Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Roads from *Horsham*, in the County of *Sussex*, through the Parishes of *Shipley*, *West Grinstead*, *Ashurst*, *Steyning*, *Bramber* and *Beeding*, in the said County.

WHEREAS the Roads leading from the Carfax, commonly called Scarfolkes, in the Town of Horsham, in the County of Sussex, through the West Street, in the said Town, and through Tanbridge Lane to Picts Hill, and from thence to the Cock at Southwater, and so on through Part of the Parish of Shipley to West Grinstead Park, in the Parish of West Grinstead; and from thence over Jolesfield Common to Bines Bridge, and so on through the Parishes of Ashurst and Steyning to the upper End of the hollow Way adjoining to the Pavement at the North West End of the Town of Steyning aforesaid; and from the Pavement at the South East End of the said Town of Steyning leading to a Place called Heathen Burials, in the Road to Bramber; and from thence up the Dove Way to the Top of the Hill called Preamble.

called Steyning Hill, in the Road to Findon; and also from the Place called Heathen Burials aforesaid through the Parish and Borough of Bramber, and the Parish and Town of Beeding, to the Direction Post at the Top of Beeding Hill, in the Road to Lewes, in the said County, are in a ruinous Condition, narrow in many Places, and dangerous to Passengers; and cannot be effectually repaired, widened, and rendered commodious, by the present Methods provided by Law; 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, That the Right Honourable Garth Turnour Lord Winterton in the Kingdom Ireland, Sir Cecil Bishopp, Sir Charles Eversfield, Sir John Evelyn, Sir Charles Matthew Goring, Sir John Honywood, Sir Lionel Pilkington, Sir John Peachey, Sir John Shelley, Abel Aldridge, John Aldridge, John Butler, Merrick Burrell, Samuel Blunt, Samuel Boyce, Thomas Budgen, Cecil Bishopp, James Butler, Charles Clarke, Charles Draper, Edward Dickinson, Richard Fuller, William Green, Harry Goring, Charles Goring, Philip Honywood, Robert Hoffman, John Leland, James Lloyd, John Linfield, William Mitford, Joseph Merlott, John Margesson, Nathaniel Newnham, George Lewis Newnham, Thomas Newnham, Nathaniel Newnham junior, Thomas Pelham, Robert Pratt, Timothy Shelley, John Shelley, Byshe Shelley, Luke Spence, Thomas Steele, Lee Steere, Henry Smith, John Thomlinson, Edward Predcroft, Joseph Euder, Henry Palbot, John Wicker, James Ward, Charles Weddell, Thomas Weddell, Esquires; Thomas Hutchinson, Matthew Nicholas, William Payne, Thomas Waldgrave Doctors in Divinity; Charles Ashburnham, Caleb Atkinson, Charles Vaughan Baker, John Hoper, Edward Martin, Francis Osgood, John Penfold, Richard Russell, Samuel Shuckford, Leonard Twells, John Woodward, Edward Wilson, Clerks; William Beard, John Burry, James Burfield, Harry Bridger, John Crips, Ward Dennett, Richard Dendy, Edward Dickinson, Henry Ellis, John Gratwicke, Henry Groombridge, Walter Gatford, Henry Griffith, John Grimstead, John Gates, Richard Grooms, John Groome, Richard Grimsted, Richard Hunt, Thomas Hayne, Thomas Lidbeter, John Linton, Samuel Leeves, John Miller, John Meredew, John Michell, John Norton, John Pilfold, Charles Pilfold, John Pope, Richard Penfold, Hugh Penfold, Thomas Poole, John Smith,

Trustees Names.

