Anno ſeptimo

Georgii III. Regis.

An Act for repairing the Roads from *Tunbridge Wells*, in the County of *Kent*, to *Swift's Den*, in the Pariſh of *Etchingham*; and from *Frant* to *Poſſingworth Great Wood*, adjoining to the Turnpike Road there, leading to *Blackboys*, in the County of *Suſſex*.



WHEREAS the Roads leading from Tunbridge Wells, in the County of Kent, to and through the ſeveral Pariſhes of Frant, Wadhurſt, Ticehurſt, and to a certain Place called Swift's Den, in the Pariſh of Etchingham, in the County of Suſſex; and from Frant aforeſaid, through the Pariſhes of Rotherfield and Wadhurſt, to and through the Pariſh and Town of Mayfield, and from thence to a certain Place called Poſſingworth Great Wood, in the Pariſh of Waldron, in the ſaid County of Suſſex, adjoining to the Turnpike Road there leading to Blackboys, are in a ruinous Condition, narrow in many Places, and dan- Preamble.

gerous 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, and by the Authority of the ſame, That William Aſhburnham, John Apſley, Metcalf Aſh, John Auſten, John Arckoll, John Burges, Samuel Boys the elder, Samuel Boys the younger, Samuel Baker, Edmund Baker, Edward Budgen, William Henry Benge, Edward Benge, Thomas Baker of London, Michael Baker, William Bowen, Richard Walter Burgis, John Blackman, Michael Barrett, John Brett, John Baker, Thomas Baker of Frant, the Reverend Samuel Buſh, and the Reverend Sackvill Spencer Bale, Clerks; Thomas Chowne, John Chowne, George Courthop, George Courthop junior, Alexander Courthop, John Children, William Camfield, Joſeph Calverley, John Conſtable, Thomas Conſtable, John Claridge, Edward Chapman, the Reverend Henry Courthop, the Reverend Roger Challice, the Reverend John Courtail, and the Reverend William Courthop, Clerks; Sir John Dixon Dyke Baronet, James Dalrymple, Richard Delves, John Darell, Samuel Durrant, Anſell Day, Samuel Daſh, William Dudgen, John Duplock, Richard Dungate, the Reverend William Delves, and the Reverend William Dowding, Clerks; George Auguſtus Elliott of Bayley Park, William Eldridge, John Eldridge, James Eldridge, Roſe Fuller, Stephen Fuller, John Fuller of Parkgate, John Fuller of Heathfield, John Meeres Fagg, Thomas Fowle, John Fry the elder, John Fry the younger, Richard Farncombe, John Foſter, Robert Friend, the Right Honourable William Hall, Lord Viſcount Gage of the Kingdom of Ireland; Henry Goldſmith, Charles Gilbert, William Gratton, William Gurr, Sir John Honeywood Baronet, Stephen Hooker, George Hooker, Thomas Hooker, Henry Humphery, William Howard, Richard Harcourt, Thomas Harvey, Henry Harper, Edward Hawes, the Reverend Odiarne Hooper, and the Reverend Thomas Hooper, Clerks; William Johnſon, William James, Richard Jeffery, Robert Jeffery, Thomas Jeffery, the Reverend James Ibbetſon Clerk, Sir George Kelley Knight, William Kempe, Thomas Knight, the Reverend James Kearſley, the Right Honourable George Henry Lenox Eſquire, commonly called Lord George Henry Lenox, Thomas Lane M. D. William Lane, John

Truſtees Names.

