Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Road from *Flimwell Vent* in the County of *Suſſex*, through *Highgate* in the County of *Kent*, and the Pariſhes of *Sandhurſt*, *Newenden*, and *Northiam*, to *Rye* in the ſaid County of *Suſſex*, and from *Highgate* aforeſaid to *Coopers Corner* in the ſaid County of *Suſſex*, and to *Tubb's Lake* in the ſaid County of *Kent*.

WHEREAS the Road leading from Flimwell Vent in the Pariſh of Ticehurſt in the County of Suſſex, to and through a certain Place or Street called Highgate, in the Pariſh of Hawkhurſt in the County of Kent, and from thence through the Pariſhes of Sandhurſt and Newenden in the ſaid County of Kent, and through the Pariſh and Village or Street of Northiam, and Pariſhes of Beckley, Peaſemarſh, Rye, and Pleyden, to the Town of Rye in the ſaid County of Suſſex, and from Highgate aforeſaid to a certain Place called Cooper's Corner in the Pariſh of Salehurſt in the ſaid County of Suſſex, and from Highgate aforeſaid to a certain Place called Tubb's Lake in the Pariſh of Cran- Preamble.

brooke in the ſaid County of Kent, is in the much greater Part thereof, by reaſon of the Deepneſs of the Soil, and many heavy Carriages frequently paſſing and repaſſing through the ſame, loaded with Timber and Guns for Naval and Ordnance Service, very ruinous and bad, and in the Winter Seaſon almoſt impaſſable, and other Parts thereof by reaſon of their Narrowneſs are very incommodious and dangerous to Travellers, and in regard the ſaid Road cannot be amended, widened, and kept in Repair, by the ordinary Courſe of the Laws now in Force for repairing of Highways: May it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Honourable Robert Fairfax, the Honourable James Brudenell, Sir Windham Knatchbull, Sir Wiſtler Webſter, Baronets; the Mayor and Jurats of the ancient Town of Rye for the time being; William Aſhburnham, John Auſten, John Bentinck, Samuel Boys, Samuel Boys junior, John Butler, John Baker of Hawkhurſt, Robert Braban, William Braban, Thomas Blackmore junior, John Buckhurſt, John Barnes, Jeremiah Brattle, Stephen Brattle, Richard Batcheller, Thomas Briſtow, Samuel Biſhop, Benjamin Biſhop, John Baker of Northiam, Henry Mallory Biſhop, James Beckett, William Biſhop, William Beale, James Blackmore the elder, James Brockman, John Bourne the elder, John Bourne the younger, Francis Bourne, William Champion, John Chittenden, Edmund Chittenden, William Cooper of Udimore, Robert Cheſter, William Cox, Jeremiah Curteis of Tenterden, Edward Curteis, Samuel Curteis, Jeremiah Curteis of Rye, Richard Curteis, William Curteis of Tenterden, Thomas Cooke ſenior, William Cuckow, Henry Carleton, Thomas Cuckow, John Cooke, John Cole, Peter Cole, Alexander Courthorpe, Edward Cox, John Churchill, William Cooper of Stone, John Cooper, Thomas Collins of Pett, William Cooper of Ickleſham, Samuel Durrant, Daniel Davis, William Davis, Samuel Day, William Danſays, John Elmeſtone, Roſe Fuller, Thomas Frewen of Brickwall, Thomas Frewen ſenior, Doctor Thomas Frewen, Stephen Fuller, Thomas Fuller of Hethfield, Thomas Freebody, Charles Frewen ſenior, Charles Frewen junior of London, Charles Frewen junior of Northiam, Edward Frewen, Samuel Furner, Beverley Filmer, William Fiſher, Phillips Gybbon, Allen Grebell, James Gybbon, Thomas Greenland, John Gybbon, William Green, Walter Gybbon, Thomas Orby Hunter, Richard Harcourt, William Howard, Thomas Hunt,

Truſtees Names.

Hunt, William Hicks, Francis Hicks, Thomas Huſſey, John Hooper, John Holman, John Holman junior, Stephen Holman, John Holt junior, John Hogben, Collier Holden, John Haſſell, James Haffenden, Richard Haffenden, Samuel Hunt, Phillips Joddrell, Stephen Jewhurſt, Thomas Jeffery, John Knowles, James Knight, Thomas Lamb, James Lamb, John Lamb, Thomas Larkin, Thomas Lomas, Robert Lake, Thomas Love, Edward Long, John Luckhurſt, George Medley, William Moreland, Robert Monypenny, James Monypenny, Edward Milward, Samuel Miller, John Maſcall, William Mercer, John Dunmall Mercer, William Marten, Thomas Marten of Winchelſea, Thomas Marten of Pett, Jonathan Monkton, Thomas Moreland, James Munn, John Macdonald, Jeremiah Morphett, Thomas Morphett, Edward Mace, John Munk ſenior, Iſaac Munk ſenior, George Munk ſenior, William Munk ſenior, Arnold Nesbitt, John Norris, John Norris junior, Zebediah Newington, John Noakes, John Nicoll, Thomas Nearn, George Onſlow, Thomas Owens, John Osborne of Marden, Edward Osborne, John Osborne of Horſemanden, Thomas Pelham, Nathaniel Pigram, Henry Pearch, Thomas Procter, William Peckham, John Peckham, George Peckham, Henry Peckham, John Parnell, John Paine, Richard Pollard, John Pooke, Thomas Paine of Winterſham Glazier, Thomas Paine Surgeon, Thomas Parris, Matthew Pope, William Proſſer, Joſias Pattenſon, Henry Richardſon the elder, Henry Richardſon the younger, Henry Read, Thomas Redford, Relph, Jeremiah Read, Robert Relf, Richard Redford, John Ruſſell, Samuel Roberts, William Rabſon, John Ramſden, William Read, Thomas Sewell, Stephen Syvier, Chiſwell Slade, John Springate, Edward Stephenſon, Joſeph Stoneſtreet, Richard Stileman, William Stone, Samuel Southerden, George Stapley, Mark Skinner, Jeremiah Smith, James Smith, Edward Swaine, John Stonham, William Snoad, George Snoad, Stephen Samſon, John Stapley, John Snepp of Etchingham, Samuel Smith, Edward Snow, Francis Treſs, Thomas Treſs, Stephen Treſs, Richard Tapſell, Stephen Tayler, Robert Turner, John Turk, William Turk the younger, Edward Thompſon, William Turley, William Turk the elder, George Tempeſt, William Tempeſt, Thankful Thorpe, William Uſborne, Edward Usborne, John Usborne, Joſeph Viney, Thomas Viney, Charles Whitworth, William Watſon, Henry Walker, John Ward, Richard Weller, Wilkin Watſon, John Watſon, Daniel Watſon, Needler Chamberlain Watſon, Iſaac Watſon, Edwin Wardroper, Richard Wardroper, Abraham Ward, Stephen Wilmeſhurſt, William