Smith, Thomas Somerfett, Charles Smith, Ellman Tasker, Guilford Vinall, John Weeks, Thomas Waller, George Waller, Richard Wyatt, James Wood, Francis Winton, John Wood of Westerring, William White senior, William White junior, and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of Fifty Pounds, above Reprizes; or shall be possessed of an Annuity of Fifty Pounds a Year, issuing out of Lands, Tenements, or Hereditaments; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person or Persons, so made incapable to act, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will inform and sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of Ann Cook, known by the Sign of The King's Head, in Horsham, on the Wednesday Fortnight next after the Day of the passing of this Act, and shall proceed to the Execution of this Act; and shall then adjourn themselves from time to time, and hold their Meetings alternately at Steyning and Horsham, as often as the said Trustees, or any Five or more of them, shall think necessary for putting this Act in Execution; and if there shall not appear at any such Meeting a sufficient Number of Trustees to act, or to adjourn to another Day, the Clerk to the said Trustees shall and may, by publick

Notice in Writing, to be fixed at all the Turnpikes, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in Horsham or Steyning, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; provided always that Two Trustees shall be sufficient for the Purposes of Adjournment.

Trustees to defray their own Expences.

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

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

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

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

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

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

14 Days Notice of Election to be given.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required to cause One Gate or Turnpike and Toll-house to be erected at or near the West End of a Bridge called Bramber Bridge; and to cause to be demanded and taken at the said Gate or Turnpike the following

lowing Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

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

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

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

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for every greater or less Number.

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for every greater or less Number.

And shall and may also cause to be erected Three or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any other Part or Parts of the said Roads, and a Toll-house to each Gate or Turnpike; and to cause to be demanded and taken at each of the said Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

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

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

For

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

For every Drove of Oxen, or other Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for every greater or less Number.

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for every greater or less Number.

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

Tolls vested in the Trustees.

Appliaction of the Tolls.

Tolls to be levied by Distress and Sale.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the said Roads, and a Toll-house to such Turnpike upon, in, near unto, or across any Lane or By-way that doth or shall lead into or out of any Part of the said Roads; and

Trustees may erect Sidegates, &c. and take Tolls thereat,

and at such Turnpike or Turnpikes to cause to be taken and levied such Tolls as are by this Act granted and made payable at any Turnpike by virtue thereof, so as the same do not extend to a double Charge upon any Person passing through any other of the Turnpikes erected by virtue of this Act.

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

Provided always, and be it further enacted, That no Person who shall have paid the Toll or Duty hereby granted for the passing of any Carriage or Cattle through any Gate or Turnpike which shall be erected by virtue of this Act between the Town of Horsham and the said Gate or Turnpike hereby directed to be erected at or near the West End of the said Bridge called Bramber Bridge, shall be subject or liable the same Day to the Payment of any Toll or Duty for the passing with the same Carriage or Cattle through any other Gate or Turnpike erected by virtue of this Act between the said Town and the said Gate or Turnpike directed to be erected at or near the West End of the said Bridge called Bramber Bridge, such Person producing a Note or Ticket denoting such Payment; which Note or Ticket the Collector of the Tolls is hereby required to give gratis.

Persons having paid Toll at One Gate between *Horsham* and *Bramber Bridge* not subject to pay Toll at any other Gate between the said Places.

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

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

And be it further enacted, 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, and to order or direct such Tolls or Duties so lessened to be collected, received, and taken in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be with the Consent of Two Thirds of the Persons who shall have advanced any Money secured thereby; any thing herein contained to the contrary in any wise notwithstanding.

Trustees may lessen the Tolls.

And be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes, shall be subject to the Payment of Toll for passing

Tolls to be paid but once a Day.

ing the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage, through the same Turnpike whereat such Toll hath been paid, but that all such Persons shall in such Case pass and repass Toll-free with such Cattle and Carriage; any thing in this Act to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

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

Exemptions from Tolls.

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

Provided

Provided always, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Litters, and Passengers on horseback, shall pass and repass Toll-free on the Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the County of Sussex, such Coaches, Chariots, Calashes, Chaises, Chairs, Litters, or Passengers going to or returning from such Election; any thing herein contained to the contrary notwithstanding. No Toll on Election Days.

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

And be it further enacted, That if any Person occupying any Land near to any Gate or Turnpike erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or Private Way, with any Carriage or Cattle; or if any Person shall with any Carriage or Cattle pass through any such Gate, Passage, or Private Way; or if any Person shall take off, or cause to be taken off, any Horse or other Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall give to or receive from any Person any Note or Ticket by this Act directed to be given, or shall forge or counterfeit any such Ticket; or if any Person shall forcibly pass through any such Gate or Turnpike with any Carriage or Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings. Penalty on Persons permitting or going thro' private Passage, &c.