Wells Luck, John Luck, George Lillington, William Lloyd, Darius Latter, Paul Legas, John Legas, Edmund Latter, the Reverend George Lewis Clerk, George Medley, Thomas Maynard, John Meres the younger, William Muggridge, William Morland, Thomas Morland, John Moon, Thomas Markwick, William Markwick, William Michell, James Michell, Samuel Mills, Edward Mercer, John Mercer, Thomas Moon, the Reverend Oſſory Medlicott Clerk, John Noakes, Robert Noakes of Etchingham, Robert Noakes of Burwaſh, Joſeph Newington, John Newington, Benjamin Newington, Richard Newnham, Zebulon Newington, Thomas Noakes, Samuel Newington, Arnold Neſbitt, William Nutt, the Reverend Thomas Nairn Clerk, Dean of Battle; and the Reverend William North Clerk, Robert Olive, Sir Henry Poole Baronet, the Right Honourable Thomas Pelham, Henry Pelham, John Pelham, Ferdinando Poole, William Poole of Hook, Henry Playſted, Chriſtopher Pinchbeck, John Peckham, William Peckham, Nathaniel Polhill, Thomas Smith Panuwell, John Pratt, Joſeph Pettit, Robert Pratt, John Pack, James Parke, the Reverend Thomas Porter Clerk, Richard Rideout, Samuel Roberts, Robert Randoll, William Rabſon, the Reverend John Rideout Clerk, the Right Honourable George Sackville Eſquire, commonly called Lord George Sackville; Sir Thomas Stile, Sir Thomas Stapleton, Baronets; Luke Spence, Henry Shelley, Elfred Staples, Richard Shadwell, Charles Stile, William Selby, Charles Stewart, Thomas Streatfield, Thomas Scoones, John Streatfield, Robert Streatfield, Richard Beard Streatfield, Thomas Stone, Richard Stone, Darell Short, Samuel Smith, John Shore, Alexander Sidney, Thomas Swane, John Smith, Joſias Smith, William Saxby, John Slatter, Edmund Strickland, Richard Snatt, Edward Strange, Sir William Twiſden, Sir Roger Twiſden, Baronets; John Tompſett, James Tompſett, Thomas Taylor, Robert Taylor, John Taylor, Richard Tucker, George Taylor, William Tatton D. D. the Reverend Johnſon Towers Clerk, the Honourable George Venables Vernon, Sir Whiſtler Webſter, Sir Thomas Spencer Wilſon, Baronets; John Woodgate, William Woodgate, Edmund Wood, George Weller, Edward Willett, William Watſon, John Wood the elder, John Wood the younger, William Wickins, Francis Wheeler, the Reverend John Whitaker Clerk, and John Sands Young, 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 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 and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds; or ſhall be Heir Apparent of ſome Perſon having ſuch Eſtate of the clear yearly Value of One hundred Pounds; or poſſeſſed of, or intitled unto, a Perſonal Eſtate to the Amount or Value of One thouſand Pounds: And if any Perſon hereby deemed incapable to act, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and 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, 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 or Evidence 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 William Gurr, known by the Sign of the Queen's Head, in the Town of Wadhurſt, on the Twenty firſt Day next after the Paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then and there, and at all ſubſequent Meetings, adjourn themſelves, from time to time, to ſuch Times and Places in or near the ſaid Roads ſo to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to any other Time or Place, then the Clerk to the Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held, and ſo from time to time as often as the Caſe ſhall happen; and ſhall cauſe Notice thereof to be affixed on all the Gates or Turnpikes then erected by virtue of this Act, at leaſt Ten Days before every ſuch Meeting; and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences.

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

Truſtees to defray their own Expences.

Provided

Provided always, That Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment. Proviſo.

And be it further enacted, That no Perſon ſhall be capable of acting as Truſtee under the Authority of this Act, who ſhall hold any Place of Profit ariſing out of the Tolls hereby granted. No Truſtee to accept a Place of Profit ariſing from the Tolls.

And be it further enacted, That any Truſtee appointed in or by virtue of this Act, who ſhall be a Juſtice of the Peace, is hereby authorized and impowered to act as a Juſtice of the Peace in the Execution of the Powers and Authorities hereby given to any Juſtice of the Peace, notwithſtanding his being a Truſtee. Truſtees who are in the Commiſſion of the Peace may act as Juſtices.

And be it further enacted, That as often as any of the ſaid Truſtees ſhall die or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, under their Hands and Seals, to appoint another Truſtee in the Room of ſuch Truſtee ſo dying or refuſing to act; and Notice of the Time or Place of Meeting for the Election of ſuch Truſtee ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing on all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Fifteen Days before the Meeting of ſuch Election; and the Perſon ſo appointed ſhall and may act in the Execution of this Act, as fully as any Truſtee hereby appointed is impowered to do. On Death, &c. of Truſtees, others to be choſen. Notice of Election ſhall be given.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall or may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, and acroſs, ſuch Part and Parts of the ſaid Roads reſpectively as the ſaid Truſtees ſhall think proper (except as herein after is mentioned and provided) and ſhall and may erect or provide a Toll-houſe to each of the ſaid Gates or Turnpikes; and ſhall and may, at any Time or Times, during the Continuance of this Act, as often as they ſhall ſee Occaſion, take away and remove, or cauſe to be taken away and removed, any ſuch Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, from the Place or Places where the ſame ſhall be ſo erected, and erect the ſame on any other Place or Places, in, upon, or acroſs, the ſaid Roads reſpectively, as they ſhall think fit; and ſhall and may cauſe to be demanded and taken at each and every of the ſaid Gate or Gates, Turnpike or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle ſhall be permitted to paſs through the ſame; that is to ſay, Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

For

The Tolls.