liam Woodhams, Richard Woodhams, John Weekes, Stephen Weekes, Walter Waters, Young Waters, William Whitman, William Waters, John Waters, John Woodhams, Peter Waters, Edward Wilmott, Doctor Watts, John Weston, Joseph Willard, Captain John Weller, Thomas Whiteman, Esquires and Gentlemen; Lardner, John Davis, Thomas Curteis, Doctors in Divinity; John Chawner, Henry Hodson, Thomas Jenkin, William Lord, Joseph Fearon, Thomas Hooper, Odiarne Hooper, Robert Tenant, Richard Tireman, Richard Moreton, Peter Collett, Robert Polhill, John Bishop, Clerks; shall be, and they are hereby appointed Trustees for surveying, ordering, amending, widening, repairing, and keeping in Repair, the said Road, and likewise for putting in Execution all other the Powers in and by this Act given.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall, during all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold or Copyhold, of the yearly Value of Forty Pounds, to his own Use, above Reprizes, or shall be Heir Apparent of some Person or Persons having an Estate of the yearly Value of One hundred Pounds, or be possessed and intitled to Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons that will inform or sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Actions of Debt, Bill, Suit, 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 as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, and the Survivors of them, or any Nine or more of them, or such Person or Persons as they,

they, or any Nine or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, Eight Bars, Gates, or Turnpikes, upon or croſs the ſaid Road, at the ſeveral Places following; that is to ſay, Three ſuch Bars, Gates, or Turnpikes, at ſome convenient Places between Flimwell Vent aforeſaid, and a certain Bridge called Newenden Bridge, in the Pariſhes of Newenden and Northiam aforeſaid; Three others at ſome convenient Places between Newenden Bridge aforeſaid, and the ancient Town of Rye aforeſaid; One other ſuch Bar, Gate, or Turnpike, at ſome convenient Place between Highgate aforeſaid and Cooper's Corner aforeſaid; and One other ſuch Bar, Gate, or Turnpike, at ſome convenient Place between Highgate aforeſaid, and the White Poſt that divides the ſaid Pariſhes of Hawkhurſt and Cranbrooke at Tubb's Lake aforeſaid; and alſo ſhall and may erect a Toll-houſe or Toll-houſes in or upon the ſaid Road at each of the ſaid Bars, Gates, or Turnpikes; and ſhall and may demand, receive, and take, at all and every and each ſuch diſtinct Bar, Gate, or Turnpike, the Tolls and Duties following, before any Cattle or Carriage whatſoever ſhall be permitted to paſs through the ſame, or either of them, and in the taking or demanding which ſaid Tolls or Duties, One Pair or Yoke of Oxen drawing ſhall be deemed and taken to be but as One Horſe:

Truſtees may erect 8 Turnpikes and Toll-houſes,

and take Tolls thereat.

For every Coach, Chariot, Berlin, Landau, Chaiſe, Chaiſe Marine, Calaſh, Chair, or Hearſe, drawn by Six Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by Four Horſes or Beaſts of Draught, the Sum of Nine Pence; and drawn by Three or Two Horſes or Beaſts of Draught, the Sum of Six Pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Three Pence. The Tolls.

For every Caravan, Waggon, Wain, Cart, Dray, or other Carriage, drawn by Four or more Horſes, or Beaſts of Draught, the Sum of Six Pence; and drawn by Three or Two Horſes or Beaſts of Draught, the Sum of Four Pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Two Pence.

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

For every Mule or Aſs laden or unladen, and not drawing, the Sum of One Half-penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five Pence per Score, and ſo in Proportion for any greater or leſs Number.

For

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

Tolls to be paid ſeparately at each of the ſaid Gates.

Provided always, and it is hereby declared, That all and every of the ſaid Tolls and Duties, being paid at One of the ſaid Bars, Gates, or Turnpikes, ſo to be erected as aforeſaid, ſhall not be looked upon or deemed to be an Exemption from the Payment of the like Duties and Tolls at any other of the Bars, Gates, or Turnpikes, ſo to be erected; but that the ſame Tolls and Duties ſhall be ſeparately and diſtinctly taken and paid at all and every other the ſaid Bars, Gates, and Turnpikes reſpectively, through which any ſuch Coach or other Carriage, or other Thing above mentioned, ſhall paſs.

Truſtees may erect Gates and other Bars croſs or on the ſaid Roads,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees hereby appointed, or hereafter to be appointed, by virtue of this Act, or any Nine or more of them, to erect, or cauſe to be erected, over and beſides the above mentioned Bars, Gates, or Turnpikes upon or croſs the ſaid Roads, One or more Bar or Bars, Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Sides of the ſaid Roads, or at the End of or croſs any Lane or Way leading into or out of the ſame, and there to demand and take ſuch Tolls or Duties as by this Act are appointed to be demanded and taken.

and take Tolls thereat.

None to be ſubject to a double Toll in the Caſes here mentioned.

Provided nevertheleſs, That all and every Perſon or Perſons having paid for paſſing through any Bar, Gate, or Turnpike, ſo to be erected on the Sides of the ſaid Roads as aforeſaid, and producing a Note or Ticket of ſuch Payment, ſhall paſs through the next of the ſaid Gates erected upon and croſs the ſaid Roads, Toll-free; or if any Perſon or Perſons having paſſed through any of the ſaid Bars or Gates ſo to be erected upon and croſs the ſaid Roads as aforeſaid, and having paid the Tolls and Duties at ſuch Gate or Gates, ſuch Perſon or Perſons, upon producing a Note or Ticket of ſuch Payment, ſhall paſs Toll-free through the next Bar or Gate ſo to be erected on the Sides of the ſaid Roads.

Double Tolls, except as excepted, from the Firſt of *October* to the Firſt of *May*.

Provided always, and be it further enacted by the Authority aforeſaid, That all and every Carriage or Carriages whatſoever, except thoſe laden with Corn or other Grain, and except Coaches, Chariots, Berlins, Landaus, Chaiſes, Chaiſe-marines, Calaſhes, Chairs, or Hearſes, paſſing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Firſt Day of October and the Firſt Day of May, in

every

every Year, during the Continuance of this Act, ſhall pay Double Toll at each Bar, Gate, or Turnpike, through which ſuch Carriage or Carriages ſhall paſs; any thing in this Act contained to the contrary thereof notwithſtanding.

Horſe Tracks not to be injured till Roads repaired.

Provided always, and it is hereby declared, That until the ſaid Roads hereby directed to be repaired ſhall be well and effectually amended and repaired, nothing in this Act contained ſhall be conſtrued, deemed, or taken to be, that the ſaid Truſtees, by virtue of this Act, or any of the Powers or Authorities hereby given, ſhall have any Power or Authority whatſoever to dig up, ſpoil, hurt, or deſtroy, any of the Track or Tracks there, commonly called by the Name or Names of a Horſe Track or Horſe Tracks, and now uſed by Perſons going and travelling with Horſes or on Horſeback, which run along, or on the Side of, and adjoining to, the ſaid Roads, by this Act directed to be repaired, ſave in ſuch Place or Places where the Narrowneſs of the ſaid Roads hereby directed to be repaired will not permit ſuch Track or Tracks to be continued.

