Anno quarto

Georgii III. Regis.

An Act for amending and widening the Road from a Place near the Village of *Milford*, through *Haſlemere*, to the *Portſmouth* Road between *Lippock* and *Rake*, in the ſeveral Counties of *Surrey*, *Suſſex*, and *Southampton*.

WHEREAS the High Road leading from a Place near the Village of Milford, where the Turnpike Road from Godalming to Petworth turns off over Milford Heath, through Brook, and through the Borough of Haſlemere, in the County of Surrey; and from thence through Part of the ſeveral Counties of Suſſex and Southampton, to where the ſaid Road joins the Portſmouth Road between Lippock and Rake, is very ruinous, and in many Places too narrow, and in others crooked, and cannot be amended and widened by the ordinary Courſe of Law: May it therefore pleaſe Your moſt Excellent 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 Preamble.

Trustees Names.

liament assembled, and by the Authority of the same, That the Right Honourable Arthur Onslow Esquire, the Right Honourable James Grenville Esquire, Richard Ayling the elder Gentleman, Richard Ayling the younger Gentleman, John Arnold, Edward Astley, the Reverend Brewer Clerk, John Burgoyne Esquire, Merrick Burrell Esquire, Peter Burrell Esquire, Thomas Broderick Esquire, William Burrell Doctor of Laws, Richard Billinghurst Gentleman, Edward Brinkwell, Richard Balchin, William Bristow, Robert Bryant, William Battine senior Esquire, William Battine junior Esquire, John Charman Gentleman, John Chalcroft Gentleman, John Chandler the elder Gentleman, John Chandler the younger Gentleman, Thomas Chandler, John Crowcher Gentleman, Thomas Diddlefold Gentleman, the Reverend Doctor Durnford of Harling, Sir John Evelyn Baronet, Sir John Elwill Baronet, Edmund Elkins Mayor of Guildford, and the Mayor of Guildford for the time being, Richard Elkins, Sir Matthew Featherstone Haugh Baronet, the Reverend John Fulham Clerk, John Ford Gentleman, Henry Flutter Gentleman, Peter Flutter Gentleman, the Reverend Ulrick Featherstone Haugh Rector of Harting, John Fielder of Killinghurst Gentleman, John Fielder of Haslemere, Richard Fielder, James Grenville the younger Esquire, Francis Geary Esquire, Edward Garthwaite Esquire, William Gill Esquire, Henry Streater Gill Esquire, George Green Gentleman, Edward Gybbon junior Esquire of Bereton, James Goodyer Gentleman, John Dowse Garthwaite, the Warden of Godalming for the time being, Edward Gybbon Esquire senior of Bereton, the Right Honourable Lord Viscount Howe in the Kingdom of Ireland, the Bailiff of Haslemere for the time being, Sir Edward Hawke Knight of the Bath, Hammond Gentleman of Binscomb, Francis Holburne Esquire, the Honourable William Hamilton, John Hollist Esquire, William Haydon Esquire, Henry Hill Esquire, the Reverend Thomas Hall Clerk, Thomas Heather Gentleman, Richard Heather Gentleman, William Hogsflesh, Israel Jalabert Esquire, the Reverend Joseph Jackson Clerk, Thomas Jackman, Nicholas Kent, Gentlemen; the Honourable George Lenox Esquire, commonly called Lord George Lenox; John Leech of Ley Gentleman, Lawrence Ledger Gentleman, John Luff, John Lucas, the Right Honourable George Lord Viscount Midleton in the Kingdom of Ireland, Sir John Miller, Thomas More Molyneux Esquire, Challen Miller Esquire, Robert Mitchell M. D. Stephen Mills Gentleman, the Reverend Owen Mannings Clerk, John