And whereas the Intention of this Act may be rendered ineffectual, and the Tolls hereby granted may be evaded, if a certain Lane, leading into the Roads by this Act intended to be repaired, called Old Lane, otherwise Rosemary Lane, leading from the Bishoprick in Horsham to a Place called the Watering Pond, otherwise Beans Bridge, in the Road from Horsham to Dorking, is not shut up and disused by all Travellers and Passengers; and also if a certain Horse-way through a Gate called the Holloway Gate, leading through the Park of Sir Charles Everfield Baronet, to a Gate called the New Lane Gate;

and

and also another certain Horse-way leading from the said Holloway Gate through the said Park to a Place called Wiggerham's Corner, are not shut up, and disused by all Travellers and Passengers; and also if a certain Horse-way leading through a Gate opposite Hillhouse Farm, and through West Grinstead Park, belonging to Merrik Burrell Esquire, into Park Lane, is not shut up and disused by all Travellers and Passengers; Be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the said Lane called Old Lane, otherwise Rosemary Lane, to be shut up, by affixing a Gate and Rails at each End thereof, to prevent Travellers and Passengers passing through the same: And also it shall and may be lawful to and for the said Sir Charles Eversfield, his Heirs and Assigns, and he and they is and are hereby required, as soon as any Gate or Turnpike shall be erected by virtue of this Act, to cause the said Gates called the New Lane Gate, Wiggerham's Corner Gate, and all other Waggon Roads and Horse Roads leading through the said Park from the Parish of Horsham aforesaid to the several Parishes of West Grinstead and Shipley, in the said County, to be shut up, to prevent Travellers and Passengers passing through the same, except to and from the House belonging to the said Sir Charles Eversfield: And also that it shall and may be lawful to and for the said Merrik Burrell, his Heirs and Assigns, and he and they is and are hereby required, as soon as any Gate or Turnpike shall be erected by virtue of this Act, to cause the said Gate opposite Hillhouse Farm to be shut up, to prevent Travellers and Passengers passing through the same: And if any Person or Persons shall damage or destroy any such Gate or Gates, Fence or Fences, or shall open a Passage through the same, or any of them, every such Person shall forfeit and pay to the said Trustees, or any Five or more of them, or to their Treasurer for the time being, the Expence of repairing and restoring such Gate or Gates, Fence or Fences; and shall also for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, to be recovered levied and applied in Manner herein after-mentioned.

Trustees may shut up private Passages, by erecting Gates, &c. at each End thereof.

Penalty on destroying such Gates, &c.

Provided always, That nothing herein contained shall extend, by Means of shutting up any Way or Passage, to prevent the Owners or Occupiers of any Houses, Tenements, or Lands, or their Servants, Carriages, or Cattle, going to or returning from their respective

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

respective Houses, Tenements, or Lands; but that convenient Gates, if necessary, shall be made, with Locks thereto, Keys whereof shall be delivered to such Owners or Occupiers by the said Trustees, or any Five or more of them, or by their Order.

Trustees may borrow Money upon the Credit of the Tolls.

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

Tolls may be assigned for Money borrowed.

Assignments may be transferred.

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

Notice to be given of borrowing Money.

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

Trustees may appoint Officers;

And be it further enacted, That the said Trustees, or any Five or more of them, present at their First or any succeeding Meeting, by any Writing under their Hands

and Seals, shall and may chuse and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls or Duties aforesaid; and also shall and may in like Manner chuse and appoint One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same are repaired, and also that the Money raised by this Act be duly applied, and from time to time to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion, and to appoint new ones in case of Death or such Removal; and such Person or Persons as is and are hereby made liable to pay the said Tolls or Duties, shall pay the same after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose; and that the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor or Surveyors so appointed as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace residing near to the said Roads (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) on the first Wednesday in every Month, or oftener if required, during the Continuance of this Act, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he and they and every or any of them shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices (for which Oath no Fee or Reward shall be taken) and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall by any Writing or Writings under their Hands, authorize and impower to receive the same, and shall be disbursed and laid out in amending the said Roads; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any Five or more of them, so appointed as aforesaid, for

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

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

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender,

until he shall conform, or compound.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Treasurer to give Security.