Horſe Tracks how to be kept in Repair.

And it is hereby enacted and declared, That by and under this Act, and all and every the Powers and Authorities hereby given, ſuch Track or Tracks ſhall, from time to time, and at all Times during the Continuance of this Act, be amended, repaired, and kept in Repair, by and out of the Monies to be raiſed by virtue of this Act, and ſhall be continued and preſerved as they now are, unleſs in ſuch Place or Places where the Narrowneſs of the ſaid Roads, hereby directed to be repaired, will not permit ſuch Track or Tracks to be continued as aforeſaid, and until the ſaid Roads ſhall be effectually repaired and amended as aforeſaid, and then only ſo as that the ſaid Roads be repaired, amended, and kept in good Repair, where ſuch Track or Tracks ſhall of Neceſſity be taken and laid into the ſaid Roads.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, for paſſing and repaſſing through any of the Bars, Gates, or Turnpikes, to be erected by virtue of this Act, and carrying any Materials for repairing the ſaid Roads, or for mending any of the Highways in the Pariſhes in which the ſaid Roads by this Act directed to be repaired do lie, or going or returning through any of the ſaid Bars, Gates, or Turnpikes, at any Time between the Firſt Day of May and the Twenty ninth Day of September, in every Year during the Continuance of this Act, but at no other Time

or Times whatever, or otherwise than as aforesaid, for or with Dung, Mould, Soilage, Muck, Sweet, Litter, Chalk, Lime, Marle, or Compost, or other Materials for manuring of Lands or Gardens belonging to and used by the respective Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie, nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying, going, or returning, with Hay, Corn in the Straw, Hops going to the Oast to be dryed, or returning from thence, Wood, Faggots, Hop Poles, and Charcoal (not for Sale) but intended to be laid up in any Houses, Out-houses, Barns, or Yards, of or belonging to the respective Owners thereof, being Inhabitants of the several Parishes or Places in which the said Roads hereby intended to be repaired do lie, so as such Carts, Wains, Waggons, and other Carriages, pass and repass, and carry such Hay, Corn in the Straw, Hops, Faggots, Wood, Hop Poles, and Charcoal as aforesaid, between the said First Day of May and the said Twenty ninth Day of September, in every Year during the Continuance of this Act, and at no other Time or Times whatsoever, and not otherwise, and so as such Carts, Wains, Waggons, and other Carriages so laden with Dung, Mould, Soilage, Muck, Sweet, Litter, Chalk, Lime, Marle, Compost, or other Materials for manuring of Lands or Gardens, or with Hay, Corn in the Straw, Hops, Wood, Faggots, Hop Poles, and Charcoal, do not pass through more than One of the said Gates, Toll-free.

Further Exemptions from Toll.

Provided also, and it is hereby further enacted and declared, That no Toll or Duty shall be demanded or taken by virtue of this Act for any Ploughs, Harrows, Rolls, or any other Implements of Husbandry, belonging to any Person or Persons residing or using Farms in the said Parishes in which the said Roads hereby directed to be repaired do lie, and so as such Ploughs, Harrows, Rolls, or Implements of Husbandry, be not haled or carried otherwise than on Wheel Carriages; provided always, that such Ploughs, Harrows, Rolls, or Implements of Husbandry, shall not pass through more than One of the said Gates Toll-free; nor shall any of the Tolls or Duties hereby laid, be demanded of, or taken from, any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes or Cross-gates, to or from their own respective Church or Chapel, or other Place of Religious Worship, on Sundays, Christmas Day,

Good Friday, and other Days and Times of publick Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons to be buried in any of the ſaid Pariſhes, or for any Horſes, Mares, Geldings, or Cows, going or returning from Paſture, or to be milched, or going or returning from the Watering Place or Places near the ſaid Roads, or for any Watering Carts or Budges for the Uſe of the Inhabitants of any of the Towns or Pariſhes near the ſaid Roads, or for any Oxen, Sheep, or other Cattle, going or returning from one Farm to another Farm in the Occupation of the ſame Perſon, but not to paſs through more than One of the ſaid Gates Toll-free, for any of the Purpoſes aforeſaid, or for the Horſe or Horſes of any Driver or Drivers of ſuch Cattle; nor for any Poſt-horſe or Poſt-horſes carrying any Mail or Packet; nor ſhall any Toll or Duty be demanded or taken for any Horſe or Horſes, Carriage or Carriages, which ſhall have been at London, or elſewhere, laden with Fiſh from the Sea Coaſt, upon their Return unladen from London, or elſewhere, towards the Sea Coaſt (ſuch Horſe or Horſes, Carriage or Carriages, when laden, having before paid the Tolls and Duties granted by this Act) nor for any Horſe or Horſes upon which the Riders or Drivers of ſuch Horſes or Carriages ſhall ride upon their Return unladen as aforeſaid; nor ſhall any Toll or Duty be demanded or taken for the Horſes of any Soldiers paſſing who are upon their March, or for the Carts, Carriages, or Waggons, attending them, laden with their Arms or Baggage, nor for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes; nor ſhall any Tolls be taken by virtue of this Act, for Coaches, Berlins, Landaus, Chariots, Chaiſes, Chaiſe Marines, Calaſhes, or Chairs, or Paſſengers on Horſeback, going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid ſeveral Counties of Kent or Suſſex, or either of them, on the Day or Days of ſuch Election.

Penalty on Perſons making illegal Claims.

Provided nevertheleſs, That if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; One Moiety whereof ſhall be applied to the Uſe of the Informer, and the other Moiety thereof to be applied towards amending the ſaid Roads; any thing in this Act contained to the contrary thereof notwithſtanding.

Tolls to be paid but Once a Day for Horſes;

Provided always, and it is hereby enacted by the Authority aforeſaid, That no Perſon or Perſons having paid the

the Tolls or Duties hereby enacted to be paid at every of the said Gates or Turnpikes erected by virtue of this Act, through which such Person or Persons shall have passed with any Horse, Mare, Gelding, Mule, Ass, or Cattle, (and who ought to pay the same by virtue of this Act) and producing a Note or Ticket, Notes or Tickets, denoting such distinct and separate Payment, at all and every of the said Gates, through which he, she, or they shall have so passed (which said Note or Ticket, Notes or Tickets, the Collector or Collectors is and are hereby required, upon Demand, to give) shall be liable to pay the same for returning or going at any Time through the same Bar or Bars, Gate or Gates, Turnpike or Turnpikes, the same Day, or before Twelve of the Clock at Night, with the same Horse, Mare, Gelding, Mule, Ass, or any Cattle: But if any Person or Persons shall pass the same Day through the same Bar or Bars, Gate or Gates, Turnpike or Turnpikes, a Third Time with any Carriage whatsoever, then such Person or Persons shall be liable and compellable to pay the said Toll or Duty hereby imposed on such respective Carriage, and to receive another Note or Ticket, which the Collector and Collectors is and are hereby required to deliver as aforesaid, which shall intitle him or them to return through the same Gate, with the same Carriage, upon the same Day, Toll-free, and so toties quoties, for every Third Time the said Person or Persons shall pass and repass the same Day through the same Gate or Turnpike on any of the said Roads with the said Carriages as aforesaid.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the several and respective Sums of Money so to be demanded, received, and taken, in the Name of, and as a Toll and Duty, and the Money so hereby to be raised and collected, is hereby vested in the said Trustees; and the same, and every Part thereof, as also all Sum and Sums of Money to be borrowed on the Credit thereof, shall be applied in the first Place to pay and discharge all the Expences and Costs of procuring and passing this Act, and the Remainder thereof shall be applied in erecting Turnpikes and Toll-houses, and in repairing, widening, and amending, the said Roads, and defraying the necessary Costs, Charges, and Expences, attending the same, and to no other Use or Purpose whatsoever: And it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or any such Person as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate, to levy the said Tolls and Duties upon

