ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Roads from *Hand Croſs* to *Corner Houſe*, and from thence to the Turnpike Road leading from *Horſham* to *Steyning*, and from *Corner Houſe* aforeſaid to the *May-pole* in the Town of *Henfield*, in the County of *Suſſex*.

WHEREAS the Roads leading from a certain Place called Hand Croſs, in the Parish of Slaugham, through Saint Leonard's Foreſt, to a certain Place called Pepper's Gate, in the North Part of the Parish of Beeding, otherwiſe Seal, and from thence through Cowfold Street, in the Parish of Cowfold, to a certain Place called Corner Houſe, in the Parish of Shermanbury, and from thence over Partridge Green, in the Parish of Weſt Grinſted, to the Turnpike Road leading from Horſham to Steyning, and from Corner Houſe aforeſaid, over Mockbridge and Crouch-hill, to the May-pole in the Town of Henfield, in the County of Suſſex, are in a ruinous Condition, narrow in many Places, and dangerous to Paſſengers, and cannot be effectually repaired, widened, and rendered commodious by the preſent Methods provided by Law; Preamble.

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 Abel Aldridge, John Aldridge, Charles Ashburnham Clerk, Richard Austen, Thomas Agate, Sir Merrick Burrell Baronet, Peter Burrell, William Burrell, James Butler, John Butler, Samuel Blunt, Colvill Bridger, Walter Batchelor, William Betchley, John Vaughan Baker Clerk, Richard Baker, Philip Baker, Becket, John Burtenshaw, John Briggs, John Challen, Henry Courthope Campion, William Campion, Edward Campion, George Courthop junior, John Chatfield Clerk, Thomas Coppard, Richard Dungate, John Dungate, Thomas Dennett of Preston, Thomas Dennett of Locke, Charles Dennett, John Durrant, Francis Dear, Edward Dowlen, Sir Charles Eversfield Baronet, William Ede, Henry Ellis, Anthony Ede, Robert Ewens, Sir Henry Goring Baronet, Charles Goring, John Grainger, John Gratwick, Charles Grainger Clerk, George Gregory, Henry Gatland, Richard Harcourt, Edward Hutchinson, William Hopkins Clerk, Richard Hodd, John Harwood, Thomas Huges, John Huges, Francis Jefferson, James, William Kempe, John Kempe, the Honourable George Lennox Esquire, commonly called Lord George Lennox, John Lintott, John Leland, James Lloyd, John Lanaway Thomas Lintott, John Legg, John Margeson, William Michell, James Margeon, James Michell, Richard Marchant, Thomas Marchant, John Marchant, John Napper, John Nailard, Matthew Nicholas, D. D. John Norton of Kingston, Richard Peirce, Richard Peirce junior, John Ratley, the Right Honourable John Shelley, Thomas Steele, John Shelley, Bysshe Shelley, Luke Spence, Michael Sergison, Henry Spence, Thomas Steele of Nurhurst, Melmoth Skynner Clerk, William Smith, Nathaniel Tredcroft, Joseph Tudor, John Turner, Edward Turner, Richard Teriman junior, Guildford Vinall, Francis Warden, James Wood of Hicksted, Henry Wood of Chestham, James Ward, William White, Richard Ward, Richard Wolven, Stephen Wood, Henry Wood of Ewhurst, James Wood of Park, Miles Williams Clerk, John Woodward Clerk, Edward Wilson junior Clerk, Richard Wyatt, and their Successors, to be appoined in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Trustees Names.

