Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Road from *Coſham*, in the County of *Southampton*, to the City of *Chicheſter*.



WHEREAS the Road leading from Coſham in the County of Southampton, through the Pariſhes of Widley, Wymering, Farlington, Bedhampton, Havant, and Warblington, in the ſaid County, and through the Pariſhes of Weſtbourn, Chidham, Boſham, New Fiſhbourne, and Saint Bartholomew, in the County of Suſſex, to the City of Chicheſter, in the ſaid County of Suſſex, is in many Parts thereof ſo very ruinous and deep in the Winter Seaſon, that Carriages cannot paſs without great Danger and Difficulty, and is, in many Parts thereof, very narrow and incommodious: And whereas the ſaid Road cannot, by the ordinary Courſe appointed by the Laws in being for repairing of Highways, be effectually amended, widened, and kept in good Repair: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Lord George Henry Lennox, the Right Honourable Henry Bilſon Legge Eſquire, Sir Charles Aſhburnham, Sir Richard Mill, Sir

Preamble.

Truſtees Names.

Sir Cecil Biſhopp, Sir John Miller, Sir Simeon Stuart, Sir John Peachy, Sir Mathew Featherſtonehaugh, Sir Booth Williams, Sir George Colebrooke, Baronets; Sir Edward Hawke Knight of the Bath, Sir Thomas Ridge Knight, Claudius Amyand Eſquire, James Andrews Gentleman, John Briſtow, William Battine the elder, William Battine the younger, Robert Bull, John Butler, John Bowes, George Bayly, John Bayly, Richard Barker, Eſquires; Joſeph Baker, Richard Buckner, Daniel Bartlett, Henry Blaxton, Edward Blaxton, John Byde, Gentlemen; John Covert, Eſquire, Richard Cathery Gentleman, William Day, Robert Eddowes, Eddowes, Eſquires; John Ewen, John Eames, Gentlemen; Thomas Fowler, William Fletcher, John Farhill, Edward Gibbon, William Hamilton, John Holliſt, Eſquires; Joſeph Holloway, Thomas Holloway, Richard Halſey, John Vining Heron, Thomas Hendy, Gentlemen; William Leeves, Luxford, Eſquires; Thomas Longcroft, Samuel Leeke, Gentlemen; the Honourable Coote Moleſworth, Thomas Miller, John Moody, Eſquires; William Milton, Gideon Murray, William Mant, Thomas Mant, Gentlemen; Richard Naſh Eſquire, James Newland, Richard Newland, James Oſmond, Gentlemen; John Page, William Peckham of Nyton, Henry Peckham, Thomas Pelham, James Peachy, Francis Peachy, George Payne, Eſquires; George Pearſe, John Parſon, Gentlemen; Thomas Steele, John Shore, William Smith, Eſquires; Thomas Sanden, Thomas Silver, Gawen Shotter, Jeremiah Telling, Gentlemen; William Thomas, Robert Warner, Charles Webber, Peckham Williams, John White, Eſquires; the Mayor, Recorder, and Aldermen, of the City of Chicheſter for the time being; the Reverend Thomas Ball, Dean of Chicheſter, the Dean and Canons Reſidentiary of the Cathedral Church of Chicheſter for the time being; the Archdeacon of Chicheſter for the time being, the Mayor and Aldermen of the Borough of Portſmouth for the time being; the Reverend Joſeph Bayly, the Reverend Richard Bingham, the Reverend Bragg Blayden, the Reverend William Clarke, the Reverend Richard Downes, the Reverend Michael Dorſett, the Reverend John Buckner, the Reverend Evans, the Reverend John Frankland, the Reverend Richard Green, the Reverend Richard Harris, the Reverend Richard Lawſon, the Reverend John King, the Reverend Henry Mill, the Reverend George Percival, the Reverend Robert Sandham, the Reverend John Smith ſenior, the Reverend John Stuart, the Reverend Maurice Smelt, the Reverend Slaughter, the Reverend Richard Shenton,

ton, the Reverend William Waring, the Reverend Daniel Walter, the Reverend William Webber, the Reverend John Yaldwyn, William Barlow, George Barrell, Henry Beale, Thomas Bennett, James Bucknell, John Charman, John Chaldecott, Richard Clayton, Gentlemen; James Clayton Esquire, James Dearling, Woodroffe Drinkwater, Edward Diggens, Francis Diggens, Francis Dear, Gentlemen; George Fletcher Esquire, William Francis, John Farhill, Thomas Guy, Thomas Geere senior, Till Hollier, Yarral Johnson, Edward Johnson, William Johnson, Thomas Ludgater, Gentlemen; Michaelson Esquire, Robert Norton, Amyas Peerman, John Peerman, Daniel Richards, George Sedgewick, Randolph Tutte, Philip Varlo, Thomas Watts, William Wakeford, James Wheeler, Thomas Wheeler, John Wackett, James Wilkinson, William Woods, Robert Woodman, Gentlemen; shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, and keeping in Repair, the said Road, and likewise for putting in Execution all other the Powers in and by this Act given; and the said Trustees and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, upon or cross any Part or Parts of the said Road, and also a Toll-house or Toll-houses in and upon the same; and shall receive and take the Tolls or Duties following, before any Horse, Mare, Gelding, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, or Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses;

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, or Hearse, drawn by Four Horses, Mares, Geldings, or Mules, Nine Pence.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, or Hearse, drawn by Two Horses, Mares, Geldings, or Mules, Six Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four Horses or Oxen, One Shilling; and drawn by Three Horses or Oxen, Nine Pence; and drawn by Two

Two Horses or Oxen, Six Pence; and by One Horse, Three Pence.

For every Waggon or Cart, laden only with Hay or Straw, Three Pence; and for every Horse, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny.

For every Drove of Oxen or Neat Cattle, Ten Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score; and so in Proportion for any greater or lesser Number.