Tolls may be levied by Distress and Sale.

upon any Perſon or Perſons who ſhall, after Demand thereof, refuſe or neglect to pay the ſame, by Diſtreſs of any Horſe or Horſes, or any other Goods and Chattles upon which ſuch Tolls and Duties are by this Act impoſed, or by Diſtreſs of any the Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame, and ſuch Diſtreſs to detain, until ſuch Toll or Duty, with the reaſonable Charges of making and detaining ſuch Diſtreſs, ſhall be paid; and after the Space of Four Days next after ſuch Diſtreſs made, to ſell the ſame, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls and Duties, and the reaſonable Charges for the making, keeping, and ſelling ſuch Diſtreſs, ſhall be deducted and paid.

Diſtreſs may be ſold after 4 Days.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all and every Bar and Bars, Gate and Gates, Turnpike and Turnpikes, Toll-houſe and Toll-houſes, which ſhall be erected by virtue of this Act, and of the Materials for building the ſame, and for repairing the ſaid Roads, ſhall be veſted in the Truſtees appointed, or to be appointed, by or in purſuance of this Act; and they, or any Nine or more of them, are hereby impowered to diſpoſe thereof as they ſhall think proper, and to bring Actions in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treaſurer for the time being, or to prefer and proſecute Bills of Indictment againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion of the Property thereof.

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

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Bar, Gate, or Turnpike, to be erected or ſet up by virtue of this Act, ſhall, at any Time after the ſame ſhall be ſet up, be taken down or removed to any other Place, except by Order of the Truſtees, or any Fifteen or more of them, and whereof Fourteen Days Notice ſhall be given in Writing by the Clerk to the Truſtees under his Hand, to be affixed on all the Turnpikes to be erected by virtue of this Act; any thing in this Act contained to the contrary notwithſtanding.

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

Provided alſo, and it is hereby enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, at a General Meeting to be held for that Purpoſe, whereof Notice ſhall be given in Manner aforeſaid, at leaſt Twenty Days before ſuch Meeting, are hereby authorized and impowered, from time to time, in caſe it ſhall appear requiſite and expedient, to leſſen and reduce, and again to raiſe and advance, the Tolls or Duties, hereby granted and made payable, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions, as they

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

shall think fit, so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor be ever lessened, until the Money to be borrowed on the Credit thereof, together with the Interest, to be repaid, unless all Persons to whom such Money and Interest is due, consent thereto; and such Tolls or Duties so varied, or any of them, shall be collected, recovered, laid out, and applied, in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act imposed or granted will not be sufficient for the speedy amending the Roads hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the said Trustees, or any Fifteen or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties, or any Part thereof, collected on the said Roads, the Costs and Charges of such Assignment or Mortgage to be borne and paid out of the said Tolls and Duties, for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by or out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, not exceeding Five Pounds per Centum per Annum, as the said Trustees, or any Fifteen or more of them, shall think fit and agree to give; which said Money, so borrowed, shall, after paying the Expences of obtaining this present Act, be applied and disposed of as the said Tolls and Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and that all and every the original Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees, shall be entered at Length in a Book to be kept for that Purpose by the said Clerk;

Notice to be given for borrowing Money.

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

And it is also further enacted by the Authority aforesaid, That all and every the Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or his, her, or their Executors or Administrators, may, from time to time, by proper Words of Assignment to be indorsed on his, her, or their Security, or by any other Writing or Writings to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security and Securities, and all Benefit and Advantage thereof, and of his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment shall be produced and notified to the Clerk appointed, or to be appointed, by the said Trustees, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment, containing the Dates, Parties, and Sum of Money therein mentioned to be assigned, in the said Book to be kept for entering the said original Mortgage or Mortgages, Assignment and Assignments, made by the said Trustees; and for which Entry or Memorial the Clerk shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefits thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties, as Occasion may require; and it shall not be in the Power of any Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Twenty one or more of them, upon Six Months Notice to be given thereof, by Writing under the Hand of the Clerk to the said Trustees, affixed on all the Turnpikes erected by virtue of this Act, from time to time, to lease, demise, let, farm, or set out, by Writing under their Hands and Seals, for any Term not exceeding Three Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same, for the best Price such Trustees can get, payable at such Times, and in such Manner, as they the said Trustees, or any Twenty one or more of them, shall think fit; and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine

Trustees may lease, &c. the Tolls.

or

or more of them, ſhall appoint to receive the ſame; which Monies ſo to be paid ſhall be applied as the ſaid Tolls and Duties are by this Act directed to be applied, and to no other Uſe whatſoever.

Penalty on haling Timber, &c. otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, during the Continuance of this Act, ſhall hale or draw, or cauſe to be haled or drawn, in or along the Roads by this Act intended to be repaired, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwiſe than and except upon Wheel Carriages, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay the Sum of Ten Shillings.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, owning or occupying any Meſſuage or Land near to any Turnpike which ſhall be erected in purſuance of this Act, ſhall permit or ſuffer any Perſon or Perſons to paſs through any Land, Gate, Paſſage, or private Way, with any Carriage, Horſe, Mare, Mule, Aſs, or any Sort of Cattle on which any Toll or Duty is hereby laid, or if any Perſon or Perſons ſhall, with any Carriage whatſoever, or with any Horſe, Mare, or other Cattle, paſs through any ſuch Land, Gate, Paſſage, or private Way, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided, or if any Perſon or Perſons ſhall take off, or cauſe to be taken off, any Horſe, Mare, or other Cattle, from any Carriage, with an Intent to avoid paying any of the ſaid Tolls or Duties, or ſhall leave, or cauſe to be left, upon or near the ſaid Roads, any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe-marine, Calaſh, Chair, Waggon, Wain, or other Carriage, Horſe, or any other Cattle, with ſuch Intent as aforeſaid, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay the Sum of Twenty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied towards repairing the ſaid Roads.

or taking off Horſes, &c.

or giving or receiving Tickets;

to avoid paying the Tolls.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid any of the Tolls or Duties by this Act granted, and having ſuch Note or Ticket, Notes or Tickets, as aforeſaid, ſhall give or diſpoſe of the ſame to any Perſon or Perſons, in order to avoid the Payment of the ſaid Tolls and Duties, every ſuch Perſon ſo offending or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving and making Uſe of the ſame, ſhall reſpectively forfeit and pay the Sum of Twenty Shillings; One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied towards repairing the ſaid Roads.