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 the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprises; or shall be possessed of an Annuity

Qualification of Trustees.

of Fifty Pounds a Year, iſſuing out of Lands, Tenements, or Hereditaments; or ſhall be Heir-apparent to ſome Perſon or Perſons having an Eſtate of the clear yearly Value of One hundred Pounds; or poſſeſſed of or intitled unto a perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon or Perſons hereby deemed incapable to act ſhall nevertheleſs preſume to act, every ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who will inform and ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record by Action of Debt, or on the Caſe, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on Perſons acting if not qualified.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of Henry Coppard, known by the Sign of the Bull's Head, near Mockbridge, in the Pariſh of Henfield, on the Day Three Weeks next after the Day of paſſing this Act, and ſhall proceed to the Execution of this Act, and ſhall then, and from Time to Time, adjourn themſelves, and hold their Meetings at ſuch Place or Places on or near the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary for putting this Act in Execution; and if there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to another Day, the Clerk to the ſaid Truſtees ſhall and may, by publick Notice in Writing to be fixed at all the Turnpikes, at leaſt Fourteen Days before the next Meeting, appoint the ſaid Truſtees to meet at the Houſe where the laſt Meeting was appointed to be held on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; provided always that Two Truſtees ſhall be ſufficient for the Purpoſes of Adjournment.

Time and Place of Truſtees firſt Meeting;

with Power to adjourn.

In Default of a ſufficient Number of Truſtees to act, &c. Notice to be given by the Clerk.

Truſtees to defray their own Expences.

And be it further enacted That no Perſon appointed a Truſtee for putting this Act in Execution, ſhall be capable of acting as a Truſtee during the Time he ſhall hold any Place of Profit ariſing out of the Tolls or Duties hereby granted.

No Truſtee to act whilſt he enjoys a Place of Profit.

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

Truſtees who are Juſtices may act as ſuch in the Execution of the Act.

effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained,

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

And be it further enacted, That when and as often as any Truſtee or Truſtees ſhall die or refuſe to act, it ſhall and may be lawful for the ſurviving Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from Time to Time, to appoint One or more fit Perſon or Perſons, qualified as aforeſaid, in the Room of ſuch Truſtee or Truſtees ſo dying or refuſing to act; Notice of the Time and Place of Meeting for the Election of all and every ſuch Truſtee or Truſtees being affixed in Writing at all the Turnpikes then erected by virtue of this Act at leaſt Fifteen Days before the Meeting for ſuch Election; and all and every ſuch Perſon and Perſons as ſhall, from Time to Time, be ſo appointed, is and are hereby impowered to act to all Intents and Purpoſes in as full and ample Manner as the ſaid Truſtees nominated in this Act are impowered to Act.

Truſtees may erect Turnpikes, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, or any ſuch Perſon or Perſons as they, or any Five or more of them ſhall appoint, ſhall and may erect One or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars upon, in, or acroſs any Part or Parts of the ſaid Roads, 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 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-houſe or Toll-houſes, and pull down and remove the ſame, from Time to Time, as they the ſaid Truſtees, or any Five or more of them, ſhall judge proper; and the Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as they the ſaid Truſtees, or any Five 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 erected on any Part of the ſaid Road; that is to ſay,

and take the following Tolls.

Tolls.

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

For every Waggon, Wain, Cart, or other Carriage, going with Wheels leſs than Nine Inches in Breadth, the Sum of One Shilling and Sixpence; or with Wheels Nine Inches in Breadth, the Sum of Sixpence.

For

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

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for every greater or less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty; and the Money so to be raised shall be, and is hereby vested in the said Trustees, and the same and every Part thereof, shall be paid and applied to, and disposed of or assigned in Manner following; that is to say, In the First Place, for the paying and defraying the Charges and Expences of procuring and obtaining this Act; and afterwards for the making, amending, and keeping in Repair the Roads hereby intended to be made and repaired, and to and for the several other Uses, Intents, and Purposes, and in such Manner as is herein declared and directed: And it shall and may be lawful for the Person or Persons appointed by the said Trustees, or any Five or more of them, to collect the said Tolls or Duties, and levy the same upon any Person or Persons who shall (after Demand thereof made) refuse or neglect to pay the same, by Distress of any Horse or other Cattle, or other Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Cattle or Goods so distrained to detain and keep until such Tolls, and Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, Duties, and reasonable Charges for distraining, detaining, keeping, and selling the same shall be deducted and paid.

Tolls vested in Trustees.