Martyr Gentleman, John Mitchell, Sir Fletcher Norton, William Norton, Chapell Norton, Nathaniel Nicholls the younger, John Neale, Newhouse Clerk, John Newhouse Gentleman of Petworth, George Onslow of Ember Esquire, George Onslow of Ockham Esquire, the Reverend Charles Owen Clerk, George Osborne Gentleman, James Osborne Gentleman, William Overington, Lieutenant General Oglethorpe, Sir George Pococke Knight of the Bath, John Page Esquire, John Pecke, Henry Pruet Gentleman, John Pruet, John Paine of Haslemere, John Payne of Brooke, Robert Philps, Thomas Phipps Esquire, Edward Phipps Esquire, Robert Roill Gentleman, Edward Rapley, John Russel, Robert Ride, Richard Ridge, Sir Charles Sanders Knight of the Bath, the Reverend Thomas Sanderson Clerk, James Shrubb Gentleman, William Scutt Gentleman, William Shaw Gentleman, James Stilwell Gentleman, Francis Scurry Gentleman, John Stilwell Gentlemen, Roger Shotter Gentleman, William Shotter Gentleman, John Shotter of High Building, John Shotter of Bridge, James Snelling, William Savage, James Simmons the elder, Richard Stevens, Richard Smither, Thomas Sayers the elder, William Smith, John Tewsley, John Tickner, John Turner, Nicholas Turner, Sir Francis Vincent Baronet, Philip Undershell, John Valler of Burtley, Edward Upfold of Haslemere, the Right Honourable Edward Lord Winterton in the Kingdom of Ireland, Philip Carteret Webb the elder Esquire, Philip Carteret Webb the younger Esquire, Woodrooffe Esquire of Pile, John Woods of Brook Gentleman, Thomas Woods Gentleman, William Witter Gentleman, Francis Whitcombe, John Woods of Chiddingfold, William Wiggens, John Wight Gentleman, William Yalden Gentleman, John Yalden the younger Gentleman, Thomas Parker Esquire, shall be, and they and their Successors to be elected as herein after mentioned, shall be, and are hereby declared to be, Trustees for putting this Act in Execution.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be deemed qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall have, or shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes, or is possessed of, or intitled to, a Personal Estate to the Amount or Value of Eight hundred Pounds, or shall be

Heir Apparent to some Person who shall be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds: And if any Person, hereby deemed incapable of acting, shall presume to act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or 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, Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall authorize and appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross the said Road, or any Part or Parts thereof, and also upon the Sides of the said Road, and also a Toll-house or Toll-houses in, upon, or near the same, or in the Lands adjoining thereto, and to demand, receive, and take, the Tolls and Duties following, before any Horse, or other Cattle, or Carriage, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the Tolls following thereat.

The Tolls.

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

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

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

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

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

Which said respective Sum or Sums of Money shall be demanded and taken as a Toll or Duty; and the Money, so to be raised and collected, shall be and is hereby vested in the said Trustees, and their Successors, and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses and Purposes herein after mentioned (the reasonable Charges expended, or to be expended, by reason of passing this Act, being first deducted and paid); and it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the same upon any such Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle; or of any Carriage or Goods, upon which any Toll or Duty is by this Act imposed; or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same, until such Tolls or Duties, with the reasonable Charges of such Distress, detaining and keeping the same, shall be fully paid and satisfied; and after the Space of Four Days, such Person or Persons distraining (in case such Tolls, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied) shall and lawfully may sell the said Horse or Horses, Cattle, Carriage, or other Goods, so distrained for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected on the Side of any Part of the Road, except at the

No Side Gate to be erected except at the First Meering.

the First Meeting of the Trustees, unless Twenty Days Notice shall be given of every Meeting for that Purpose, by firing such Notice on all the Turnpikes to be erected by virtue of this Act.

Tolls to be paid but Once a Day.

Provided always, That no Person or Persons having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day before Twelve of the Clock at Night with the same Horse, Ass, Mule, or other Cattle, or the same Coach or other Carriage with the same Cattle, or any of them, shall be liable or compellable the same Day to pay the said Toll or Duty more than Once; in order to which the Gatekeeper is required to deliver to each Person requiring it a Note or Ticket, on producing whereof he shall be permitted to pass on the same Day Toll-free with the same Horse, Beast, Cattle, and Carriage.

Penalty on Persons giving or receiving Tickets, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable); or if any Person or Persons shall, with any Horse, Beast, or Cattle, Coach, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or wilfully permit or suffer any Person or Persons with any Horse, Beast, or other Cattle, Coach or other Carriage, to go or pass through the same Grounds, Lands, or Hereditaments; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, or other Beast, from any Coach or Carriage as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in any of the aforesaid Cases, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace in and for the County where such Offence shall be committed, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders

or going thro' or permitting private Passage, &c.

or taking off Horses, &c.

to avoid Payment of the Tolls.

shall

shall be convicted, to and for his and their own Use or Uses; and the other Moiety shall go and be applied towards the amending the said Road.