And

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Fifteen or more of them, may chuſe a Clerk, Treaſurer or Treaſurers, Collector or Collectors, of the Tolls or Duties aforeſaid, and alſo a Surveyor or Surveyors, to view the Condition of the ſaid Roads, and to ſee that the ſame be repaired, and all ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and from time to time to remove ſuch Clerk, Treaſurers, Collectors, Surveyors, and other Officers, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death or ſuch Removal; and the ſaid Tolls and Duties ſhall be paid after the Rates aforeſaid to ſuch Perſon as ſhall from time to time be ſo appointed to receive the ſame; and the Perſons ſo appointed to receive the ſaid Tolls and Duties, and alſo ſuch Surveyors, and all Perſons any ways employed by or under them, or any of them, ſhall, upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, which Oath any Two of ſuch ſaid Truſtees are hereby impowered to adminiſter, on the Firſt Monday in every Month, or oftener, if the ſaid Truſtees, or any Five or more of them, ſhall ſo require, give in a true, exact, and perfect Account in Writing, under their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, of all Monies which ſuch Perſons ſhall, to ſuch Time reſpectively, have received and diſburſed by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in the Hands of ſuch reſpective Perſons, or any of them, 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 impower to receive the ſame, and ſhall be laid out according to the true Meaning of this Act; and the ſaid Truſtees, or any Fifteen or more of them, ſhall and may, out of the ſaid Tolls and Duties, make ſuch Allowance to the ſaid Clerk, Collectors, Surveyors, and other Officers, for their Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about procuring the ſaid Roads to be amended, as to the ſaid Truſtees, or any Fifteen or more of them, ſhall ſeem reaſonable; and in caſe ſuch Collectors, Surveyors, or other Perſons, or any of them, ſhall not give in ſuch Account, and make ſuch Payment as aforeſaid, that then any One or more Juſtice or Juſtices of the Peace for any Diviſion in which any Part of the ſaid Roads do lie, ſhall and may make Enquiry concerning ſuch Default in a ſummary Way, as well by Confeſ-

Truſtees to appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

Officers refuſing to account,

Juſtices may enquire into the Default;

sion of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol or Gaols of the said Counties of Kent or Sussex, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account as aforesaid, or until he shall have compounded or agreed with such Trustees, or any Fifteen or more of them, and have paid such Composition to the said Treasurer or Treasurers; which Composition the said Trustees, or any Fifteen or more of them, at any Meeting assembled, are hereby impowered to make.

nda commit the Offender,

until Payment or Composition made.

Treasurers to give Security.

And be it further enacted, That the said Trustees, or any Fifteen or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers for the due Execution of his said Office, as the said Trustees, or any Fifteen or more of them, shall think fit.

No Victualler, &c. to have a Place of Profit.

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

Surveyors may dig Gravel, &c. out of Waste Grounds, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the said Roads, out of any River or Brook, or out of any Waste or Common Grounds, in any Parish wherein or near which the said Roads, or any Part thereof, do lie; and for want of a sufficient Quantity of such Materials there, such Surveyor or Surveyors, and such Persons so appointed by him or them, shall and may dig, gather, take, and carry away the same, out of any River or Brook, or out of or from any Waste or Common Ground, in any neighbouring Parish, without paying any Thing for such Materials; and if there is not a sufficient Quantity of such Materials in such Rivers, Brooks, Common or Waste Grounds, he shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order of the Trustees, or any Five or more of them, for that Purpose) to dig, gather, and take away, such Materials in the Grounds of any Person or Persons whomsoever (not being a Garden, Orchard, Park, Paddock, Nursery, or planted

without paying for the same.

If sufficient Materials cannot be had there, they may be taken from private Grounds;

planted Walk or Walks, or Avenue to a House; paying such Rates for such Materials, to the Owners or Occupiers of the Ground, 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 and Occupiers and the said Trustees, the Justices of the Peace, at the next General Quarter Sessions to be holden for the said Counties of Kent or Sussex, or in One of them, and in which the same shall arise, shall and may examine Witnesses upon Oath, relating thereto, and shall adjudge, and finally determine the same, and order the Damages to be paid by the Treasurer for the time being of the said Roads, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Surveyor or Surveyors, or Person or Persons by them, or either of them, appointed, may and is and are hereby authorized and impowered to make, or cause to be made, any Causeway or Causeways, in, or along the Side or Sides of, any Part of the said Roads, and shall and may build, or cause to be built, any Bridges in, and upon, or cross the said Roads, or any Part thereof, and cut, or cause to be cut, any Watercourses, in, through, or cross any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Surveyors may make Causeways,

erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove all Annoyances on any Part of the said Roads, and to cut down Trees, or Bushes, growing in the said Roads, or in the Hedges, or Banks, adjacent thereto, the Owners or Occupiers neglecting to cut down such Trees, and Bushes, or to remove such Annoyances as aforesaid, for the Space of Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said 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 Trees, or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors, such Charges as aforesaid, it shall and may be lawful for

Surveyors may remove Annoyances,

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges,

to be levied by Distress and Sale.

ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for ſuch of the ſaid Counties wherein ſuch Trees and Buſhes ſtood, which ſhall be ſo cut down or lopt, or from whence ſuch Annoyances ſhall be removed, from time to time, to levy the Charge thereof upon ſuch Owners and Occupiers, by Diſtreſs and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid;

Penalty of a Second Offence.

and if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath, before Two or more Juſtices of the Peace for the Counties aforeſaid, or of One of them, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Twenty Shillings, over and above the reimburſing to ſuch Surveyor or Surveyors the Coſts and Charges of doing the ſame as aforeſaid.

Owners neglecting to ſcour their Watercourſes, &c. after Notice given for that Purpoſe,

And be it further enacted, That if any Perſon or Perſons, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into, or out of, any Part or Parts of the ſaid Roads, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed, within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons, who of Right ought to have done the ſame, ſhall not repay the Money ſo paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing to be left at his, her, or their reſpective Place or Places of Abode, it ſhall and may be lawful for ſuch Surveyor and Surveyors, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes before any Juſtice of the Peace for ſuch of the ſaid Counties wherein ſuch Ditches, Drains, or Watercourſes, do lie, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, to levy the ſame by Diſtreſs and Sale of the

the Surveyors may ſet Men to work thereon, and levy the Charges.