Tolls may be levied by Distress.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the said Roads, and a Toll-house to such Turnpike, upon, in, near unto, or across any Lane or Bye-way that doth or shall lead into, or out of any Part of the said Roads, and at such Turnpike or Turnpikes, to cause to be taken and levied such Tolls as are by this Act granted and made payable at any Turnpike, by virtue thereof, so as the same do not extend to a Double Charge upon any Person passing through any other of the Turnpikes erected by virtue of this Act.

Extra Turnpikes may be erected.

Provided always, and be it further enacted, That no Person who shall have paid the Toll or Duty hereby granted

Persons paying Toll once day, to be free at

the other Gates, on producing a Ticket.

for the passing of any Carriage or Cattle through any Gate or Turnpike which shall be erected by virtue of this Act, shall be subject or liable the same Day to the Payment of any Toll or Duty for the passing with the said Carriage or Cattle through any other Gate or Turnpike erected by virtue of this Act, such Person producing a Note or Ticket denoting such Payment; which Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Turnpikes and Toll-houses vested in Trustees.

And be it further enacted, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected by virtue of this Act, shall be vested in the said Trustees, and they, or any Five or more of them, are hereby authorised and impowered to dispose thereof as they shall think proper, and to bring Actions, and to prefer Bills of Indictment in the Name of their Clerk or Treasurer, against any Person or Persons who shall steal, take away, break down, damage, or spoil such Turnpikes or Toll-houses, or any of them so erected as aforesaid.

Trustees may lessen the Tolls.

And be it further enacted, That the said Trustees, or any Seven or more of them, are hereby authorised and impowed, from Time to Time, in case it shall appear requisite and expedient, to lessen the several Tolls or Duties hereby granted, and to order and direct such Tolls or Duties so lessened to be collected, received, and taken in such Manner, Parts, and Proportions as they shall think fit, so as such Reduction be with the Consent of the several Persons who shall have advanced any Money secured thereby; any Thing herein contained to the Contrary in any-wise notwithstanding.

Tolls to be paid once a Day for the same Cattle and Carriage passing and repassing.

And be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes, shall be subject to the Payment of Toll for passing the same Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage through the same Turnpike whereat such Toll hath been paid, but that all such Persons shall, in such Case, pass and repass Toll-free with such Cattle and Carriage; any Thing in this Act to the Contrary notwithstanding.

For leasing the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, (without any Stamp thereupon), to assign, lease, demise, let, farm, or set out the Tolls, by this Act granted, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the said Term hereby granted, not exceeding Three Years, upon Twenty Days Notice in Writing to be affixed on all the Turnpike Gates then erected by virtue of this Act, and upon publick Bidding to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants as they the said Trustees, or any Five or more

of

of them, shall think fit, and to be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of for repairing the said Roads, and the other Purposes herein-after mentioned.

Exemptions from Toll.

And be it further enacted, That no Person shall be charged with any of the Tolls or Duties aforesaid, for any Quantity of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing any Road or Highway in any Parish or Place through which the said Roads lead; or for any Hay or Corn in Time of Harvest carrying to the Barns of the Proprietors; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes in which the said Roads lie, who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of religious Worship on Sundays, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the said Roads lie; or for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons travelling with Vagrants sent by Passes.

Carriages to be free on the Days of Election.

Provided always, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Litters, and Passengers on Horseback shall pass and repass Toll-free on the Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the County of Sussex, such Coaches, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers going to or returning from such Election; any Thing herein contained to the Contrary notwithstanding.

Penalty on Persons claiming Exemptions, and not intitled.

Provided always, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Roads.

Penalty on permitting private Passages to avoid Payment of Tolls.

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way with any Carriage or Cattle; or if any Person shall with any Carriage or Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage; or if any Person or Persons shall at any Time unload, or cause to be unloaded, any Timber,

Chalk, or Merchandise, on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to or receive from any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Carriage or Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Shilling.