Trustees, with Consent of Creditors, may lessen 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 Nine or more of them, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter, as often and for such Time as they shall think proper, to lessen all or any of the Tolls and Duties by this Act made payable at any Turnpike or Toll-bar, and so again as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

and raise them again.

Proviso.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last-mentioned, by affixing such Notice upon every Turnpike to be erected by virtue of this Act.

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

And be it further enacted by the Authority aforesaid, That the Right and Property of the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be and are hereby vested in the said Trustees appointed or to be appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring and to cause any Action to be brought in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer for the time being, or to prefer or cause Bills of Indictment, or other Prosecutions, to be preferred against any Person or Persons who shall keep Possession of any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons so keeping Possession, to quit the same, or against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part 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, may and they are hereby authorized and impowered to choose a Clerk or Clerks, Treasurer or Treasurers, Col-

lector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors to view the Condition of the said Road, and to see that the same be repaired, and such other Officers as they, or any Five or more of them, shall think necessary for the Execution of this Act; and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and to appoint new ones on their Death or Removal; and all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received by virtue of this Act, shall upon Oath, when thereunto required by the said Trustees, or any Three or more of them (which Oath the said Trustees are hereby impowered to administer) on the Twenty fourth Day of June in every Year, or oftener, if the said Trustees, or any Three or more of them, shall so require, give in a true, exact, and perfect Account, in Writing, to the said Trustees, or any Three or more of them, of all Monies which such Persons shall have received by virtue of this Act, and how, and to whom, and for what Uses such Monies have or shall have been paid or applied, together with proper Vouchers for such Payment: And in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Three or more of them, or to such Person or Persons as they, or any Three or more of them, shall impower to receive the same, and shall be laid out and disposed of according to the true Intent and Meaning of this Act; and the said Trustees, or any Three or more of them, may and shall, out of the said Tolls or Duties, make such Allowance to the said Officers, and to such other Persons as shall be assistant to them, or any of them, in or about repairing the said Road, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up such Vouchers relating to the same, or verify the Articles thereof on Oath when required so to do, then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall make Inquiry concerning such 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; and if such Person or Persons shall be thereof convicted, such Justice or Justices

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to inquire into the Default,

Justices shall commit the Party to the common Gaol of the County where the Offence shall be committed, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers to be by them appointed to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

and commit the Offender, till Payment or Composition made.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he, they, or any Five or more of the said Trustees shall appoint, to dig, gather, and take, and carry away, any Gravel, Sand, Stones, or other Materials, for repairing the said Road, out of any River, Brook, Waste, or Common Ground, in any Parish, Town, Village, or Hamlet, wherein or near which the said Road, or any Part thereof, doth lie, without paying any thing for such Materials; and where there are not sufficient Quantities of Materials proper for that Purpose to be had upon, out of, or from, such River, Brook, Waste, or Common Grounds, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any other Person or Persons by them employed, having an Order from the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, or cause to be dug, gathered, taken, or carried away, any Quantity or Quantities of Gravel, Sand, Stones, or other Materials proper and sufficient for that Purpose, in, upon, out of, or from, the Lands or Grounds of any Person or Persons where the same may be had or found, to be used, disposed, and applied in and towards the repairing the said Road (such Lands or Grounds not being the Scite of any House or Houses, or a Yard, Garden, Orchard, Park, planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground set apart or used as a Plantation or Nursery of Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, paying or offering to pay, to the respective Owners or Occupiers of such Lands or Grounds, in, from, or over which such Materials shall be digged, cut, taken, and carried away, such Sum and Sums of Money for the same, and the Damage they shall respectively sustain thereby, as the said

Surveyors may dig Gravel, &c.

without paying for the same;

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

making Satisfaction to the Owners.

said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damage as aforesaid, the Justices of the Peace, at the next General Quarter Sessions to be holden for the said County where the Matter in Dispute shall arise, or the major Part of them present (on Ten Days Notice thereof being given in Writing by the Surveyor or Surveyors to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or left at their respective Places of Abode with some or One of their respective Families) shall hear, settle, and determine the Matter of such Damage; and the Judgement or Order of such Justices therein shall be final and conclusive to all Parties.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them, appointed or employed, may and is and are hereby authorized and empowered (they the said Surveyor or Surveyors or other Persons having a Warrant or Order under the Hands of the said Trustees, or any Three or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part of the said Road; and shall or may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon or across the said Road, or any Part thereof; and may and shall make, raise, or erect, any Mounds or Banks, or dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across any Lands, to prevent the said Road, or any Part thereof, being overflowed, and erect Bridges over such Drains or Watercourses; making such reasonable Satisfaction to the Owners or Occupiers of such Lands, for the Damages they may thereby sustain, as to the said Trustees, or any Three or more of them, shall seem meet.