Which said respective Sum and 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 and collected, is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after mentioned: And it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall under their Hands, from time to time appoint, to levy the said Tolls or Duties upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle, or of any Carriage upon which such Tolls or Duties are by this Act imposed, or by Distress of any of the Goods and Chattles of such Person or Persons, and to detain the same until such Tolls or Duties, with the reasonable Charges of making and detaining such Distress, shall be paid; and after the Space of Four Days next after such Distress is made, to sell the Cattle, Carriage, or Goods so distrained, returning the Overplus (if any shall be) upon Demand, to the Owner thereof, after such Tolls or Duties, and reasonable Charges aforesaid, shall be deducted.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, or cross any Lane or Way leading out of the same; and there to receive and take such Tolls as are by this Act granted and made payable at any Turnpike to be erected by virtue thereof, so as the same do not extend to a double Charge upon any Person or Persons

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

Persons passing through any other of the Gates or Turnpikes erected by virtue of this Act.

Provided always, That no Toll or Duty shall be taken at any Turnpike erected on the Side of any Part of the said Road for any Horse, Mare, Gelding, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, or other Carriage, which shall only cross the said Road. No Toll to be taken for crossing the Roads only.

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

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, out of the first Monies arising by the Tolls or Duties, which shall be collected at the several Turnpikes or Tollgates to be erected on the said Road, or out of such Money as shall be borrowed on the Credit thereof, shall, in the first Place, pay and discharge all the Expences and Charges of procuring this Act, and of erecting such Turnpikes and Toll-houses thereon, as they shall think proper; and that from and after paying such Expences and Charges, then, and from thenceforth, the Money arising by the Tolls or Duties, which shall be collected at any Turnpike or Turnpikes, which shall then or afterwards be erected on the said Road, shall go and be applied for and towards the repairing, amending, and keeping in Repair, the said Road, and for the several other Uses, Intents, and Purposes, and in such Manner as is herein after declared and directed, and to no other Use or Purpose whatsoever. Application of the Monies.

Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Trustees, or any of them, to repair or amend the Pavements in the Streets of any Town within the said Road. Trustees not to repair Streets.

Provided also, and be it further enacted, That such Bridges, Drains, and Sewers, lying and being in the said Road, and such Parts of the said Road which have been heretofore, and ought to be, maintained and repaired by any particular Person or Persons, or Bodies Politic, Collegiate, or Corporate, or by the Inhabitants of any Town or Place, shall, from time to time, be repaired, maintained, Persons liable to the Repair of Bridges, &c. to continue so.

maintained, and kept in Repair, by such Person or Persons, Bodies Politic, Collegiate, or Corporate, or Inhabitants, liable to the said Repairs, in such Manner as the same were and ought to be kept in Repair before the passing of this Act.

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, renting, or occupying any Lands or other Premises near to the said Road, or to any of the Turnpikes, Tollgates, or Side-bars, to be erected by virtue of this Act, shall, during the Continuance of this Act, knowingly or willingly permit or suffer any Person or Persons to pass through such Land with any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Ass, Mule, or other Cattle; or if any Person or Persons owning, riding in, or driving any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, or owning, riding, or driving, any Horse, Mare, Gelding, Ass, Mule, or any Sort of Cattle, shall therewith pass through any such Ground, Passage, or Private Way, with or without such Permission as aforesaid; or if any Person or Persons shall at any Time unload, or cause to be unloaded, any Sort of Goods or Merchandize, or take out, or cause to be taken out, any Horse or Horses, Mares or Geldings, from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter; or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes, to be erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby granted and made payable, or shall conceal or secrete any Goods, or other Things, chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place, any Coach, Berlin, Chariot, Landau, Chair, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or other Cattle, chargeable with or liable to pay the said Tolls or Duties with such Intent as aforesaid, each and every Person or Persons so offending in any of the Cases aforesaid, 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 for the County wherein such Offence shall be committed, which Oath any such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward, shall, for every such

or unloading Goods,

or taking off Horses, &c.

to avoid paying the Tolls,

Offence

Offence respectively, forfeit the Sum of Twenty Shillings, and pay the same to the said Trustees, or any Five or more of them, or to their Treasurer; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices; rendering the Overplus (if any) to the Owner, on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justice or Justices; which said Penalty of Twenty Shillings, when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards the amending the said Road.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, by any Writing under their Hands and Seals, to demise, lease, and to farm or rett the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Term of Years not exceeding Seven Years, for the best Price such Trustees can get, payable at such Times, and under such Covenants, as the said Trustees, or any Seven or more of them, shall think fit, and to be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, shall, during the Continuance of this Act, be vested in the said Trustees; and they, or any Two or more of them, are hereby authorized and impowered to bring Actions in their Names, or in the Names of any Two or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, for the time being, against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, present at the First or any succeeding Meeting, by any Writing under their Hands, shall and may chuse and appoint One or more fit Person or Persons, to be Collector

lector or Collectors of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Road, and to see that the same be repaired and amended, and that the Money raised by virtue of this Act be duly applied; and also such other Officers as shall be necessary in order to put this Act in Execution; and the said Trustees, or any Five or more of them, shall and may, from time to time, remove such Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in case of Death or such Removal; and all Persons liable to pay the said Tolls or Duties shall pay the same after the Rate aforesaid, to such Collector or Collectors as shall from time to time be appointed; and the Person or Persons so appointed to collect and receive the said Tolls or Duties, and such Surveyor or Surveyors, and also such other Person or Persons appointed as aforesaid, shall from time to time, and as often as the said Trustees, or any Five or more of them, at any Time assembled, shall require, make and render to such Trustees, or any Five or more of them, or unto such other Person or Persons as they, or any Five or more of them, shall appoint, a true, perfect, and exact Account in Writing, upon Oath, to be taken before any Two or more of such Trustees, or any One of His Majesty's Justices of the Peace for the said Counties of Sussex or Southampton (which Oath such Trustees or Justice are and is hereby impowered and required to administer without Fee or Reward) of all such Sums of Money by them collected, received, and disbursed, and of all other Matters and Things committed to their Charge, by virtue of, or under the Authority of this Act, or by reason of their respective Offices; 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 under their Hands, authorize to receive the same; which Money shall be laid out in amending and widening the said Road, and in defraying other necessary Charges relating thereto, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such full Allowance unto the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officer or Officers, by the said Trustees, or any Five or more of them,