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

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

And

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

And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he and they shall appoint, to dig, gather, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or out of or from the Waste or Common of or in any Parish, Town, Village, or Hamlet, proper and convenient for repairing and amending of the Roads aforesaid, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a sufficient Fence to prevent any Misfortune or Accident happening in the said Holes or Pits: And where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds as aforesaid, it shall and may be lawful for such Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of private Grounds, over which such Materials gotten in any River, Brook, or Waste Grounds shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for such County wherein the Place from whence such Materials shall have been taken or carried, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, or

without paying for the same;

levelling the Pits.

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

making Satisfaction to the Owners.

Justices to determine Differences.

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

Surveyors may remove Annoyances, &c.

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, &c. Surveyors may cleanse them, and levy the Charges by Distress and Sale.

stices of the Peace, to levy the Charge thereof upon the Goods or Chattles of the 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 be) after all Charges of such Distress and Sale thereout deducted, to the said Owners or Occupiers, when by him, her, or them demanded.

Surveyors may remove Annoyances,

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Order of the said Trustees, or any Five or more of them) from time to time, to remove and prevent all Annoyances on or in any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Roads; and to cut down, lop, or top any Trees or Bushes (Timber Trees excepted) growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same; the Owners or Occupiers of the Premisses where such Annoyances as aforesaid shall happen to be, neglecting to remove the same, and to cut down such Trees (except as before excepted) or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any Five or more of them; 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 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, rendering the Overplus (if any) after all Charges paid; such Charges to be settled by the said Justice or Justices: And if, after Removal of any of the said Annoyances, any Person or Persons shall again occasion any Annoyances by Filth, Dung, Ashes, or otherwise, upon the said Roads, or by turning into the same any Watercourse, Sink, or Drain, to the Prejudice thereof, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before any One or more Justice or

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

Penalty on a Second Offence.

Justices

Justices of the Peace (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and applied, in Manner hereinafter-mentioned.

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 Seven or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, for the better Accommodation of Passengers; that then the said Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

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, or through which the said Roads may be turned, and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Lands, Grounds, or Hereditaments, but may be incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested

ested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest 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.

Persons neglecting to treat, &c.

And be it further enacted, That if any 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 Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon

Jury to settle the Damage and Recompence.

and

and call before the said Jury, and examine upon Oath, all and every Person and 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 to administer) and they shall also order and cause the said Jury to view the said Plates 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 Five 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 Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, 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 said County, 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 Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the

Verdict of the Jury to be final.

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

Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn. And the said Trustees, or any Five or more of them, acting in the 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 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 or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and in such Manner, as the Tolls granted by this Act are to be applied.

Jurors may be challenged.

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

Fine not to exceed 10 *l.* unless, &c.

And be it further enacted, That all and every Sum and Sums of Money, so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons, or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, such Lands, Grounds, or Hereditaments shall be and into and made Part of the said Roads, and shall to all Intents and Purposes whatsoever, become and be, and be deemed

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

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

Persons liable to repair any Part of the Roads, to continue so.

deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprised in or constituting the old or former Road, or such Parts thereof as shall become useless and unnecessary for the Purpose of a common or publick Highway, shall be vested in, and shall and may be sold by, the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the said County, shall be good and effectual in the Law to all Intents and Purposes.

and esteemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

Application of the Monies.

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

Buildings, &c. not to be injured.

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

Trustees not to act where interested.

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

If the old Road be turned, Inhabitants not liable to repair the same.

And be it further enacted, That all and every Person and Persons, who by Law are chargeable towards repairing and amending the said Roads, or any Bridge or Bridges, shall still remain chargeable, and do their respective

Persons liable to repair any Part of the Roads, to continue so.