Surveyors may make Causeways, &c.

erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

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 and they shall appoint, from time to time, to remove and carry away all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to

turn any Watercourſes, Sinks, or Drains, running into, along, acroſs, or out of, the ſaid Road, to the Prejudice thereof; and to open, ſcour, cleanſe, or enlarge any Watercourſes or Ditches adjoining to the ſaid Road, and make the ſame as deep and large as he or they ſhall think proper and neceſſary; and to make any new Drains adjoining to the ſaid Road, ſo as the ſame be not made through any Garden, Orchard, Yard, planted Walk, or Avenue to a Houſe, or any Plantation or Nurſery for Trees; and to grub up or cut down, lop, or top, any Trees or Buſhes growing in 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 ſhall neglect to remove ſuch Annoyances, or to grub up, cut down, lop or top, and carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe, ſuch Watercourſes or Ditches, or to make ſuch Drains as may be neceſſary, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of the Surveyor or Surveyors, or of the ſaid Truſtees, or any Three or more of them; the Charges whereof ſhall be ſettled by the ſaid Truſtees, or any Three or more of them, and reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers ſo neglecting to grub up, cut down, lop, top, and carry away, ſuch Trees or Buſhes, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or to make ſuch Drains, or to remove ſuch other Annoyances as aforeſaid; ſuch Charges to be recovered, levied, and diſpoſed of, in ſuch Manner as the Penalties and Forfeitures by this Act impoſed are herein after directed to be recovered, levied, and diſpoſed of: And if, after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſo offending, and being thereof convicted on Oath before One or more Juſtice or Juſtices of the Peace for the County where ſuch Offence was committed, ſhall, for every ſuch Offence, forfeit unto the ſaid Truſtees the Sum of Twenty Shillings, to be diſpoſed of and applied in repairing the ſaid Roads.

and cut down Buſhes, &c.

the Owners neglecting to remove the ſame after Notice;

the Charges thereof to be reimburſed to the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, are hereby authorized and impowered to widen the ſaid Road, or any Part thereof, or to alter and turn the ſaid Road; and for that Purpoſe they the ſaid Truſtees, or any Nine or more of them, ſhall have full Power and Authority, from time to time, during the Continuance of this Act, to treat, contract, or agree, with the ſeveral

Truſtees may contract for the Purchaſe of Lands to be laid into the Road.

Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous to the said Road so to be widened, altered, or turned, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage any such Owners, Proprietors, or Occupiers, shall or may in any wise sustain by such widening, altering, or turning of the Road, or any Part thereof; and out of the Tolls or Duties by this Act granted, and out of any Monies to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss and Damage, such Sum and Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Three or more of them, and also the Costs and Charges attending such Agreement and Purchase.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Lands, Grounds, or Hereditaments, necessary for widening, altering, or turning, the said Road, to treat, contract, and agree with the said Trustees, or any Three or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law 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 Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, 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.

Owners neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, Trustee, or other Person interested in any Lands, Grounds, or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places

Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Body Politick, Corporate, or Collegiate, 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 Road as aforesaid, shall, by the Space of Fourteen 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 such Case, the said Trustees, or any Three or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where the Matter in Dispute shall arise (which Oaths the said Trustees, or any Three or more of them, 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 as aforesaid, for or upon the account of taking of such Lands, Grounds, or Hereditaments, into the said Road; and, in order thereto, the said Trustees, or any Three or more of them, are hereby impowered and required, from time to time, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Three or more of the said Trustees are hereby impowered and directed to administer) and shall order and cause the said Jury to view the Places in Question, if there be Occasion, and 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 Three 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 Three 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, 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, against all Persons and Parties whatsoever, claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners,

Jury to settle the Damage and Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same: And, for the summoning such Jury or Juries, the said Trustees, or any Three or more of them, are hereby impowered to issue a Warrant or Warrants to the Sheriff of the County where the Matter in Dispute shall arise, 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 Three 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 Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Three or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; 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.

