of and from any Waſte Grounds, Commons, Rivers, or Brooks, in any Pariſh, Town, or Place, in which any Part of the ſaid Road lies, 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 alſo by Order of the ſaid Truſtees, or any Five or more of them, to dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, from, and over the Lands of any Perſon or Perſons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees) paying or tendering Payment of ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Lands and Grounds where and from whence the ſame ſhall be digged, drawn, gathered, taken, and carried away, or over which the ſame or any other Materials gotten in any Waſte Grounds, Common, River, or Brook, or private Grounds ſhall be conveyed, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

levelling the Grounds, &c.

or Materials from private Grounds,

making Satisfaction to the Owners of the Grounds.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch

such Person as he or they shall appoint from Time to Time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Flood-ditches, Watercourses, Sinks, or Drains running into, along, or out of the said Roads to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Flood-ditches, Water-courses, or Ditches running into or out of the said Roads, 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 Roads, or in the Hedges or 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 next Days 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 Five 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 the 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.

turn Water-courses,

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto; and to erect, rebuild, and keep in Repair Bridges and Arches upon the said Roads, or across any such Ditch or Drain where necessary; and also to widen any narrow Parts of the said Roads by opening, cleaning, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make

make Causeways, and erect Bridges;

(as)

such Parts of the said Roads 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 Roads; such Grounds respectively not being the Ground whereon 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 or Occupiers of the private Grounds respectively for the Damage 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.

and make a temporary Road.

making Satisfaction.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Roads through any Wood 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 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 Roads 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 whatsoever seized of, or interested in, or intitled unto such Lands, Tenements, or Hereditaments in Mortmain, or under any ecclesiastical Right, and also for all Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of the Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes-covert, or other Person or Persons whatsoever, 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

Trustees may contract for the Purchase of Lands, &c.

Bodies Politick, &c. impowered to treat.

Person

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 Road 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, Usage, or other Matter whatsoever to the contrary 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 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 Person or 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

Jury to settle the Damage and Recompence.

Occasion

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, or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties or Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs or 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 wherein 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,

Verdict to be final.

Truſtees to iſſue their Warrant for ſummoning a Jury.

shall return other honest and indifferent Men, either of the Standers-by, or that can be speedily 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 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 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 Fines shall be more than Five Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Jurors may be challenged.

Trustees may impose Fines on Sheriff, &c. making Default.

Fine not to exceed 5*l.* nor be less than 20*s.*

And be it further enacted by the Authority aforesaid, 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 on 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, authorised 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 do all and every such Act, Matter, or 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 Roads as shall be diverted or turned through any Private Grounds to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter to all Intents

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

and Purposes a common Highway, and shall be repaired and kept in Repair in such Manner as the Roads hereby appointed to be repaired are, by this or any other Law, to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Roads shall be completed, the Lands constituting the former Road, unless leading over some Wood 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 Roads 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, planted Walk or Avenue to any House, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithstanding.

Old Road may be sold.

Buildings, &c. not to be prejudiced.

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 wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are 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 Repair thereof, in such Manner as they were before the making of this Act; and that all the 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 Roads, 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

Persons chargeable to the Highways, &c. to continue so.

Persons renting 50*l. per Annum* deemed Teamholders.

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 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 Road hereby intended to be repaired as lie within the said respective Townships, 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 and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Road in any 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 or 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;

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

Penalty on Neglect.

Penalty on neglecting to perform Statute-work.

that

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 on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the 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 before mentioned.

Trustees may compound for Satute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or 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 on any Part of the said Road; all which Compositionmonies shall be, from Time to Time, paid in Advance, and shall be applied in the Repair of the said Road; and all such Surveyors, Churchwardens, and Overseers of the Poor shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

And be it further enacted by the Authority aforesaid, That if any Person 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 (Mill-stones excepted) otherwise than upon 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 by the Authority aforesaid, That the said Trustees, or any Five or more of them, may cause the said Roads 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 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 where 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 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 before any Justice of the Peace, to be dealt with according to Law and the Directions of this Act.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines hereby inflicted or authorised to be imposed (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed)

directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, 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 and required 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 those Purposes); 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 the Repair of the said Roads; 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 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 by the Authority aforesaid, 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, and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten Days Notice at the 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 for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal,

giving Notice,

and entering into Recognizance.

and

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 Session, upon due Proof of such Notice being given as aforesaid, and of the entering ing 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 Justices shall think proper; and the Determination of such Quarter Session 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 by the Authority aforesaid, 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 deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding 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 on the Case.

nor the Parties distraining deemed Trespassers *ab initio*, for subsequent Irregularity.

All Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, 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 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.

Provided always, 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 Five 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

Books may be read in Evidence.

produced and read in Evidence in all Courts whatsoever.

Commencement and Continuance of this Act.

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

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, 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 or transacted in or relating to 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 by the Authority aforesaid, 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 sufficient Satisfaction or a 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 or Defendants in every such Action or Suit shall and may, at his Election, plead specially, or 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 that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered 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 nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have

General Issue.

Treble Costs.

have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.