Trustees may shut up private Passages;

And whereas the Intention of this Act may be rendered ineffectual, and the Tolls hereby granted be evaded, if certain Wapple Roads or Lanes leading into the Road by this Act intended to be repaired; that is to say, A Wapple Road or Lane leading from Saint Leonard's Forest aforesaid, through Lands called Woolderingfold, to Cowfold-street aforesaid; a certain Wapple Road or Lane leading from Saint Leonard's Forest aforesaid, by a certain House called The Crab Tree, to Gowsdean Mill, called Inham's Lane; a certain Wapple Road or Lane leading from a certain Lane called Pound Lane to a certain Place called Danielfold Corner; a certain Wapple Road or Lane leading from Pound Lane aforesaid, through Lands called Godshill, to the Turnpike Road leading from Horsham to Steyning, in the said County of Sussex; a certain Wapple Road or Lane leading from Greatwick Lime-kiln, through Lands called Mockford, to the said Turnpike Road; a certain Wain-way or Lane leading from Greatwick Lime-kiln aforesaid, through Picknowle Wood, to the said Turnpike Road; a certain Wapple Road or Lane leading through Lands called Outlands and Bine Brook, to the said Turnpike Road, are not shut up and disused by all Travellers and Passengers; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the said Wapple Roads or Lanes leading from Pound Lane and Greatwick Lime-kiln aforesaid, to the said Turnpike Road leading from Horsham to Steyning, to be shut up, by affixing Gates and Rails at one End thereof to prevent Travellers and Passengers passing through the same; and also that it shall and may be lawful to and for the Tenants and Occupiers of the several Lands and Grounds through which the said Wapple Roads or Lanes called Inham's Lane, the Wapple Road or Lane leading from Saint Leonard's Forest aforesaid, through Woolderingfold aforesaid, to Cowfold-street aforesaid, and the Wapple Road leading through Outlands and Bine Brook aforesaid, to the said Turnpike Road leading from Horsham to Steyning, and they are hereby required, as soon as any Gate or Turnpike shall be erected by virtue of this Act, to cause the said Wapple Roads or Lanes to be shut up,

up, by affixing Locks on some of the Gates through which the said Roads do lead to prevent Travellers and Passengers passing through the same; and if any Person or Persons shall damage or destroy any such Gate or Gates, Fence or Fences, or shall open a Passage through the same, or any of them, every such Person shall forfeit and pay to the said Trustees, or any Five or more of them, or to their Treasurer for the Time being, the Expence of repairing and restoring such Gate or Gates, Fence or Fences, and shall also, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings; to be recovered, levied, and applied in Manner herein-after mentioned.

but not to hinder Owners or Occupiers of Lands passing to and from the same.

Provided always, That nothing herein contained shall extend, by Means of shutting up any Way or Passage, to prevent the Owners or Occupiers of any Houses, Tenements, or Lands, or their Servants, Carriages, or Cattle, going to or returning from their respective Houses, Tenements, or Lands; but that convenient Gates, if necessary, shall be made, with Locks thereto, Keys whereof shall be delivered to such Owners or Occupiers by the said Trustees, or any Five or more of them, or by their Orders.

Trustees may borrow Money on the Credit of the said Tolls.

And, for the more speedy repairing and widening the said Roads, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, upon the Credit of the Tolls or Duties hereby made payable, to borrow and take up at Interest, not exceeding Four Pounds per Centum per Annum, any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby authorised and impowered to mortgage or assign over the said Tolls or Duties, or any Part or Parts thereof, to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed, (the Charges of procuring and passing this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for repairing and widening the said Roads, and to or for no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Assignment of Tolls transferable.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments of the Tolls or Duties shall be made by the said Trustees, or any Seven or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Tolls or Duties, and his, her, or their Assignee or Assignees, may, and are hereby impowered, from Time to Time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any Person or Persons.

Provided

Notice to be given of borrowing Money.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees after their First Meeting, unless Notice in Writing under the Hand of the Clerk to the said Trustees be, by Order of such Trustees, or any Five or more of them, fixed on all the Turnpikes erected by virtue of this Act, at least Ten Days before the borrowing of such Money.

Trustees may appoint Officers.