ſpective Days Work in the ſeveral Pariſhes, Townſhips, and Places, in which the ſaid Roads lie, and ſhall repair ſuch Bridge or Bridges; and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, and all and every Perſon and Perſons, who by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, is or are liable to repair any Part or Parts of the ſaid Roads, or any Bridge or Bridges, ſhall remain liable to repair ſuch Parts of the ſaid Roads, and ſuch Bridge or Bridges, in ſuch Manner as he, ſhe, or they ought to have done before the paſſing of this Act.

Surveyors of the Highways to give in Liſts of Perſons who are chargeable to do Statute-work.

And be it further enacted, That the reſpective Surveyor or Surveyors of the Highways for the time being of all and every the Pariſh and Pariſhes, Townſhips, or Places, in which the ſaid Roads intended to be repaired by this Act do lie, ſhall yearly and every Year during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing by the Turnpike Surveyor or Surveyors, give and deliver to the ſaid Turnpike Surveyor or Surveyors an exact Liſt or Account in Writing, under his or their Hands, of the Chriſtian and Surname of all and every Perſon and Perſons in the ſaid reſpective Pariſhes, Townſhips, or Places, who are by Law chargeable towards repairing the Roads in any of the ſaid Pariſhes, Townſhips, or Places, and ſhall ſet forth and ſpecify in ſuch Liſt what each Perſon is reſpectively chargeable with for and towards the ſame; and the ſaid Pariſh Surveyor or Surveyors for the time being reſpectively, within Ten Days after Notice ſhall be given them or either of them, by the ſaid Turnpike Surveyor or Surveyors, of the Time when (except in Hay Time or Harveſt) and how many of the Perſons ſo chargeable as aforeſaid he or they would have to do ſuch their reſpective Days Work, ſo adjudged or appointed as aforeſaid, in or upon any Part or Parts of the ſaid Roads, ſhall ſummon or give publick Notice thereof to the ſaid Perſon or Perſons ſo chargeable as aforeſaid: And if any Pariſh Surveyor or Surveyors aforeſaid ſhall neglect or refuſe to do as they are hereby required and directed to do, he or they, for every ſuch Neglect or Refuſal, ſhall forfeit the Sum of Twenty Shillings, to be levied and recovered in ſuch Manner as any other Forfeiture or Penalty is by this Act directed to be levied and recovered; which ſaid Sum of Twenty Shillings ſhall be applied towards repairing the ſaid Roads: And if any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, Cart or Carts,

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

and

and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to attend their respective Teams, Draughts, or Carts (each Team or Cart not to contain less than four good Horses or Beasts of Draught, with One able Man to attend the same) to work and perform such their respective Days Work on the said Roads, he, they or they, for neglecting or refusing, shall respectively forfeit the Sum of Six Shillings for every Team, Draught, or Cart making Default each of the said respective Days: And if any Labourer or other Person or Persons, so charged as aforesaid towards repairing the said Roads, shall any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Work and Labour on the said Roads, he, she, or they shall respectively forfeit the Sum of One Shilling for each of the said Days such Labourer or other Person or Persons shall make Default: And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid come to work as Labourers, or be sent with any Team, Draught, or Cart, to work upon the said Roads, shall be found idle or negligent in working on the said Roads, or any Part thereof, by the said Surveyor or Surveyors respectively where the Work is so working, such Waller the said Surveyor or Surveyors shall and is and are hereby empowered and required to remove and turn him or them off the said Work, and he shall be found idle or negligent as aforesaid; and shall be returned and taken as if such Person or Persons had not come at all to work as Labourer, or had not come with or sent any Team, Draught, or Cart, to work upon the said Roads; and he, she or they shall be subject and liable to do their respective Days Work so ordered and appointed as aforesaid.

Penalty on Persons not performing Statute-work.

Persons found idle may be turned off.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships through which the said Roads lead, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads or Bridges, for a certain Sum or Money by the Year or otherwise, as the said Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers, of

Trustees may compound for Statute-work.

such Lands, Tenements, or Hereditaments chargeable, or other Person or Persons liable as aforesaid; Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Trustees may compound with Parishes, &c. for Statute-work.