For every Carriage drawn upon Four Wheels, the Sum of One Shilling.

For every Carriage drawn upon Two Wheels, the Sum of Six Pence.

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

For every Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Halfpenny.

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

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

And for every Carriage whatsoever, laden with Chalk, Timber, Guns, or Coal, between the Tenth of October and the Fifth Day of April, in every Year during the Continuance of this Act, the Sum of One Shilling, over and above the respective Sums of Money before mentioned.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll or Duty, and shall be paid to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to collect the same; and the Money so to be raised and collected is hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls or Duties, shall, after Demand thereof made, neglect or refuse to pay the same, it shall and may be lawful for the Person or Persons appointed as aforesaid, to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beasts, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress to be sold after 4 Days.

Turnpike-gates where to be placed.

Provided always, and be it further enacted, That Three Gates or Turnpikes, and no more, shall be erected across or upon the Road leading from a certain

Place

Place called Sleeches Croſs, in the Pariſh of Frant aforeſaid, to Poſſingworth Great Wood aforeſaid, One of which Gates or Turnpikes ſhall be erected at or near Sleeches Croſs aforeſaid; and that Three ſuch Gates or Turnpikes, and no more, ſhall be erected acroſs or upon the Road leading from Sleeches Croſs aforeſaid to Swift's Den aforeſaid, One of which Gates or Turnpikes ſhall be erected at or near Sleeches Croſs aforeſaid; and that no Gate or Turnpike ſhall be erected upon or acroſs the ſaid Road leading from Sleeches Croſs aforeſaid to Tunbridge Wells; and alſo that no Croſs Gate, Side Gate, or Turnpike, ſhall be erected nearer to Poſſingworth Great Wood aforeſaid, than a certain Place called Butchers Croſs, in the ſaid Pariſh of Mayfield.

Separate Accounts to be kept of the Tolls.

And be it further enacted by the Authority aforeſaid, That ſeparate Accounts ſhall be kept of the Tolls collected at the Turnpike Gate or Gates to be erected at or near Sleeches Croſs aforeſaid, for the Road leading from thence through Wadhurſt and Ticehurſt to Swift's Den, and of the Money to be borrowed on the Credit thereof; which ſaid Tolls and Money borrowed ſhall be paid and applied to the repairing and amending the ſaid Road only, and for executing the other neceſſary Purpoſes of this Act relating thereto: And alſo that a ſeparate and diſtinct Account ſhall be kept of the Tolls collected at Sleeches Croſs aforeſaid, for the ſaid Road leading from thence through Mayfield Town to Poſſingworth Great Wood, and of the Money to be borrowed on the Credit thereof; which ſaid laſt mentioned Tolls, and the Money to be borrowed on the Credit thereof, ſhall be paid and applied towards the repairing and amending the ſaid laſt mentioned Road only, and for executing the other neceſſary Purpoſes of this Act relating thereto.

Proviſo.

Provided nevertheleſs, That the Road leading from Sleeches Croſs aforeſaid to Tunbridge Wells, ſhall be amended and repaired by the Tolls and Money ariſing from and to be borrowed on both the ſaid Roads reſpectively, in equal Proportions.

Proviſo.

Provided alſo, That the Tolls to be collected on both the Roads may be a Joint Security for any Sum raiſed or to be raiſed and borrowed, to defray the neceſſary Expences of paſſing this Act.

Truſtees may erect Side-gates,

And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe to be erected One or more Bar or Bars, Gate or Gates, Fence or Fences, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Roads, or upon, in, or acroſs, any

Lane or Way leading into the ſame reſpectively, to prevent Perſons evading the Payment of the Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue of this Act; and there to cauſe to be taken and levied ſuch Tolls as are made payable at any Gate or Turnpike to be erected on the ſaid Roads by virtue hereof, ſo as the ſame do not extend to a Double Charge upon any Perſon paſſing through any other of the Gates or Turnpikes erected by virtue of this Act; and ſo as ſuch Side-gates be not erected more or further than the Diſtance of One hundred and fifty Yards from the ſaid Roads reſpectively.

and take Toll thereat;

ſo as the ſame do not extend to a Double Charge.

Turnpikes, &c. veſted in the Truſtees.