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

and remove them and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

arising by the said Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers by the said Trustees, or any Five or more of them, so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the 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 Five or more them, shall seem meet; and in case the said Receiver or Receivers, Collector or Collectors of the aforesaid Tolls or Duties, or the Surveyor or Surveyors, or any of them, shall not give and make such Account or Payment as the said Trustees, or any Five or more of them, shall order and direct, that then any Two or more Justices of the Peace, at any Special or other Meeting of them to be holden for the County where such Receiver, Collector, or Surveyor shall inhabit and dwell, who shall refuse to give and make such Account or Payment as aforesaid, shall make Inquiry of and concerning such Default, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward); and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, commit the Party to the common Gaol of the said County, there to remain without Bail or Mainprize until he, she, or they shall have made a true and perfect Account and Payment as aforesaid, or until he, she, or they shall have compounded and agreed with the said Trustees, or any Five or more of them, for the same, and have paid such Composition-money; which Composition the said Trustees, or any Five or more of them, are hereby authorised and impowered to make.

Officers refusing or neglecting to account,

Justices on Complaint to inquire into Default,

and commit the Offender to Gaol.

And be it further enacted, That the said Trustees, or any Five 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 his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Officers to give Security.

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

No Victualler, &c. to be a Collector of Tolls.

Provided also, That as often as any Collector or Collectors of the Tolls hereby granted shall die, or be incapable of performing his Duty, it shall and may be lawful to and for the said Trustees, or any Two or more of them, by any Writing under their Hands, to appoint any other Person

If Collectors die, or are incapable to do Duty, Trustees may appoint others.

or Persons to collect such Tolls; and the Person or Persons so appointed shall have the same Authority for the Recovery thereof as the Person or Persons he or they shall succeed was vested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector or Collectors of such Tolls.

Surveyors may dig Gravel in waste Ground, &c. without paying for the same, levelling the Pits;

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials out of any River or Brook, or out of or from the Waste or Common of or in any Parish, Town, Village, or Hamlet, proper and convenient for repairing and amending the Roads 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 Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a sufficient Fence to prevent any Misfortune or Accident happening in the said Holes or Pits; and where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or any such waste Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to dig and gather such Materials in, and carry the same out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found, and, from Time to Time, to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Roads aforesaid, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of private Grounds over which such Materials gotten in any River, Brook, or waste Grounds shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Session to be holden in and for such County, wherein the Place from whence such Materials shall have been taken or carried, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

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

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any of the said Grounds lying contiguous to the said Roads; and to make and erect, and keep in Repair, Arches of Brick, Timber, or Stone thereupon, and to divert and turn the said Roads over any Part of the Lands, Commons, or waste Grounds contiguous and adjoining, or lying near thereto; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Ground of any Person or Persons lying contiguous to or near such Roads, (not being an House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to an House); and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall adjudge necessary, for the better diverting, turning, amending, and keeping the said Roads in good Repair, making such reasonable Satisfaction to the Owner or Occupier of such Ground which shall be so used in diverting or turning the said Roads, or laid in or unto the said Roads, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them: And in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same; then, it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter Session to be holden for the County in which the Matter in Dispute shall lie, to hear, adjudge, and finally determine the same: And if any Owners or Occupiers of any Watercourse or Watercourses, Ditch, or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set a Man or Men to work to scour or cleanse and make the same, and by Warrant from any One or more Justice or Justices of the Peace, to levy the Charge thereof upon the Goods or Chattels of the Owners or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus, (if any be), after all Charges of such Distress and Sale thereout deducted, to the said Owners or Occupiers, when by him or them demanded.

Surveyors make Causeways, cut Drains, and erect Arches on the Roads;

making Satisfaction for the same.

Justices to determine Differences,

Persons neglecting to cleanse their Watercourses, &c. after Notice given, Surveyors may scour the same,

and levy the Charge thereof from the Owners by Distress.

Surveyors may remove Annoyances, scour Ditches, &c.