Goods

Goods and Chattles of ſuch Perſon or Perſons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

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

And be it further enacted, That in caſe the ſaid Truſtees, or any Nine 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 Nine or more of them, ſhall have full Power and Authority, from time to time, to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any the ſaid Roads, for the Purchaſe of ſuch Lands, Grounds, 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 and 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 Nine or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

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, Grounds, or Hereditaments, which may by the ſaid Truſtees be thought neceſſary or proper to be taken in and added to the ſaid Roads, for turning, widening, or altering, the ſame, and ſuch Perſons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the ſame, by reaſon of Infancy or other Diſability; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Ideots, Lunaticks, and Huſbands, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Ideots, Lunaticks, and for all and every Perſon or Perſons whomſoever,

Bodies Politick, &c. impowered to treat for the Sale of ſuch Lands.

ſoever, 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 Nine 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.

Where Perſons refuſe to treat, &c. for Sale of ſuch Lands, &c.

And be it further enacted, That if ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or other 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 Roads are to be turned or altered as aforeſaid, ſhall, by the Space of Twenty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Nine or more of them, ſhall cauſe it to be enquired into, and aſcertained, by and upon the Oath of a Jury of Twelve indifferent Men of the ſaid Counties of Kent or Suſſex, but of that County wherein ſuch Land doth lie (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 Roads into or through the ſame; and, in order thereto, the ſaid Truſtees,

Jury to aſſeſs the Damages.

ſtees, or any Nine 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 Perſon or Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered and required 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 Premiſſes, as they the ſaid Truſtees, or any Nine or more of them, ſhall think fit: And after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid Truſtees, or any Nine 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, Proprietors, 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, 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, and all other Perſon or Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon or Perſons any wiſe intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of, the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Nine or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid Counties of Kent or Suſſex, or of ſuch of the ſaid Counties wherein the ſaid Lands ſhall be, thereby commanding and requiring him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, to appear before the ſaid Truſtees, or any Nine or more of them, at ſuch Time and Place as in the ſaid Warrant ſhall be

Witneſſes may be ſummoned and examined upon Oath.

Verdict of the Jury to be binding.

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

be appointed; and the ſaid Sheriff, or his Deputy, or Deputies is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall 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 be ſpeedily procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenge againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Nine or more of them, acting in the Premiſſes, 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 Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned to ſerve 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 the ſaid Jury, touching the Premiſſes, 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 and Fines, ſo as that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence; and all Fines ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 10*l.*

And be it further enacted, That all and every Sum and Sums of Money ſo aſſeſſed by ſuch Jury, for the Damage and Recompence as aforeſaid, ſhall be, and is hereby charged and chargeable upon the Monies which ſhall be raiſed, received, or borrowed, by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, to the Perſon or Perſons reſpectively intitled thereto, or to their Agent or Agents; and that upon Payment 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 Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſons; ſuch Lands, Grounds, or Hereditaments,

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

reditaments, ſhall be laid into, and made Part of, the ſaid Roads, and ſhall, to all Intents and Purpoſes whatſoever, become, 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 Roads ſo widened, altered, or turned, were and ought to have been kept in Repair; and after ſuch new Roads ſhall be completed, the Lands and Grounds comprized in or conſtituting the old or former Roads, ſhall be veſted in, and ſhall and may be ſold by, the ſaid Truſtees, or any Nine 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 the repairing the ſaid Roads; and the Sale and Conveyance and Conveyances to be made of ſuch Lands and Grounds, being executed by the ſaid Truſtees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the ſaid Counties of Kent and Suſſex, and for ſuch of the ſaid Counties wherein the ſaid old Roads lay, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

Lands, &c. when purchaſed, to be made Part of the Roads,

and deemed a publick Highway,

and kept in Repair as ſuch.

Old Roads may be ſold.

Provided always, and be it 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, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Owners thereof ſhall conſent thereto.

Buildings, &c. not to be damaged.

And be it further enacted by the Authority aforeſaid, That for preventing Differences which may ariſe between the ſaid Truſtees and the Surveyors of the Highways for the ſeveral Pariſhes, Townſhips, or Places, through which the ſaid Roads do lead, or the Inhabitants thereof, touching the Statute-work the Inhabitants of each Pariſh, Townſhip, or Place, ought to do on the ſaid Roads by this Act directed to be repaired, it ſhall and may be lawful for any Two or more of the ſaid Juſtices of the Peace, within their reſpective Juriſdictions, upon Application made to them by the ſaid Truſtees, or any Four or more of them, to ſummon the Surveyor or Surveyors of or for any Pariſh, Townſhip, or Place, wherein the ſaid Roads do lie; and in caſe no Surveyor ſhall be appointed for any ſuch Pariſh, Townſhip, or Place, then to ſummon the Churchwardens or Overſeers of the

Juſtices, &c. to proportion the Statute-work to be done on the Roads.

Poor of such Parish, Township, or Place, to bring in Writing before such Justices upon Oath, within fifteen Days after such Summons, the Names of the several Persons who within each Parish, Township, or Place, respectively, are obliged by Law to do their Statute-work for that year, with Teams and Draughts, or otherwise; and also the Number of Days Work which with such Teams or Draughts, or otherwise, each Person ought to do on the said Roads, out of which List the said Justices shall and may allot, appoint, and order such and so many Persons to do their Statute-work on the said Roads as the said Justices shall think fit, which Statute-work shall be done by such of the Persons as shall be appointed to do the same, on such several Days, and at such several Times, and in such Part of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint; and if any Person shall neglect or refuse to do such Statute-work, so allotted, appointed, and ordered to be done as aforesaid, every such Person, for every Day he, she, or they shall make Default, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught, and every Householder and Person liable to do Statute-work making Default, shall forfeit and pay the Sum of One Shilling and Six Pence for each Day's Default, instead of such Penalty or Penalties as he, she, or they, is and are respectively now by Law subject to for neglecting to do their Statute-work; and if any Person or Persons who shall come to work as a Labourer or Labourers, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, such Surveyor or Surveyors is and are hereby impowered to remove and turn off such Person or Persons, who shall in that Case be subject and liable to the respective Forfeitures and Payments aforesaid, as if he, she, or they had neglected or refused to come, or such Team or Draught had not been sent to work on such Roads; all which said Forfeitures shall be recovered, levied, and disposed of in such Manner as is herein after mentioned and declared; and in case the said Surveyors of the Highways, for any of the Parishes, Townships, or Places, aforesaid, or the said Churchwardens or Overseers of the Poor, or any of them, shall refuse or neglect to give a List of the Names as aforesaid to such Justices, then each and every of such Surveyors, Churchwardens, and Overseers, so refusing or neglecting, shall, for every such Neglect or Refusal, being thereof lawfully convicted upon

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

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

Oath

Oath before any One or more of the said Justice or Justices of the Peace, forfeit and pay the Sum of Five Pounds.

And be it further enacted, That the Inhabitants of the several Parishes or Places through which the Roads hereby intended to be repaired do lie, who by the Laws and Statutes of this Realm are or shall be obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, which shall be done and performed in such Parts of the said Roads by this Act directed to be repaired, and lying within the said Parishes or Places in which such Inhabitants respectively shall live, as the said Trustees, or any Five or more of them, shall direct or appoint, and at such Times and in such Manner as the Surveyor or Surveyors by them authorized shall direct or appoint. Persons liable to do Statute-work, to continue so.