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

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That 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 Three 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, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any Person or Persons who shall be summoned on such Jury, and shall not appear, or who shall refuse to be sworn on such Jury, or, being so sworn, shall refuse or neglect to give their Verdict, or in any other Manner wilfully neglect 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, who shall refuse to be examined and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty is herein after directed to be levied, so as no such Fine shall exceed the Sum

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

of

of Ten Pounds upon any One Person for One Offence; and that all such Fines shall be applied for such Uses, and in such Manner, as the Tolls and Duties hereby granted are to be applied. Fine not to exceed 10 *l.*

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk to the said Trustees for the Use of such Persons; and after Ten Days Notice thereof given to such Persons or their Agents to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Three or more of them, their Surveyor, Workmen, or Agents, to take into and add such Grounds, Lands, and Hereditaments, to the said Road, and to do all and every such Act, Matter, or Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Nine or more of them, shall think fit and proper; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice thereof given as aforesaid, such Lands, Grounds, or Hereditaments, shall be laid into, or added to, and made Part of, the said Road, in such Manner as the said Trustees, or any Nine or more of them, shall order and direct; and after the said Grounds shall be made Part of the said Road, and completely repaired and finished, the Lands and Grounds comprised in or constituting the old or former Road, in lieu whereof the Land or Ground for which such new Road or Way shall be purchased, obtained, and made as aforesaid, shall and may be sold or disposed of by the said Trustees, or any Nine or more of them, to such Person or Persons who shall be willing to become Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale shall be applied and disposed of for repairing and amending the said Road; and such Conveyance or Conveyances to be made of the said Lands and Grounds comprized in the said old Road, being executed by the said Trustees, or any Nine or more of them, and inrol- Money allowed for Lands, &c. how to be charged and tendered. Lands, &c. when purchased, to be made Part of the Roads. Old Road may be sold.

led with the Clerk of the Peace for the County in which the said Grounds shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be injured.

Provided always, and be it further enacted by the Authority aforesaid, That in widening any Part of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any planted Walk, or Avenue to any House.

Trustees may borrow Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby impowered, from time to time, by any Writing under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of the said Tolls or Duties) for the whole Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance or lend such Money, to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Tolls or Duties, with Interest for the same; which said Money, so borrowed, shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders, and Persons to whom such Assignments shall be made aforesaid, shall (so far as the said gross Sum shall extend) be and are hereby declared to be Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the Original Assignment or Assignments, so to be made by the said Trustees for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused at all seasonable Times by any Person or Persons whatsoever without Fee or Reward: But no Money shall be borrowed by the said Trustees upon the

All Creditors deemed equal in Degree.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Credit

dy 3

Credit of the said Tolls after their First Meeting, unless Fourteen Days Notice be previously given thereof by Writing under the Hand of the Clerk to the said Trustees, to be by Order of the said Trustees, or any Three or more of them, affixed on all the Turnpikes erected by virtue of this Act.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any such Assignment or Assignments shall be made by the said Trustees, or any Seven or more of them, or who shall be intitled to the Money thereby secured, may, and they are hereby impowered, from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and such Assignment 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 the same again, and so toties quoties. Assignments may be transferred.

Provided always, That all such Assignments or Indorsements of such Securities as exceed the Sum of One hundred Pounds, shall be entered in a Book to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers for the time being; and in case any Security, so assigned, shall not exceed the Sum of One hundred Pounds, it shall and may be lawful to and for the respective Person or Persons, then intitled to such Security or Securities or Assignment respectively, by an Indorsement of his, her, or their proper Name without Witness, to transfer his, her, or their Property in such Security, Assignment or Assignments, to any other Person or Persons without any Entry to be made with the Clerk or Treasurer, and so toties quoties as often as they shall think fit. Assignments exceeding 100 *l.* to be entered in a Book.

Provided always, and it is hereby declared and enacted, That no Tolls or Duties shall be demanded or taken at any Turnpike to be erected by virtue of this Act, for any Person going to, or returning from, any Election of a Knight or Knights of the Shire for the respective Counties of Surrey, Sussex, or Southampton, or of a Burgess or Burgesses for the Borough of Haslemere, on the Day of such Election, and One Day next before and after the same; nor for any Waggon or other Carriage, or for any Horse or other Beast, drawing or carrying any Materials for repairing any Road or High- Exemptions from Tolls.