And be it further enacted, 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 Order of the said Trustees, or any Five or more of them), from Time to Time, to remove and prevent all Annoyances on or in any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Roads, and to cut down, lop or top any Trees or Bushes growing in the said Roads, or in the Hedges or Bushes adjacent thereto, and to take and carry away the same, the Owners or Occupiers of the Premises where such Annoyances as aforesaid shall happen to be neglecting to remove the same, and to cut down such Trees or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Treees or Bushes, or to remove such other Annoyances as aforesaid; and shall and may, in case of Refusal, be levied by Distress and Sale of the Goods and Chattels of such Owners or Occupiers, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace, rendering the Overplus, (if any, after all Charges paid), to the Owner or Owners thereof; such Charges to be settled by the said Trustees, or any Five or more of them: And if, after the Removal of any of the said Annoyances, any Person or Persons shall again occasion any Annoyances, by Filth, Dung, Ashes, or otherwise, upon the said Roads, or by turning into the same any Watercourse, Sink, or Drain, to the Prejudice thereof, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace, (which Oath the said Justice or Justices is and are hereby impowered to administer), shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; to be levied, recovered, and applied, in manner herein-after mentioned.

and cut down Trees, &c. growing in the Roads, if the Owners neglect the same.

Charges to be reimbursed the Surveyors.

Penalty on second Offence.

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

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, for the better Accommodation of Passengers, that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in any Lands, Grounds, or Hereditaments for the Purchase of any such Lands, Grounds, or

or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any-ways sustain by such widening, turning, or altering any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

And whereas it may happen that some Persons, or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, or Grounds, or Hereditaments which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned, and such Persons, or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or of conveying the same be reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interests therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the Contrary thereof in any-wise notwithstanding: And all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be, hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. refusing to treat,

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Trustees,

or Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to 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 Head Officer or Officers of such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty-one Days after such Notice given, or left as aforesaid, 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 or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the said County (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every such Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any Two of the said Trustees are hereby impowered to administer); and they shall also order and cause the said Jury to view the said Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made shall be final, binding,

Jury to settle the Damage and Recompence.

Witnesses may be examined.

Recompence as settled by a Jury, to be paid to Owners,

whose Verdict shall be final.

binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes-covert, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever: And all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons any-ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby, from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property of, into, or out of the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have full 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 every 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 refuſing 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

After Payment, Owners to be diveſted of their Right.

Truſtees may iſſue their Warrant to Sheriff to ſummon a Jury.

For want of Jurymen, Standers by may be choſen,

Jurors may be challenged,

Penalty on on Sheriff, &c. making Default.

before the said Jury, touching the Premises, shall refuse or neglect to appear, or appearing, shall refuse to be sworn and give Evidence; and, from Time to Time, to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that such Fine shall not exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Fines may be levied by Distress, but not to exceed 10 *l.*

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hand of the Treasurer to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Roads for ever after, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair: And after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, or such Parts thereof as shall become useless and unnecessary for the Purpose of a common or publick Highway, shall be vested in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the said County, shall be good and effectual in the Law to all Intents and Purposes.

Money assessed for Lands to be paid out of the Tolls.

New Roads being completed, old Roads may be sold.

And be it further enacted, That in widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in any-wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

No House, Building, &c. to be damaged without Consent of Proprietors.

Provided

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

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

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 shall 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 passing 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, 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 or Surveyors is or shall be appointed, the Churchwardens and 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 Owners, &c. liable to repair any Part of the Road, or Bridges, to continue so. Who are deemed to keep a Team or Teams. Surveyors, &c. to make out Lists, yearly, of Persons liable to Statute-work, and who keep Teams, and who are Labourers only.