And be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who, by reason of Custom or Tenure, or any Monies, Funds, Securities, Lands, or Hereditaments whatsoever, which are liable or chargeable towards repairing and amending the said Roads, or any Part of them, or any Bridges, Tracks, Drains, or Sewers, in or upon the same, shall still remain chargeable, and shall repair and amend such Bridges, Drains, Sewers, and Roads, in such Manner as he, she, or they was or were obliged to do, or ought to have done, before the passing this Act; any thing herein before contained to the contrary thereof notwithstanding. Persons liable to repair Bridges, &c. to continue so.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Mayor and Two of the Jurats of the said Town of Rye for the time being, in respect to such Statute-work as the Inhabitants of the said Town ought to do on the said Roads, and for any Two or more of the Justices of the Peace for the said Counties of Kent and Sussex, or One of them, in respect to such Statute-work as the Inhabitants of any of the several Parishes in which the said Roads do lie, ought to do, and as well the said Justices of the Peace, as the aforesaid Mayor and Jurats of Rye aforesaid, within their respective Jurisdictions, are hereby required and impowered, upon Application made to them the said Mayor and Jurats and Justices of the Peace respectively, by the said Trustees, or any Five or more of them, or by any of the said Surveyors of the said Highways, or by any of the Persons so chargeable, yearly to adjudge and determine what Part or Proportion of the Statute-work shall every Mayor, &c. to determine the Statute-work.

Year

year be done in the Roads aforeſaid, as well by the Inhabitants of the ſaid Town of Rye, as by the Inhabitants, all or any of them, of the other Pariſhes or Places in which the ſaid Roads hereby directed to be amended do lie.

Truſtees may compound for Statute-work, &c.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Fifteen or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Surveyor or Surveyors of any of the Pariſhes or Places in which the ſaid Roads do lie, and with any of the Poſſeſſors or Occupiers of Lands, Tenements, and Hereditaments, or other Perſons who are or ſhall be liable or chargeable towards the repairing of any Part of the ſaid Roads, either by Statute-work, Cuſtom, or Tenure, as aforeſaid, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees, or any Fifteen or more of them, ſhall think reaſonable, in lieu of ſuch Statute or other Work to be done by the Inhabitants of ſuch Pariſhes or Places, or by ſuch Poſſeſſor or Poſſeſſors, Occupier or Occupiers, of ſuch Lands, Tenements, and Hereditaments, or other Perſons chargeable by Cuſtom or Tenure as aforeſaid.

Compoſition-money how to be recovered and applied.

And be it further enacted be the Authority aforeſaid, That in caſe any Compoſition-money agreed to be paid in lieu of any Statute-work, or Days Work of the Inhabitants of any Pariſh or Place wherein the Roads to be amended by virtue of this Act do lie, or in lieu of Repairs to be done to Bridges, Drains, Sewers, or other Parts of the ſaid Roads, by Perſons chargeable therewith, as aforeſaid, ſhall not be paid within Fifteen Days next after the ſame ſhall become payable, according to ſuch Agreement or Compoſition, to the Perſon or Perſons whom the ſaid Truſtees, or any Fifteen or more of them, ſhall authorize to receive the ſame; that then it ſhall and may be lawful for any One of the Juſtices aforeſaid, by Warrant under his Hand and Seal, to impower the Perſon or Perſons ſo authorized by the ſaid Truſtees to receive ſuch Compoſition-money, Oath being firſt made that the ſame has been demanded, and remains unpaid, which Oath the ſaid Juſtice is hereby authorized and required to adminiſter, to levy ſuch Compoſition-money by Diſtreſs and Sale of the Goods of the Surveyor or Surveyors of the Highways, or of the Perſon or Perſons ſo having reſpectively compounded either for ſuch Statute or Days Work, or for ſuch Repairs to be done to ſuch Bridges, Drains, Sewers, or other Parts of the ſaid Roads, by Perſons chargeable therewith as aforeſaid,

aforesaid, returning the Overplus, if any, after the Charges of such Distress and Sale thereout first deducted.

Surveyors paying the Composition Money, how to be reimburſed.

Provided always, and be it enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish or other Place for which any such Composition shall be made for any Statute Duty Work as aforesaid, shall pay the Composition Money, or in case the Composition Money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimburſed the Composition Money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as, by the Law, Surveyors of the Highways of this Kingdom are to be reimburſed the Money by them expended in buying Materials for amending the Highways.

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, shall and may, and they are hereby required and impowered to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides thereof, each Stone or Post at the Diſtance of One Mile each from the other, denoting the Diſtance of every such Stone or Post from London, or any other Place, as to the said Truſtees shall seem meet: And if any Person shall wilfully and maliciously break or pull up any of the Stones or Posts, or any Part thereof, which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be 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 of the said Justices of the Peace for the County wherein such Mile-ſtone shall stand; which said Oath the said Justice or Justices are and is hereby required and impowered to adminiſter; every such Person so offending, and being thereof convicted as aforesaid, shall reſpectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so broken or pulled up, obliterated or defaced, to be levied and recovered in such Manner as the Penalties and Forfeitures are herein after directed to be levied and recovered, the Fourth Part of such Forfeitures to be paid to and for the Uſe of the Informer, and the Reſidue thereof to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Roads; but in case no ſufficient Diſtress can be found

Penalty on defacing Mile-ſtones, &c.

to be levied by Diſtreſs and Sale.

whereby to levy the same, then it shall and may be lawful for any One or more of such Justice or Justices, by Warrant under his and their Hand and Seal, to commit the Person or Persons so offending to any House of Correction within their respective Jurisdictions within the said Counties of Kent or Sussex, to be there kept to hard Labour for any Time not less than the Space of One Month, nor exceeding Three Months, or until he, she, or they, shall have fully paid the Money which he, she, or they shall forfeit, or be liable to pay, on such Conviction as aforesaid.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be levied by Distress and Sale of the Offender or Offenders Goods or Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the said Justices of the Peace, which Warrant or Warrants the said Justices are hereby impowered and required to grant, upon Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices of the Peace are hereby required and impowered to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go, and be applied, and laid out, if not otherwise applied and disposed of by this Act, for and towards amending the said Roads.