Highway, or any Dung, Lime, Mould, Chalk, Soil, or Compost, for manuring any Lands, or any Grass, Hay, Corn in the Straw, or Coals, Wood, Heath, Furze, Ling, Turf, or Peat for Fuel, or any Ploughs, Harrows, or other Implements of Husbandry, to be used for tilling or manuring of Lands, or any Corn or Grain to be ground; or for any Person residing in any of the respective Parishes or Townships who shall pass to and from Church or Chapel, or other lawful Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person who shall die or be buried in any of the Parishes or Places in which any Part of the said Road doth lie, or for any Horse or other Cattle going to or from Water or Pasture, or for the Purpose only of being shoed at any Smith's Shop, within the Parishes, Townships, or Places, where the said Road intended to be repaired by this Act doth lie, not being above Three Miles distant from such Turnpike Gate or Gates respectively; or for any Post Horse carrying or drawing the Mail or Packet; or for the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to or passing with them, or carrying their Baggage, or any Horses or Carriages carrying Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided also, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Persons shall forfeit and pay the Sum of Twenty Shillings; to be recovered and applied in Manner herein after directed.

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

Provided also, and be it further enacted, That all Persons who by Law are obliged to or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable to do their respective Works in the Parishes or Townships respectively, in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Road by this Act directed to be repaired, and lying within the Parishes, Townships, or Places, in which such Inhabitants respectively shall live, and at such Times and in such Manner as the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them authorized, shall direct and appoint; and that every Inhabitant of the said Towns, Parishes, and Places respectively, who shall keep a Horse, Mare, or Gelding, and Cart, shall send the same with able Persons to work therewith, according

Inhabitants to do Statute-work.

cording to the Laws now in being, for and towards the repairing the said Highways, on such Days, and under the like Penalties for Default as are now by Law appointed; and the said Turnpike Surveyor shall attend the respective Days and Places of the Statute-work to be done, and lay out the Road, and direct the Manner in which such Road respectively shall be formed and made; and the Surveyors of the several Parishes, Townships, and Places respectively, and the Workmen under their Charge, shall be subject in the repairing such Road to the Orders of such Turnpike Surveyor; provided that if any such Surveyor of any Parish or Township, or any Labourer under his Charge, or other Inhabitant, shall think himself aggrieved by any thing done by the said Turnpike Surveyor, or by the said Trustees, or any Three or more of them, in the Premisses, he may (on giving Fourteen Days Notice in Writing) appeal to the next General Quarter Sessions of the Peace to be holden for the County where the Cause of Complaint shall arise; and the Justices then and there shall hear and determine the same, whose Order therein shall be final.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways for the respective Townships, Parishes, or Places, wherein any Part of the said Road doth lie, shall and are hereby required at the First Meeting of the said Trustees, after the First Day of January, in every Year during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists in Writing before such Trustees, or any Three or more of them, upon Oath (which Oath the said Trustees, or any Three or more of them, are hereby impowered to administer) of the Names of the several Persons who within each Township, Parish, or Hamlet respectively, are obliged by this Act or by any other Law to do their Statute-work for that Year; and in case any of the said Surveyors of the Highways shall refuse or neglect to deliver in true and perfect Lists as aforesaid, then every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

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

Penalty on Surveyors neglecting to deliver in such Lists.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes or Townships (by and with the Consent of the Inhabitants of such Parishes or Townships, first had at a Vestry or other Publick Meeting of such Inhabitants)

Trustees may compound for Statute-work.

to compound and agree by the Year or otherwise with the Trustees, or any Five or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Parishes or Townships upon any Part of the said Road: And if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid or levied on him or them, in such Manner as Surveyors of Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways: And in case such Composition-money shall not be paid to the said Trustees, or any Three or more of them, or to such Persons as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded; it shall be lawful for any One or more Justice or Justices of the Peace within the said County (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering such Person so by the said Trustees, or any Three or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways for the time being of the said Parish or Parishes, Township or Townships, Hamlet or Hamlets respectively; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell; returning the Overplus (if any be) to the Owner or Owners thereof upon Demand, after the said Composition-money and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be by the said Trustees, or any Three or more of them, applied towards amending the said Road, and to no other Use or Purpose whatsoever.