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 Four 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, Churchwardens, or Overſeers of the Poor of 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 a Team or Teams (each Team not to contain leſs than Four good Horſes, or Six Oxen, with Two able Men to attend the ſame) for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or being by this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Sixpence: And if any Perſon or Perſons who ſhall, according to ſuch Summons or publick Notice as aforeſaid, come to work as Labourers, or be ſent with any Team, Draught, or Cart to work on the ſaid Roads, are found idle or negligent by the Turnpike Surveyor or Surveyors reſpectively, where the Work is to be done, in ſuch Caſe, the ſaid Turnpike Surveyor or Surveyors may, and is, and are hereby impowered and required to remove and turn him or them off, who ſhall be found idle or negligent as aforeſaid, and it ſhall be eſteemed and taken as if ſuch Perſon or Perſons had not come as a Labourer, or had not come with or ſent any Team, Draught, or Cart, to work on the ſaid Road, and he, ſhe, or they ſhall be ſubject and liable to do their reſpective Days Work ſo ordered and appointed as aforeſaid.

Surveyors, &c. to give Notice when and where Statute-work is to be done.

Penalty on Surveyors, &c. neglecting to give Notice,

and on Perſons after Notice, neglecting their Duty.

Labourers, &c. found idle to be turned off.

And

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships through which the said Roads lead, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads or Bridges for a certain Sum of Money by the Year, or otherwise, as the said Trustees or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, chargeable, or other Person or Persons liable as aforesaid; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, which said Book or Books shall and may at all seasonable Times be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Trustees may compound for Statute-work.

Compositions to be entered in a Book.

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

Trustees may compound with Travellers.

Compositions to be entered in a Book.

And be it further enacted, That in case any Composition-money agreed to be paid for passing through the said Gates or Turnpikes to be erected by virtue of this Act Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Roads to be amended by virtue of this Act lie, or in lieu of any Work to be done upon the said Roads by any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Person or Persons, by reason of the Tenure of any Lands, Tenements, or Hereditaments, shall not be paid within One Month next after the same shall become payable according to such Composition or Agreement, that then it shall and may be lawful for any Justice of the Peace of the County wherein

Composition for Tolls, &c. how to be recovered.

in such Person or Persons so compounding as aforesaid shall reside, by Warrant under his Hand and Seal, to impower the Person authorised by the said Trustees, or any Five or more of them, to receive such Composition-money, and Oath being first made that the same has been demanded, and remains unpaid, (which Oath such Justice is hereby authorised to administer) to levy the same by Distress and Sale of the Goods of the Person or Persons so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways for the Time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, or of the Person or Persons who shall have compounded as aforesaid for the Repairs of any Part of the said Roads by reason of the Tenure of any Lands, Tenements, or Hereditaments, returning the Overplus, after the Charges of such Distress and Sale first thereout deducted.

Surveyors paying the Composition-money how to be reimbursed.

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

Persons liable to pay any Rents or Sums of Money issuing out of Lands liable to repair any Part of the Roads to continue so.

And be it further enacted, That if any Rents, Profits, or Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing or amending any Part of the said Roads, or any Bridge or Bridges such Rents, Profits, Sum or Sums of Money issuing as aforesaid shall remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for any One or more Justice or Justices of the Peace of the County wherein such Lands, Tenements, or Hereditaments shall lie, by Warrant under his or their Hand and Seal or Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment

On Default, Justices may may commit such Persons, &c.

as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied from Time to Time for and towards the amending the Road or Roads, and Bridge or Bridges, to the Repairs of which such Rents, Profits, Sum or Sums of Money, are or shall be so chargeable, and to no other Use or Purpose whatsoever.

Justices, on Appeal, to determine the Proportion of the Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any of the Towns, Parishes, Hamlets, or Places wherein the said Roads directed by this Act to be repaired lie, shall think the said Trustees have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Ten Days preceding such Quarter Session, and then to the Second Quarter Session next after such Direction or Appointment; and the Justices at their said Quarter Session are hereby authorised and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Hamlet, Parish, or Place, shall be done on the Roads by this Act directed to be repaired, such Surveyor or Surveyors of the Highways having first given Eight Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said Trustees.

Bridges over which the Road passes to be repaired out of the Tolls.

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to lay out and apply so much and such Part of the Money to be raised and levied by virtue and upon the Credit of this Act as they shall from Time to Time think requisite and necessary for building and repairing any Bridge or Bridges, and the Way or Passage over the same, and also the Way or Passage over any Bridge or Bridges, over which the Road intended to be repaired by this Act leads.