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

them, so appointed as aforesaid, for their Care and Pains respectively taken in the Execution of his and their respective Office and Offices; and to such other Person or Persons as hath or have been, or shall be, assisting in and about procuring the said Road to be amended and repaired as aforesaid, by advancing or laying out any Monies, or otherwise relating thereto; as to the said Trustees, or any Five or more of them, shall seem meet: And in case the said Collectors, or other Persons, or any of them, shall refuse or neglect to give a true and perfect Account in Writing of all such Sums of Money as he or they shall have collected, received, paid, and disbursed, or shall knowingly or wilfully deliver a false, defective, or imperfect Account, or having delivered a true, exact, and perfect Account, shall neglect or refuse to pay the Monies due on such Account, in Manner as aforesaid; that then it shall and may be lawful to and for any Two or more of the Justices of the Peace for the said Counties of Sussex or Southampton, at any Special Sessions or Monthly Meeting, to be holden for any Division in which any Part of the said Road doth lie, and they are hereby impowered and required to cause such Collectors or other Persons, or any of them, to appear or to be brought before them, by Warrant or Summons under their Hands and Seals, and shall make Enquiry of and concerning such Neglect and Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justices, or One or more of them, are and is hereby impowered and required to administer) And if such Collectors, Receivers, Surveyors, or other Persons, or any of them, shall be convicted by such Justices of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Monies due on such Account, within Ten Days after such Account is given in as aforesaid; that then, and in any of the said Cases, it shall and may be lawful for any Two or more of the Justices of the Peace for the said Counties of Sussex or Southampton, so assembled as aforesaid, to commit the Offender or Offenders to any Publick Gaol of the County or Place where the Offence shall be committed, there to remain, without Bail or Mainprize, until he, she, or they shall have made and delivered a true, exact, and perfect Account in Writing as aforesaid, and until he, she, or they shall have made a full Payment of the Monies due on such Account, or shall have compounded and agreed with the said Trustees for the same, and have paid such Composition-

Officers refusing to account,

Justices to enquire into the Default,

And commit the Offender,

until he shall conform, &c.

position-money (which Composition the said Trustees, or any Five or more of them, are hereby authorized and impowered to make.)

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

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Nine or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, turn, or alter, the Way or Path of any Part of the said Road, for the better Accommodation of Coaches, Carriages, and 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, Tenements, or Hereditaments, lying contiguous or near to the said Road, for the Purchase of any such Lands, Grounds, Tenements, 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 or turning such Way or Path; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, Tenements, or Hereditaments, or 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 Nine or more of them, as also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Person or Persons, Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may by the said Trustees be thought necessary or proper to be taken in, and added to, the said Road, for extending, widening, enlarging, diverting, turning, altering, or amending the same, as aforesaid, and such Persons, or Bodies Politic, Corporate, Collegiate, Feoffees, or others, may be willing to treat and agree to sell such Lands, Grounds, Tenements, or Hereditaments, but are incapable of selling, granting, or conveying the same, by reason of Infancy or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politic, 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,

Bodies Politic, &c. to contract for Sale of such Lands.

Femes

Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Nine or more of them, for the Purchase of such Grounds, Lands, Tenements, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes; any Law, Statute, Custom, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding: and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, 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 by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Body Politic, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient 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 Politic, Corporate or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, or Hereditaments so to be taken into and added to the said Road, as aforesaid, or into which such Way, Path, or Road, shall be diverted, turned, or altered, as aforesaid, shall, by the Space of Ten Days 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 one, some, or all of the Parishes in which the said Road lies (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, Occupiers, or Proprietors, or other Person or Persons interested, for or upon account of the taking in or adding of any such Lands, Grounds, Tenements, or Hereditaments, into the said Road; and in order thereunto, the said Trustees, or any

Jury to assess the Damages.

Witnesses may be summoned, and examined upon Oath.

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 them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses, and shall examine all such Witnesses before the said Jury upon Oath (which Oath any Two or more of such 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, and to use all other 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 so 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 said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, Tenements, or Hereditaments, according to the Verdict or Inquisition and Judgement 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 or Persons whatsoever, 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 Politic, Corporate, or Collegiate, as well as all and every Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any Ways interested in such Lands, Grounds, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, barred and divested of all Right, Title, Claim, Interest or Property, of, in, to, 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 County wherein such Lands, Grounds, Tenements, or Hereditaments, so intended to be taken in, and added to, the said Road, shall lie, thereby 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 such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies,

Verdict of the Jury to be binding.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

parties, is and are hereby required to impanel, summon, and return, such Twenty four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Nine or more of them, shall chuse and swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid: And in case any One Piece of Ground, so intended to be taken in, and added to, the said Road, shall be situate in both the said Counties of Sussex and Southampton, then, and in such Case, the said Trustees, or any Nine or more of them, shall direct their Warrant for the Purposes aforesaid to the Sheriff of either of the said Counties indifferently, who, together with the said Trustees, shall proceed thereupon in the same Manner as if the said Ground had been situate wholly in One County; and for 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:

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and that the said Trustees, or any Nine or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury; or being sworn, and refusing and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and if any of the Persons who being required to give Evidence before the said Jury touching the Premisses, shall refuse to be sworn and examined, or to give Evidence touching the same; and from time to time to set, impose, and levy, such Fine or Fines in such Manner as the Penalties herein after mentioned to be levied and taken on any Surveyor of any of the Parishes wherein the said Road lies, or on any Person neglecting to do his Duty therein, are directed to be taken and levied, so as that no such Fine exceed the Sum of Ten Pounds upon any One Person; and all such Fines shall be employed for such Uses, and in such Manner, as

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

as the Tolls or Monies granted by this Act are to be reſpectively applied.