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

Compositions to be entered in a Book.

Composition-money how to be recovered and applied.

And be it further enacted, That in case any Composition-money agreed to be paid for passing through the said Gates or Turnpikes to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Roads to be amended by virtue of this Act lie, or in lieu of any Work to be done upon the said Roads by any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Person or Persons, by reason of the Tenure of any Lands, Tenements, or Hereditaments, shall not be paid within One Month next after the same shall become payable, according to such Composition or Agreement; that then it shall and may be lawful for any Justice of the Peace of the County wherein such Person or Persons so compounding as aforesaid shall reside, by Warrant under his Hand and Seal, to impower the Person authorized by the said Trustees, or any Five or more of them, to receive such Composition-money; and Oath being first made that the same has been demanded, and remains unpaid

unpaid (which Oath such Justice is hereby authorized to administer) to levy the same by Distress and Sale of the Goods of the Person and Persons, so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways for the time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, or of the Person or Persons who shall have compounded as aforesaid for the Repairs of any Part of the said Roads, by reason of the Tenure of any Lands, Tenements, or Hereditaments; returning the Overplus, after the Charges of such Distress and Sale first thereout deducted.

Surveyors paying the Composition-money, how to be reimburſed.

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

Persons liable to repair Bridges, &c. to continue so.

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

Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale, and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from time to time, for and towards the amending the Road or Roads, and Bridge or Bridges, to the Repairs of which such Rents, Profits, Sum or Sums of Money are or shall be so chargeable, and to no other Use or Purpose whatsoever.

Trustees to determine the Proportion of Statute-work.

And be it further enacted by the Authority aforesaid, That it shall and may (yearly and every Year during the Continuance of this Act) be lawful for any Five or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike Surveyor or Surveyors, to adjudge and determine what Part or Proportion of the said Statute-work shall be done upon the Roads aforesaid by the Inhabitants of each or any of the Parishes in which the said Roads hereby directed to be amended lie, so that the same shall not in the whole exceed Four Days Statute-work in each Year, and that such Statute-work shall not be done in Hay-time or Harvest.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and

for

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

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

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

Trustees may contract for repairing the Roads, and erecting Mile-stones.

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

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

And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, along any Part of the said Roads, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-stones, otherwise than upon Wheel Carriages or Sledges, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

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

And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Roads, each Stone or Post at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any

Roads to be measured, and Mile-stones erected.

other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace, every such Person or Persons so offending shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so voluntarily or maliciously broke, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices before whom such Conviction shall be made, One Moiety whereof to go to the Informer, and the other Moiety thereof shall be applied in repairing the said Roads, and making good such Stones or Posts so broken and defaced: And in case the Person or Persons so offending and convicted shall have no Goods and Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal or their Hands and Seals respectively, to commit such Person or Persons to the House of Correction, there to remain for any Time not exceeding One Calendar Month.

Penalty on defacing Milestones;

to be levied by Distress and Sale.

For want of sufficient Distress, the Offender to be committed.

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

Penalties and Forfeitures how to be recovered and applied,

towards amending the Roads hereby directed to be repaired.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That in case any Person or Persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of Four Months, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said County where 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 the Penalties or Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable; and to levy, by their Order or Warrant, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party or Parties to the common Gaol or House of Correction for any Time not exceeding One Month, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting any Appeal, Fourteen 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, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held for such County, next and immediately after giving Notice of such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard and finally determined.

Notice of Appeal to be given.

Recognizance to be entered into.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only,

Proceedings not to be quash'd for want of Form.

nor removeable by *Certiorari.*

only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

Proviso.

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

Proceedings to be entered in a Book.

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

Clerk's Fee.

Books may be read in Evidence.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or

by

or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order made to be repealed, unless 9 Trustees be present.

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

Commencement and Continuance of this Act.

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

Limitation of Actions.

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

General Issue.

Treble Costs.

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

FINIS.