And be it further enacted, That the ſaid Gates or Turnpikes, and Toll-houſes, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided by the ſaid Truſtees, or by their Surveyor or Surveyors, for repairing the ſaid Roads reſpectively, ſhall be, and they are hereby, veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cauſe any Action or Actions to be brought, in the Name of their Treaſurer or Clerk, or to prefer, and order and direct the preferring, Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any Gate, Turnpike, or Toll-houſe, which ſhall be erected by virtue of this Act, or any Part thereof, or any of the Materials which ſhall be provided for the repairing of the ſaid Roads.

Application of the Monies.

And be it further enacted, That out of the Firſt Money ariſing by the Tolls hereby granted, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act; and ſhall apply the Remainder of the Money ſo raiſed in erecting Gates or Turnpikes, and Toll-houſes, and repairing, widening, and amending, the ſaid Roads reſpectively, and defraying the neceſſary Coſts, Charges, and Expences, attending the ſame, and the Execution of this Act, and to no other Uſe or Purpoſe whatſoever.

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

And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, with the Conſent of the Perſon or Perſons intitled to Two Thirds of the Money borrowed on the Credit of the Tolls, to leſſen the Tolls hereby granted, or any Part thereof, on each Road reſpectively, for ſuch Time as the ſaid Truſtees, or any Seven or more of them,

them, ſhall think proper; and ſuch Tolls, ſo leſſened, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Perſon ſhall have paid the Tolls by this Act granted for the paſſing of any Carriage or Cattle, of any Sort or Species, through any Gate or Turnpike, or any Side-gate, erected by virtue of this Act; the ſame Perſon, upon producing a Note or Ticket denoting ſuch Payment, ſhall be permitted to paſs through the ſame Gate or Turnpike, with the ſame Carriage and Cattle, Toll-free, at any Time or Times during the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night; which ſaid Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give gratis upon the Payment of ſuch Toll.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, upon One Month's Notice to be given in Writing under the Hand of the Clerk of the ſaid Truſtees, to be affixed on all the Turnpikes to be erected by virtue of this Act, may, at any Time during the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Leaſe to any Perſon or Perſons by the Year, or for any Term not exceeding Three Years, for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Nine or more of them, ſhall think reaſonable; which Sum or Sums of Money ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and ſhall be applied to the ſame Purpoſes as the Tolls hereby granted are to be applied, and to no other Uſe or Purpoſe whatſoever.

Exemptions from Tolls.

And be it further enacted, That no Perſon ſhall be charged with any of the Tolls or Duties aforeſaid for any 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; or for any Corn in the Straw, Hay or Straw, to be laid up or houſed in any Barns or Out-houſes, or upon the Lands and Premiſſes of and belonging to any of the Inhabitants of the reſpective Pariſhes in which the ſaid Roads do lie (except ſuch Corn, Hay, or Straw, to be ſold, or for Sale) or for any Ploughs, Harrows, or other Implements of Huſbandry, or for any Hop-poles which ſhall grow and be uſed in the ſeveral and reſpective Pariſhes in which the ſaid Roads do lie (except the ſame to be ſold, or for Sale)

or

or for any Lime, Chalk, Dung, Mould, Compoſt, or other Materials, to be uſed in amending and manuring of Land; nor ſhall any of the Tolls or Duties hereby laid be demanded or taken from any Perſon or Perſons reſiding in the Pariſhes in which the ſaid Roads lie, who ſhall paſs through any of the ſaid Gates or Turnpikes to and from Church, Chapel, or other Places of Religious Worſhip on Sundays; nor for any Horſes, Mares, Geldings, or other Cattle or Beaſts, going to, or returning from, Water or Paſture, belonging to any of the Inhabitants of the ſeveral Pariſhes in which the ſaid Roads do lie; nor for any Poſt-horſe carrying the Mail or Packet; nor 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; nor for Horſes, Carts, or Waggons, travelling with Vagrants ſent by Paſſes.

No Toll on Election Days.

Provided always, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, and Paſſengers on Horſeback, ſhall paſs and repaſs Toll-free on the Day or Days on which there ſhall be an Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Kent or Suſſex, or on the Day before, or on the Day after, ſuch Election or Elections; any thing herein contained to the contrary notwithſtanding.

Penalty on making illegal Claims, &c.

Provided alſo, That if any Perſon ſhall claim and take 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 reſpectively.

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

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 and ſuffer any Perſon or Perſons to paſs through any Gate, Paſſage, or private Way, with any Cattle or Carriage; or if any Perſon ſhall, with any Cattle or Carriage, paſs through any ſuch Gate, Paſſage, or private Way, in order to

or on giving or receiving Tickets, &c. to avoid Payment of the Tolls.

avoid the Payment of any 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 Cattle or Carriage, whereby the Payment of any of the Tolls by this Act granted ſhall be avoided; every Perſon ſo offending in each of the

Caſes

Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Tolls may be aſſigned for Money borrowed.