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

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed, as aforeſaid, ſhall be, and is and are hereby charged and chargeable upon all Tolls and Monies which ſhall be raiſed, received, collected, or borrowed, for the Purpoſes of this Act; and ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their reſpective Agents; and that upon Payment or Tender thereof to ſuch Perſons, or their Agents, and in caſe of Refuſal to accept the ſame, that then, upon leaving the ſame in the Hands of the Clerk for the time being of the ſaid Truſtees, for the Uſe of ſuch Perſon or Perſons, and after Three Months Notice thereof given to ſuch Perſon or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, Servants, or Agents, to take into and add to the ſaid Road ſuch ſaid Grounds, Lands, Tenements, or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to the ſaid Grounds, Lands, Tenements, and Hereditaments, ſo taken into and added, or to be taken into and added, to the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think fit: And after the Purchaſe of the ſaid Lands, Grounds, Tenements, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice given as aforeſaid, ſuch Lands, Grounds, Tenements, or Hereditaments, ſhall be laid into, and made Part of, the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall order and direct; and ſhall be by them, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe; and after ſuch draining, ditching, fencing, and ſetting out, the ſaid Lands, Grounds, Tenements, or Hereditaments, ſhall, to all Intents and Purpoſes whatſoever, become and be, and ſhall be deemed and taken to be, a public and common Highway, and be from thenceforth Part of the ſaid Road for ever; and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as other Highways are by Law to be repaired and kept in Repair: And after ſuch new Road ſhall be completed, the Lands and Grounds comprized in, or conſtituting, the old or former Road, in lieu whereof

Lands when purchaſed to be made Part of the Roads,

and deemed a public Highway.

Old Road may be ſold.

the Lands, Grounds, Tenements, or Hereditaments, for such new Road shall be purchased, as aforesaid, 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 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 and amending the said Road; and the Sale and Conveyance or Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace for the County wherein the said Lands or Grounds shall lie, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and it is hereby declared and enacted, That the Power and Authority hereby given to the said Trustees, as aforesaid, shall not extend to the pulling down any Dwelling-house, or taking in the Site of any House, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Trustees not to act where interested.

Provided also, 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 Lands, Grounds, Tenements, or Hereditaments, where he or they are concerned in Interest.

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

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be appointed as aforesaid, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Chalk, Sand, Sea Beach, Stones, or other Materials, out of any Waste or Common Grounds, River, or Brook, or Sea Side, in any Parish, Town, Village, or Hamlet, in the said several Counties of Sussex and Southampton, wherein or near which the said Road, or any Part thereof doth lie, proper and convenient for repairing and amending the said Road: And for want of a sufficient Quantity of such Gravel, Chalk, Sand, Sea Beach, Stones, or other Materials there, to dig, gather, take, and carry away the same, in and out of the Waste or Common Grounds, River, or Brook, or Sea Side, in any neighbouring Parish, Town, Village, or Hamlet, without paying any Thing for the same; the said Surveyor or Surveyors levelling, or causing to be levelled, all such Holes or Pits as shall be occasioned by the digging for or taking away such Materials: And

without paying for the same;

levelling the Pits:

If a sufficient Quantity cannot be found there, they may be taken from private Grounds,

where there are not sufficient of such Materials in any Common or Waste Grounds, Rivers, Brooks, or Sea Side, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather the same in, and carry the same out of, the several Grounds of any Person or Persons, not being the Site of any House, or a Garden, Orchard, Yard, Park, Paddock, or Meadow, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees, where any such Materials are or may be found; and from time to time to take and carry away the same, or so much thereof as the said Surveyor or Surveyors shall adjudge necessary for repairing and amending the said Road, paying or tendering 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, and carried away, or over which the same shall be carried, as the said Trustees, or any Nine or more of them, shall judge reasonable; and in case of any Difference concerning the same, between such Owners and Occupiers, and the said Trustees, touching the Damage aforesaid, the major Part of the Justices of the Peace assembled at the next General Quarter Sessions of the Peace to be holden for the County or Place wherein the Grounds where and from whence such Materials shall be digged, gathered, or carried away, shall lie, or wherein such Damages shall be done, as aforesaid, shall and may adjudge, assess, and finally determine the same.

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Surveyors may remove Annoyances, &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, and such Person or Persons as he or they shall appoint, by the Direction of the said Trustees, or any Five or more of them, from time to time, to remove and prevent all Annoyances on or in any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, or otherwise to the Prejudice thereof, and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Road, and to top, lop, or cut down, any Trees, Boughs of Trees, Shoots from Stumps of Trees, or Bushes (Timber Trees excepted) growing in or upon the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (in case the Owners or Occupiers of the Premisses neglect to remove such Annoyances, or to cut, fell, or take away,

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice,

away, such Trees (except as before excepted) Boughs, Shoots, and Bushes, for the Space of Ten Days next after Notice in Writing shall be given for that Purpose, under the Hands of the said Trustees, or any Five or more of them, the Charges whereof shall be reimbursed to such Surveyor or Surveyors, by such Owner or Owners, Occupier or Occupiers neglecting to cut down such Trees, Boughs, Shoots, 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 Chattles 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 for the County wherein that Part of the Road shall lie, rendering the Overplus (if any) after Deduction of all reasonable Charges (such Charges to be settled by the said Justice or Justices) to the Owner thereof: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, or by turning into the said Road any Watercourse, Sink, or Drain, to the Prejudice thereof, every such Person so offending, and being thereof convicted upon Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace, for the County or Place wherein such Offence shall be committed (which Oath the said Justice or Justices is and are hereby impowered and required to administer) shall for every such Offence, forfeit and pay unto the said Trustees, or to their Treasurer, the Sum of Twenty Shillings, to be recovered, levied, applied, and disposed of, in Manner as is herein after mentioned.