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

Composition-money how to be recovered and applied.

Particular Compositions

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered to compound or agree with any Person or Persons, whose Dwelling shall be within the Distance of One Mile of any Turnpike-gate to be erected by virtue of this Act, for passing through such Gate only (and with no other Person) for any Sum or Sums of Money to be paid annually or otherwise in lieu of the said Tolls or Duties granted by this Act.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall direct, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees, or any Three or more of them, shall seem meet: And if any Person shall wilfully and maliciously break, or pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new ones in their stead; and if there shall be any Overplus, the same shall be laid out in repairing the Road directed to be repaired by this Act: And in case such Offender shall have no Goods or Chattles, then it shall be lawful for any One or more Justice or Justices of the Peace for the respective County where the Offence shall be committed, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the Common Gaol or House of Correction for the respective County, for the Space of One Month, or until he or they shall have paid the said Sum of Forty Shillings.

Roads to be measured, and Mile stones erected.

Penalty on defacing Mile-stones.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the County where the Matter of Complaint shall arise; which Warrant the said Justices are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Testimony of One or more credible Witness or Witnesses upon Oath; 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 Charge of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Three or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not

Penalties and Forfeitures how to be recovered and applied.

otherwise

otherwise directed to be applied by this Act) for and towards amending the said Road.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself aggrieved by any Act, Order, or Judgement, done, made, or awarded in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall and may be lawful for him to appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held for the County where the Matter of Complaint shall arise,

Notice of Appeal to be given.

the Party appealing causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Evidence such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices so assembled, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Order and Judgement of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the said Justices, to be had touching the Conviction of any Offenders against this Act, shall be quashed

or be removable by *Certiorari*.

or vacated for want of Form, or be removable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance from and after the Day Three Weeks after the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

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

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so deceased or refusing

10 Days Notice of Election to be given.

to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee, shall be fixed at all the Turnpikes to be erected by virtue of this Act, at least Ten Days before the Meeting for

such

such Election; and all such Persons as shall, from time to time, be so chosen and appointed, being duly qualified as herein before directed, shall be joined with such surviving Trustees, and they are hereby authorized and 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.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees hereby appointed, or any Nine or more of them, shall meet together at the Town-hall in the Borough of Haslemere, upon the Second Monday after the Commencement of this Act, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at such convenient Place as the said Trustees, or the major Part of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen there shall not appear at any such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn themselves, the Clerk to the said Trustees shall, by publick Notice in Writing to be affixed at or on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks from the Day on which such Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, defray their own Charges and Expences.

In Default of a sufficient Number to act, Meeting to be adjourned.

Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall, and they are hereby required to take such Security from their Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Nine or more of them, shall think fit.

Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person appointed a Trustee by virtue of this Act shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, or any Person or Persons who shall carry any Goods for Hire, or have, use, or exercise the Occupation of a Common Carrier, shall be capable of holding or enjoying any Office or Place of Trust or Profit under this Act.

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

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

Trustees who are in the Commission of the Peace to act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That such of the said Trustees as are or shall be in the Commission of the Peace, or any of them, may and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, fair, and true Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books which shall be kept for those Purposes; and Copies of the said Accounts, when audited and passed by the said Trustees, or any Three or more of them, shall be seen and perused at all seasonable Times by any Person or Persons gratis; and all and every Person and Persons who shall demand the same, shall be intitled to a Copy thereof, paying for the same at the Rate of Four Pence a Sheet, each Sheet to consist of Seventy two Words.

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, Mortgage, 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 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, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

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

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Three or more of them, in, for, or concerning the executing of 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 said Trustees, unless Nine Trustees shall be then present, and Five of them at least shall concur in revoking or repealing the same; for if more than Nine be present, then at least Two Thirds

of

of the whole Number to concur as aforesaid in revoking or repealing the same.

And be it further enacted by the Authority aforesaid, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Want of Form, or Defect of the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damages in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity as aforesaid, or other wrongful Proceedings by virtue of this Act, if Tender of Amends be made before such Action be brought by or on Behalf of the Party or Parties who shall commit, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceedings.

Distress not invalid for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Plaintiff not to recover, if Tender of Amends hath been made.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done in pursuance of this Act, the same shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid, brought, and tried within the County where the Matter of Complaint shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit 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 Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same, as any

Limitation of Actions.

General Issue.

Treble Costs.

Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.