Persons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons 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 hereby appointed, it shall and may be lawful for him or her to appeal to the Justices of the Peace, at their next General Quarter Sessions to be held for the said Counties of Kent or Sussex, and for such of the said Counties wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way, and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify

and confirm the same with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premisses as they shall think right and proper:

Provided nevertheless, That reasonable Notice shall be given in Writing of such Appeal to the Clerk or Treasurer of the said Trustees. Proceedings not to be quash'd for want of Form;

Provided always, and be it further enacted by the Authority aforesaid, That no Proceedings to be had or done by the said Trustees, or by any Justice or Justices of the Peace, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removable by Certiorari, or any other Process into any of His Majesty's Courts of Record at Westminster, until such Proceeding shall have first been removed, and Judgement and Determination given and made thereupon, by such Quarter Sessions of the Peace; and that no Writ of Certiorari shall be sufficient to remove the Record of any such Conviction from the said General Quarter Sessions, or to remove any other Proceedings of the said Quarter Sessions touching such Conviction into any of his Majesty's Courts of Record at Westminster, until Security be given by the Prosecutor in the Sum of Thirty Pounds, to prosecute and pay the Charges to be ascertained by the Court to which such Proceedings shall be removed, in case such Conviction shall be confirmed. or removable by *Certiorari*, &c.

And it is hereby further enacted by the Authority aforesaid, That this Act, and all the Tolls and Duties hereby granted and made payable, and all the Powers hereby given, shall take place, and shall have Commencement and Continuance from and after 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; but if at any Time before the Expiration of the said Term, all the said Roads directed by this Act to be repaired, shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said Counties of Kent and Sussex, at their General Quarter Sessions of the Peace for the said Counties, that then, and from and after such Adjudication made, and Repayment of all Money due and owing on account of this present Act, the aforesaid Tolls and Duties, and Powers hereby granted and given, shall from thenceforth cease and determine; any thing herein contained to the contrary thereof notwithstanding. Commencement and Continuance of this Act.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall first meet together at the House of William Wilmeshurst, known by the Sign of the Six Bells in Northiam aforesaid, upon the Third Monday after the passing of this Act, and shall proceed in the Execution of this Act, and shall then adjourn to such Time and Place in or near the said Roads so to be repaired, as the said Trustees, or the major Part of them present at such First Meeting, shall think proper and convenient; and so shall meet and adjourn from time to time, during the Continuance of this Act, as the said Trustees, present at any or every of such Meeting or Meetings, or the major Part of them, shall think necessary for the putting this Act in Execution; and if it shall happen that at the Time of any Meeting, which shall be so from time to time appointed to be holden by the said Trustees as aforesaid, there shall not be Five at least, of the said Trustees present, then, and in every such Case, no Business shall be done or transacted thereat, but the Clerk of the said Trustees, by Notice in Writing under his Hand, to be affixed at all the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at some convenient House in or near the said Roads, on that Day Three Weeks on which said last Meeting of the said Trustees was appointed to be held, and so toties quoties as the Case may happen to be and require.

In Default of a sufficient Number of act,

Notice to be given of another Meeting.

2 Trustees may adjourn.

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

Emergent Meetings may be appointed, giving 15 Days Notice, and specifying the Business.

And

And it is hereby declared, That the ſaid Truſtees, at their Firſt and all other ſubſequent Meetings, ſhall bear and defray their own Charges and Expences. Truſtees to defray their own Expences.

Provided always, and be it enacted by the Authority aforeſaid, That no Act, Order, or Determination, ſhall be done or made at any Meeting or Meetings of the ſaid Truſtees, without the Conſent of the major Part of the ſaid Truſtees preſent at ſuch Meeting or Meetings reſpectively; nor ſhall any or either of the ſaid Truſtees act, or be impowered to act, in the Execution of the Power hereby given to them, in any Caſe where Five or more of the ſaid Truſtees are by this Act required to join in the doing thereof, unleſs it be at a Meeting to be by them held in purſuance of, and according to the Direction of, this Act, or in purſuance of a Reſolution of the Truſtees preſent at ſome former Meeting or Meetings, whereby any Perſon or Perſons is or are authorized to carry ſuch Reſolutions into Execution. Truſtees not to act except at a publick Meeting.

Provided always, and it is hereby enacted and declared, That no Order made by virtue and in purſuance of this Act, by Five or more Truſtees (being under the Number of Nine) ſhall be revoked, repealed, or ſet aſide, by any ſubſequent Order of the Truſtees, unleſs Nine or more Truſtees ſhall be preſent at the making ſuch ſubſequent Order; nor ſhall any Order made by Nine or more Truſtees, be revoked, repealed, and ſet aſide, by any ſubſequent Order of the Truſtees, unleſs Fifteen or more Truſtees ſhall be preſent at the making ſuch ſubſequent Order. No Order made by 5 Truſtees, to be repealed, unleſs 9 are preſent; or made by 9, unleſs 15 are preſent.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any of the Truſtees appointed, or to be appointed, to put this Act in Execution, who is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid Counties of Kent and Suſſex, or either of them, to act as a Juſtice or Juſtices of the Peace in their reſpective Counties, in all Caſes, Matters, and Things, as may be neceſſary for the more ſpeedy and effectual putting in Execution the ſeveral Authorities and Powers in this Act mentioned and contained. Truſtees who are in the Commiſſion of the Peace to act as Juſtices.

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

On Death or Removal of Trustees, others to be chosen.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and so often as any Trustee or Trustees shall die or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Continuance of this Act, to nominate, elect, and appoint, One or more fit Person or Persons qualified as aforesaid, living in the said Counties of Kent or Sussex, or in One of them, in the Room and Place of such Trustees so dying or refusing to act, and such Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but Notice of the Time and Place of Meeting for the Election of all and every new Trustee or Trustees, shall be given in Writing under the Hand of the Clerk to the said Trustees for the time being, to be fixed at or on all and every Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall from time to time be chosen and appointed Trustees as aforesaid, shall and may, and he or they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample a Manner, as the said Trustees hereby appointed are impowered to act.

10 Days Notice of Election to be given.

Proceedings to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all and every the Orders and Proceedings of the said Trustees, done by them in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which Orders and Proceedings so entered, shall be signed by the said Clerk; and such Orders and Proceedings so signed shall be deemed and taken to be as Originals, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings, touching any thing done in pursuance of or by Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering the original Mortgage of the said Tolls, and of the Assignments thereof, shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Writing or Proceeding whatsoever, under the Hand and Seal of, or only signed by, any of the Trustees, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touch-

ing the Execution of any Power or Authority hereby granted, ſhall be liable or chargeable with any Stamp Duty whatſoever.

And be it further enacted by the Authority aforeſaid, That when any Diſtreſs ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe. Diſtreſs not to be deemed unlawful for want of Form only; nor the Party diſtraining be deemed a Treſpaſſer *ab initio*.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity, if ſufficient Tender of Amends hath been made to him, her, or them, by or on the Behalf of the Defendant or Defendants before ſuch Action brought. Plaintiff not recovering Tender of Amends to be made.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, the ſame ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the ſaid Counties of Kent or Suſſex, and in ſuch of the ſaid Counties wherein the Cauſe 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, and by the Authority, of this Act; and if it ſhall appear ſo to be done, or that ſuch Action or Suit ſhall be commenced after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place, then the Jury ſhall find for the Defendant or Defendants: And upon a Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Actions, 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 other Caſes by Law. Limitation of Actions. General Iſſue. Treble Coſts.

And

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 adjudged and taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

FINIS.