Charges to be reimbursed the Surveyor.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Road, and to make, erect, and keep in Repair, Arches of Brick, Timber, or Stone thereupon, and to divert or turn any Part or Parts of the said Road 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 Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous to, or near such Highway or Road (not being the Ground whereon any House is erected, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece or Parcel of Ground

Surveyors may make Causeways, &c.

and erect Bridges, &c.

Ground set apart and used as a Nursery for Trees) and to cut down and remove any Trees or Underwoods growing in or upon the said Road, or any Part thereof, where such Road is not Twenty one Feet wide; and also to cause Ditches or Trenches to be made, and to cause any Part of the Stream of any private River, Rivulet, Brook, or Watercourse, to be diverted and conveyed, and to flow constantly or occasionally into, through, and upon any Part of the said Road; and to cause every Act which shall be necessary for that Purpose, to be done upon any Grounds not herein before excepted, 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 widening, or better amending and keeping the said Road in good Repair, making such reasonable Satisfaction to the Owners and Occupiers of the Ground so laid into the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be erected, and to the Owners or Occupiers of any such private River, Rivulet, Brook, or Watercourse, or of any Grounds through which the Stream thereof shall be so diverted or conveyed, or on which such necessary Acts shall be done, as aforesaid, for the Damages which he, she, or they, shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Nine or more of them; and in case any Difference shall arise between the said Trustees, and such Owners or 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 the next General Quarter Sessions of the Peace to be holden for the County or Place wherein such Ground shall lie, or wherein such Drains or Ditches shall be cut, or such Bridges, Arches, or Causeways, shall be erected or made, or such Part of the Stream of such private River, Rivulet, Brook, or Watercourse, shall be so diverted or conveyed, to hear and adjudge, and finally determine the same; and if any Owner or Occupier of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Road, shall refuse or neglect to scour, deepen, and cleanse the same twice in every Year during the Continuance of this Act, in such Manner as the said Surveyor or Surveyors, or other Person or Persons, by him or them appointed, shall order and direct, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, it shall and may be lawful for such Surveyor or Surveyors to set a Man or Men to work, to scour, deepen, and cleanse the same; and by Warrant under the Hand

making Satisfaction to the Owners.

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

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

and Seal of any Juſtice of the Peace for the County or Place, to levy the Charges thereof upon the Goods or Chattles of the reſpective Owners or Occupiers of ſuch Watercourſe or Watercourſes, Ditch or Ditches, by Diſtreſs and Sale of his, her, or their Goods and Chattles; rendering the Overplus (if any) on Demand, after all reaſonable Charges ſhall be deducted.

In what Degree Watercourſes may be uſed.

Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to give Power to the ſaid Truſtees, or any of their Surveyors, Workmen or Agents, to ſtop, divert, or diſpoſe of, any Water or Watercourſe, either in or through any public or private Ground, which ſhall contribute towards filling or ſupplying any public or private Ponds, Baſons, Canals, or Reſervoirs of Water, until ſuch Ponds, Baſons, Canals, and Reſervoirs, ſhall be ſufficiently ſupplied and filled reſpectively, and the Water run waſte; and that whenever a Supply of Water ſhall be needful and convenient to any ſuch Ponds, Baſons, Canals, and Reſervoirs, or any of them, it ſhall and may be lawful to and for the Owners and Occupiers thereof to ſtop and dam any ſuch Watercourſe as may have been made in purſuance of this Act, by Order of the ſaid Truſtees or their Surveyor, and to bring back the Water to ſuch Ponds, Baſons, Canals, and Reſervoirs, until the ſame ſhall again be ſufficiently ſupplied and filled, and the Water run waſte; and ſo from time to time as often as ſuch Owners or Occupiers ſhall think fit and convenient.

Tolls to be paid but Twice a Day.

Provided always, and it is hereby enacted, That in caſe there ſhall be more than Two Turnpikes erected in, croſs, or on the Sides of, the ſaid Road, no Perſon or Perſons paſſing the ſame Day, before Twelve of the Clock at Night, through all or any of the Turnpikes to be erected on the ſaid Road by virtue of this Act, with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, ſhall be liable to pay the ſaid Tolls or Duties more than Twice.

Tolls to be paid but Once a Day.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons, who ſhall have paid the Toll or Duty for paſſing through any of the ſaid Turnpikes or Toll-gates, ſhall be liable to pay any Toll or Duty for repaſſing through the ſame Turnpike or Toll-gate with the ſame Carriage or Cattle the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the ſucceeding Night, ſuch Perſons producing a Note or Ticket of the Day denoting

ſuch Payment, which Note or Ticket the Collector of the Tolls is hereby required to give upon the Payment of ſuch Toll gratis; but that all and every Perſon and Perſons, who ſhall have paſſed and repaſſed Once in the ſame Day through the ſame Turnpike or Toll-gate as aforeſaid, ſhall remain and be ſubject and liable to the Payment of the ſame Toll or Duty for every Time ſuch Carriage or Cattle ſhall paſs and repaſs through the ſame Turnpike or Toll-gate; any thing herein contained to the contrary notwithſtanding.

Penalty on Perſons giving or receiving Tickets, to avoid Payment of the Tolls.

And, for preventing Frauds and Abuſes in the ſaid Tolls or Duties, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid the Tolls or Duties by this Act granted, and having a Note or Ticket, Notes or Tickets, ſignifying the Payment of ſuch Toll or Duty, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of any of the ſaid Tolls or Duties, every ſuch Perſon or Perſons ſo giving or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving the ſame, being thereof reſpectively convicted upon Oath before One or more Juſtice or Juſtices of the Peace for the County or Place wherein the Offence or Offences, or either of them, ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter) ſuch Perſons ſhall reſpectively forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in ſuch Manner as is herein after mentioned; which ſaid Penalty ſhall go and be paid, One Moiety thereof to the Informer, and the other Moiety towards repairing the ſaid Road.

No Toll on Election Days.

Provided always, and it is hereby enacted and declared, That during the Continuance of this Act, no Toll or Duty ſhall be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chairs, Chaiſes, Litters, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the ſaid Counties of Suſſex or Southampton; any thing herein contained to the contrary notwithſtanding.