Trustees impowered to contract for repairing the Roads,

and erecting Mile-stones.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby impowered, under their Hands and Seals, to contract with any Person or Persons for the repairing, amending, and widening the said Roads, or any Part thereof, and also for the erecting and setting up Mile-stones or Posts in, upon, or on the Sides of the said Roads, or any Part thereof, in such Manner, and for such Sum or Sums of Money as shall be agreed upon by and between the said Trustees, or any Seven or more of them, and such Person or Persons so contracting with the said Trustees, or any Seven or more of them.

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

And be it further enacted, That no Gate or Turnpike to be erected or ſet up in, acroſs, or on the Side of the aforeſaid Roads ſhall be taken down or removed except by Order of the ſaid Truſtees, or any Seven or more of them, at a Meeting for that Purpoſe to be appointed, whereof Fourteen Days Notice ſhall be given in Writing by the Clerk to the ſaid Truſtees, by affixing the ſame on all the Turnpike Gates erected on the ſaid Roads by virtue of this Act.

Penalty on drawing Timber, &c. except on Wheel-carriages.

And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn along any Part of the ſaid Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-ſtones, otherwiſe than upon Wheel-carriages, or Sledges, every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty 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, ſhall and may, and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up thereon, or near the Sides of the ſaid Roads, each Stone or Poſt at the Diſtance of One Mile from another, and denoting the Diſtance of every ſuch Stone or Poſt from any other Place, as to the ſaid Truſtees ſhall ſeem meet: And if any Perſon or Perſons ſhall voluntarily or maliciouſly break any of the ſaid Stones or Poſts, or any Part thereof, which ſhall be ſo erected and ſet up, or ſhall obliterate or deface any of the Words, Letters, Figures, or Marks, which ſhall be engraved or inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes before One or more Juſtice or Juſtices of the Peace, every ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay the Sum of Forty Shillings for each Stone or Poſt ſo voluntarily or maliciouſly broke, obliterated, or defaced; to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices before whom ſuch Conviction ſhall be made; One Moiety whereof to go to the Informer, and the other Moiety thereof ſhall be applied in repairing the ſaid Roads, and making good ſuch Stones or Poſts ſo broken and defaced: And in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods and Chattels, then it ſhall and may be lawful to and for any One or more ſuch Juſtice or Juſtices, by a Warrant under his Hand and Seal, or their Hands and Seals reſpectively, to commit ſuch Perſon or Perſons to the Houſe of Correction, there to remain for any Time not exceeding One Calendar Month.

Penalty on defacing them,

to be levied by Diſtreſs and Sale.

For want of Diſtreſs, Offender to be committed.

And

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of Four Months, to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the County where the Matter in question shall arise, who are hereby authorised and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any the Penalties or Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable; and to levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and for Want of sufficient Distress to commit the Party or Parties to the common Gaol or House of Correction for any Time not exceeding One Month, or until Payment of such Costs shall be made; but the Person or Persons so appealing, as aforesaid shall, and they are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the Time being of the Tolls and Duties granted by this Act, of such Intention of bringing or prosecuting any Appeal Fourteen Days before the said Quarter Session; and shall, within Five Days after such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Session of the Peace which shall be held

Persons aggrieved may appeal to the Quarter Sessions

Power of the Justices in case of Appeal.

for such County next and immediately after giving Notice of such Appeal; and every such Appeal shall at the then next General Quarter Session be there heard, and finally determined.

Proceedings not to be quashed for want of Form, or removable by *Certiorari*.

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

Proviso.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or in Behalf of the Party distraining before such Action brought.

Proceedings to be entered in a Book.

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

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for

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the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of or only signed by any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever.

No Order to be repealed, unless Nine Trustees shall be present.

And be it further enacted, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside by any subsequent Order of the Trustees, unless Nine Trustees shall be then present, and consenting thereto.

Commencement and Continuance of this Act.

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

Limitation of Actions.

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

General Issue.

Treble Costs.

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 be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.