Exemptions from Tolls.

Provided alſo, and it is hereby further declared, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, who ſhall paſs through any of the Turnpikes to be erected by virtue of this Act, with any Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, Waggon, Cart, or other Carriage, which ſhall carry or draw any Quantity of Stones, Gravel, or other Materials,

rials, for repairing of the said Road, or any Road in any of the Parishes through which the said Road leads, or in any of the neighbouring Parishes; or for any Carts, Waggons, Wains, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of the Inhabitants of the said Parishes, or with or for any Ploughs, Harrows, or any other Implements of Husbandry, belonging to the said Inhabitants; or for any Carts, Waggons, Wains, or other Carriages, carrying any Lime, Dung, Mould, or Compost of any Nature or Kind whatsoever, except Chalk, to be employed in Husbandry for manuring or stocking of Lands in such Parishes; nor for any Brick, Lime, Stone, Plaister, Timber, or other Materials, used for building or repairing of any Church, Chapel, House, Outhouse, Barn, Stable, or Hovel, within the same Parish where such Brick, Lime, Stone, Plaister, Timber, or other Materials, were made, gotten, or felled; nor shall any Toll or Duty be demanded or taken for any Post-horse carrying the Mail or Packet; or for such Horse as is or shall be used only to ride on by the Owner or Driver of any Pack-horses, Waggon, Wain, Cart, or Carriage, such Horse passing through the said Turnpike or Turnpikes with such Pack-horses, Waggon, Cart, or Carriage; nor for any Horse, Mare, Gelding, or Cattle, going to or returning from Watering Places, Shoeing, or Pasture, belonging to such Parishes; nor for the Horses of any 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: And if any Person or Persons shall claim, and 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 the Sum of Ten Shillings.

Penalty on Persons making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their first or any subsequent Meeting, to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, to borrow and take up at Interest such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may, and are hereby impowered to assign over, or mortgage the said Tolls, or any Part or Parts thereof (the Costs and Charges of such Assignments or Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance

Method prescribed for borrowing and securing Money.

vance the ſame, by the following Words of Aſſignment under their Hands, or by any other Words for that Purpoſe:

Form of Aſſignment.

BY virtue of an Act made in the Year of the Reign of His Majeſty King *George* the Third, for we of the Truſtees, do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in conſideration of the Sum of from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be repaid, ſuch Proportion of the Tolls ariſing by virtue of this Act, between as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

Entries to be made of all Aſſignments.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls, after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes in or upon the ſaid Road, at leaſt Twenty one Days before the borrowing thereof; and all and every Perſon or Perſons, to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect:

Notice to be given of borrowing Money.

Form of the Transfer.

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due, unto his Executors, Adminiſtrators, or Aſſigns. Dated this Day of

Witneſs *J. K.* *G. H.*

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein tranſferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks,

Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee may, in like manner, assign again, and so toties quoties: And in case any Sum or Sums, so assigned, shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the respective Person or Persons, then intitled to such Assignment, respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments, to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer the same again, and so toties quoties: And it shall not be in the Power of such Person or Persons, who shall have made such Assignments respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof: And all and every Person and Persons, to whom any such Mortgage or Assignment shall be made, as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, on the Credit whereof such Sum or Sums are advanced, in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies.

Clerk's Fee.

Assignments may be transferred.

All Creditors to be deemed equal in Degree.

Provided also, and it is hereby enacted, That all and every Person or Persons, who by Law is or are obliged to do Statute-work, or chargeable towards amending the said Road, shall still remain chargeable, and do their respective Works, in such Manner as such Person or Persons was or were obliged to do before the passing of this Act; any thing herein contained to the contrary notwithstanding.

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

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being, for the several Parishes or Places, or the Inhabitants of such Parishes or Places through which the said Road doth lead, touching what Part of the Statute-work the Inhabitants of each Parish or Place ought to do on the said Road by this Act directed to be repaired; be it further enacted by the Authority

Surveyors to deliver in Lists of Persons liable to do Statute-work.

rity aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace of the said Counties of Sussex or Southampton, at any Petty Sessions or Special Sessions of the Peace, to be held for the Divisions in which such Parishes or Places respectively lie, upon Application made to them by the said Trustees, or any Five or more of them, to summon the Surveyor or Surveyors of the Highways of and for the respective Parishes or Places wherein the said Road lies; and in case no Surveyor shall be appointed for any Parish or Place, then to summon the Churchwardens or Overseers of the Poor of such Parish or Place, to bring in Writing before such Justices, upon Oath, within Fifteen Days after such Summons, a List of the Names of the several Persons who within each Parish 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 Road; 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 Road, as they the said Justices shall think fit; which said 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 Parts of the said Road, 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 or Persons shall neglect or refuse to do such Statute-work, so allotted, appointed, and ordered to be done, as aforesaid, every such Person or Persons, for every Day he, she, or they shall make Default, shall forfeit and pay the Sum of Six Shillings for each Team or Draught; and every Householder and Person liable to do Statute-work, making Default, shall forfeit and pay the Sum of One Shilling for each Day's Default, over and above 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 be sent with any Team or Draught to work on the said Road, 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 or liable to the respective Forfeitures and Payments aforementioned, as if he, she, or they, had neglected or refused to come, or such Team or Draught had not been sent

Inhabitants to do Statute-work.

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

sent to work on such Road; 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 Surveyor of the Highways for any of the Parishes or Places, or the said Churchwardens or Overseers of the Poor, or any of them, shall refuse or neglect to give in a List of the Names, as aforesaid, to such Justices; then each and every of such Surveyors, Churchwardens, or Overseers, so refusing or neglecting, shall, for every such Neglect or Refusal, being thereof lawfully convicted (upon Oath, before any One or more Justice or Justices of the Peace for the County wherein such Parish, Division, or Place, shall lie) forfeit and pay the Sum of Five Pounds.

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

Provided always, and it is hereby further enacted, That if any Lands, Tenements, or Hereditaments, or any Rents, Profits, or Money issuing out of any Lands, Tenements, or Hereditaments, or any Sum or Sums of Money whatsoever, now are, or hereafter shall be, liable, chargeable, payable, or applicable towards the repairing and amending the said Road, or any Part thereof, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable, and such Sum or Sums of Money shall still remain payable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, and the Persons liable to pay such Sum or Sums of Money, are hereby required and directed to pay such Rents, Profits, and Money, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls or Duties granted by this Act; and, in Default of Payment thereof, the same shall and may be levied and recovered in such Manner as is hereby directed for the recovering and levying of any of the Tolls or Duties hereby laid and made payable; which Rents, Profits, and Money, when recovered, shall be applied, from time to time, towards repairing and amending the said Road, and to no other Use or Purpose whatsoever.

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

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, or Places, to which the said Road doth belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable towards repairing of any Part of the said Road, for a certain Sum of Money, or other-

Trustees may compound with Parishes for Statute-work.

otherwise by the Year, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the 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, or Hereditaments, chargeable as aforesaid; and the said Trustees, or any Five or more of them, may, and they are also hereby impowered, from time to time, as they shall think fit, to compound or agree by the Year or otherwise, with any Person or Persons using to travel through all or any of the Turnpikes to be erected by virtue of this Act, on the said Road, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or other Cattle, for any Sum or Sums of Money, for or in lieu of Payment of any of the said Tolls or Duties, to be paid quarterly from time to time, after such Agreement shall be made; Copies of 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, to the said Trustees; which said Book or Books shall and may be seen and perused, by any Person or Persons whatsoever, at reasonable Times, without Fee or Reward: And for the better Recovery of such Sum and Sums of Money, as shall be agreed to be paid by the Owners or Occupiers of any Estate or Estates within, or Inhabitants of, any Parishes or Places through which any Part of the Road hereby intended to be amended doth lead, in lieu of the Statute-work to be done by such Owners, Occupiers, or Inhabitants, or agreed to be paid by any Person or Persons, for passing through all or any of the said Turnpikes or Gates; be it further enacted by the Authority aforesaid, That in case any such Composition, so agreed to be paid, shall not 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, within Fifteen Days after the same shall become due and payable, according to such Composition or Agreement, the same shall and may be recovered and applied, in like Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied.

Trustees may compound with Travellers.

Composition-money how to be recovered and applied.

Provided also, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be erected thereon, or near the Sides thereof, each Stone or Post at the Distance of One Mile from another,

Roads to be measured, and Mile-stones erected.

another, and upon which shall be denoted the Distance of any One Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall wilfully or maliciously break or pull up any of the Stones or Posts, or any Part thereof, which shall be so erected or set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved and 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 any One or more Justice or Justices of the Peace for the County wherein the Offence shall be committed (which Oath such Justice or Justices is and are hereby impowered and required to administer) all and every such Person or Persons so offending, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully or maliciously broken, obliterated, defaced, or pulled up, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hands and Seals, or Hand and Seal, of the 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 Road, and making good the said Stones or Posts so broken, defaced, or pulled up: And in case the Person or Persons so offending and convicted shall have no Goods and Chattles, then it shall and may be lawful for the said Justice or Justices as aforesaid, by Warrant under their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol in such County where such Offence was committed, for the Space of One Month, or until he, she, or they, shall have paid the said Sum of Forty Shillings.

Penalty on defacing Milestones, &c.

Penalties to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred as aforesaid, the Manner of levying and recovering whereof is not otherwise hereby particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One more Justice or Justices of the Peace for the said Counties of Sussex and Southampton respectively, where the Offence shall happen and be committed; which Warrant or Warrants the said Justice or Justices is and are hereby impowered to issue, upon the Information 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

Penalties and Forfeitures how to be recovered and applied.

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 reasonable Charges of such Distress and Sale being first deducted, shall go, and be applied, and laid out, if not otherwise directed to be applied or disposed of by this Act, for and towards amending the Road hereby directed to be repaired.

Persons aggrieved may appeal.

Provided always, and be it further enacted by the Authority aforesaid, 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 the next General Quarter Sessions of the Peace, to be held for the County or Place wherein the Matter in Question shall arise, who are hereby authorized 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 Sessions, mitigate, at their Discretion, all or any of the Penalties and 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, and give such Costs as they in their Discretions shall think reasonable, and to levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to pay the same; and for want of sufficient Distress to commit the Party or Parties to the Common Gaol of the said respective Counties of Sussex or Southampton, wherein such Appeal shall be heard and determined, for any Time not exceeding Two Months, or until Payment shall be made of such Costs; but the Person or Persons so appealing, as aforesaid, shall, and they are hereby directed and required, to give Notice in Writing to the Treasurer for the time being of the Tolls or Duties to be collected by virtue of this Act, of such their Intention of bringing or prosecuting any Appeal, Twenty Days before the said Quarter Sessions; and shall, within Five Days after such Notice given, enter into a Recognizance, before One or more Justice or Justices of the Peace of and for such County, Division, or Place, where such Appeal shall lie, with Two sufficient Sureties, with Condition to try such Appeal at the General Quarter Sessions of the Peace which shall be held in and for such County, next and immediately after giving such Notice; and every such Appeal shall,

Notice of Appeal to be given.

Recognizance to be entered into.

shall, at the next General Quarter Sessions, be then heard and determined, and not afterwards.

Proceedings not to be quash'd for want of Form; or removeable by *Certiorari*,

Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present 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, until such Order or other Proceedings shall have been first heard, and Judgement and Determination given and made thereupon by such General Quarter Sessions.

until Security be given to prosecute.

Provided also, and be it further enacted by the Authority aforesaid, That no Writ of Certiorari, or other Process, shall issue or be issuable, to remove the Record of such Conviction from the said General Quarter Sessions, or to remove any Order or other Proceedings, made or had by the said General Quarter Sessions, upon, touching, or concerning such Conviction, into any of His Majesty's Courts of Record at Westminster, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of Certiorari, or other Process, shall find Two sufficient Sureties, who shall become bound to the Prosecutor or Prosecutors, in the Sum of One hundred Pounds, with Condition to prosecute the same with Effect, within Three Months, and to pay unto the Prosecutor or Prosecutors, his or their full Costs or Charges, in case such Order or Conviction shall be affirmed.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the said several Tolls and Duties granted and made payable by the same, and all other the Powers hereby given, shall take Place from and after the Day of passing thereof, and shall continue and be paid from thenceforth, subject to such Reductions as herein after mentioned, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls or Duties hereby granted, or any of them, and for such Time as the said Trustees, or any Nine or more of them, shall think fit; and to order and direct such Tolls or Duties so lessened and reduced, to be

collected, recovered, received, and taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reductions be no Prejudice to, or be with the Consent of, the several Persons who shall have advanced any Money secured thereby; any thing herein contained to the contrary notwithstanding.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Provided nevertheless, That if at any Time before the Expiration of the said Term of Twenty one Years, the said Road hereby directed to be repaired, shall be sufficiently amended, and so adjudged by the Justices of the Peace for the said Counties of Sussex and Southampton, at their respective General Quarter Sessions to be holden for the said Counties; that then, and from and after such Adjudication made, and Repayment of such Money as shall have been borrowed, with Interest for the same, and all the Costs and Charges thereof, and all Money due and owing on account of this Act, the aforesaid Tolls, Duties, and Powers, hereby granted and given, shall cease and determine; any thing herein contained to the contrary thereof notwithstanding.

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

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, be it enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful to and for the surviving or remaining 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 herein after is mentioned, in the Room of such Trustee or Trustees so deceased, removing, or refusing to act; and such Person and Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees; but

Notice to be given of such Election.

Notice of the Time and Place of Meeting for the Election of all and every such new Trustee or Trustees shall be given in Writing, under the Hand of the Clerk to the Trustees, to be fixed at or on all the Turnpikes or Toll-gates 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 who shall, from time to time, be chosen and appointed to be joined with such surviving and remaining Trustees, shall and may, and be and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

Pro-

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be, in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of, or intitled to, Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Value of Eight hundred Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of One hundred Pounds; and unleſs he ſhall (not being ſuch Heir Apparent as aforeſaid) before he acts as ſuch Truſtee, take and ſubſcribe the Oath following before any Five or more of the Truſtees appointed, or to be appointed, in purſuance of this Act, who are hereby authorized and required to adminiſter the ſame in the Words, or to the Effect, following: Qualification of Truſtees. Truſtees to take the following Oath before they act.

I *A. B.* do ſwear, That I truly and *bona fide* am, in my own Right, or in Right of my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or poſſeſſed of or intitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Value of Eight hundred Pounds. The Oath.

So help me God.

And if any Perſon ſhall preſume to act contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Two hundred Pounds to any Perſon who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information; wherein no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed. Penalty on acting, not being qualified.

And be it further enacted by the Authority aforeſaid, That the Truſtees hereby appointed, or any Five or more of them, ſhall meet together at the Houſe of Thomas Powell, being the Sign of the Swan at Chicheſter aforeſaid, on the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty two, and ſhall then proceed to the Execution of this Act; and ſhall then adjourn themſelves, and afterwards meet there, or at any other Place near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper or convenient, as often as it ſhall Times and Places of Truſtees Meeting.

In Default of a sufficient Number of Trustees to act,

be necessary for putting this Act in Execution; And if it shall happen, that there shall not appear at any such Meeting, which shall hereafter be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk for the time being to the said Trustees shall and may, by affixing publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint such Trustees to meet at the House where the last Meeting of the said Trustees was appointed to be held, or at some other convenient House near the said Road, on that Day Three Weeks next after the Day on which such last Meeting was appointed to have been held; and in case there shall not appear a sufficient Number of the said Trustees to act at such Meeting, and to adjourn, as aforesaid, that then the said Clerk, by affixing such Notice as aforesaid, shall appoint such Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Road, on that Day Three Weeks next after the Day on which such last Meeting was appointed to have been held; and so from time to time the said Clerk shall appoint a Meeting every Three Weeks, until a sufficient Number of Trustees shall appear and meet to act, or to appoint another Meeting by Adjournment; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

Notice to be given of another Meeting.

Trustees to bear their own Expences.

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

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons, appointed or 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 the same Act, or the Tolls or Duties hereby laid, such Person or Persons shall, from the Time of accepting such Place, be incapable of acting as a Trustee or Trustees, during his or their Enjoyment of such Place of Profit as aforesaid.

Trustees in the Commission of the Peace may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That if any Trustee or Trustees appointed or to be appointed to put this Act in Execution, is, are, or shall be, in the Commission of the Peace for the said Counties of Sussex or Southampton, such Trustee or Trustees shall and may nevertheless act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, which shall and may be necessary for the more speedy and effectual putting in Execution the several Powers and Authorities given and contained in and by this Act, notwithstanding

such

such Justice or Justices is or are a Trustee or Trustees as aforesaid.

Trustees may contract for repairing the Roads.

Provided also, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby impowered, by any Writing under their Hands and Seals, without any Stamp thereon, to contract with any Person or Persons, for the repairing, amending, and widening, the said Road, 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 Road, 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 Five or more of them, and such Person or Persons so contracting with the said Trustees, or any Five or more of them.

Notice to be given of another Meeting.

Treasurer to give Security.

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

No Victualler, &c. to hold any Place of Profit.

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

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Trustees, or any Five or more of them, or by their Clerk; and the said Orders, so signed, shall be deemed and taken to be Original Orders; which said Book shall and may be read in Evidence in all Courts of Justice.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, 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, shall be charged or chargeable with any Stamp or Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced, brought, or prosecuted, by any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premisses, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County wherein the Cause of 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 if any such Suit or Action shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, Place, or Places; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs, shall become nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any Cases 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 shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.