And, for the more ſpeedy repairing and widening the ſaid Roads, 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, upon the Credit of the Tolls hereby made payable, to borrow and take up at Intereſt any 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 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 of this Act being thereout firſt paid) ſhall be laid out and applied in and for the repairing and widening the ſaid Roads reſpectively, in ſuch Manner as the ſaid Tolls are hereby directed to be laid out and applied, and to and for no other Uſe or Purpoſe whatſoever.

Proviſo.

Provided always, That the Tolls of either of the ſaid Roads ſhall not be anſwerable or chargeable for any Money to be borrowed for the repairing and widening the other of them, but only of that particular Road for which the ſame ſhall be ſo borrowed, except as herein before is mentioned of and concerning the Road leading from Sleeches Croſs to Tunbridge Wells aforeſaid.

Aſſignments may be transferred.

And be it further enacted, That all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages, Aſſignment or Aſſignments of the Tolls ſhall be made, or who ſhall be intitled to the Money thereby ſecured, and his, her, or their Aſſignee or Aſſignees, may, and is and are hereby impowered, from time to time, to transfer or aſſign over ſuch Security or Securities, and all the Monies that ſhall be due thereon, to any Perſon or Perſons.

Notice to be given of borrowing Money.

Provided always, and it is hereby further enacted and declared, That no Money ſhall be borrowed upon the Credit of this Act by the ſaid Truſtees after their firſt Meeting, unleſs Notice in Writing under the Hand of the Clerk of the ſaid Truſtees be, by Order of the ſaid 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 Seven or more of them, may appoint ſuch Officers

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender,

until Payment or Compoſition made.

ficers and other Perſons as they ſhall think neceſſary to employ in the Execution of this Act; and ſuch Officers and other Perſons, or any or either of them, from time to time, to remove, and to appoint others in caſe of Death or ſuch Removal; and may, out of the Monies which ſhall ariſe by the Tolls aforeſaid, make ſuch Allowances to ſuch Officers and other Perſons for their Services, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable: And all and every ſuch Officers and other Perſons ſhall, from time to time (when thereunto required by the ſaid Truſtees, or any Five or more of them) make and render to the ſaid Truſtees, or any Five or more of them, a true, exact, and perfect Account in Writing under their reſpective Hands, upon Oath, to be taken before Two or more of the ſaid Truſtees (which Oath Two Truſtees are hereby impowered to adminiſter) of all Monies which he, they, and every of them reſpectively, ſhall to that Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they ſhall appoint to receive the ſame; and in caſe any ſuch Officer or other Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath, ſuch Account, or to make ſuch Payment as aforeſaid, then any One or more Juſtice or Juſtices of the Peace for the County where ſuch Officer or other Perſon ſhall reſide, ſhall make Enquiry 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, which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter; and if any ſuch Officer or other Perſon ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit the Offender to the common Gaol of the County or Place where the Offence ſhall be committed, there to remain without Bail or Mainprize, until he or they ſhall make and render a full, true, and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded and agreed with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make.

And

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers 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.

And be it further enacted, That no Perſon keeping an Inn, Alehouſe, or other Houſe of Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act. No Victualler, &c. to hold any Place of Profit.

And be it further enacted, That the Surveyor or Surveyors appointed by the ſaid Truſtees, or any Seven or more of them, or any Perſon or Perſons appointed by ſuch Surveyor or Surveyors, may, and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads in, upon, or out of, or from, any River or Brook, Waſte, Common, or Wood, in any Pariſh or Place, in, adjoining to, or lying near, the reſpective Roads aforeſaid, to be uſed in repairing the ſaid Roads, without paying any thing for the ſame; they the ſaid Surveyors or other Perſons filling up the Pits and Holes, and levelling the Ground, or making ſufficient Fence to prevent any Misfortune or Accident happening in the Pits or Holes from whence ſuch Materials ſhall be taken, or cauſing the ſame to be done: And if ſuch Quantities of Materials as are ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſte, Common, or Wood; then, and in ſuch Caſe, to cut, dig, gather, take, and carry away, or cauſe to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials, proper and ſufficient for that Purpoſe, in, upon, or out of, and from, any River or Brook, or Lands or Grounds, of any Perſon or Perſons where the ſame may be had or found, to be uſed towards repairing the ſaid Roads (ſuch Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Nurſery, planted Walk or Walks, or Avenue to a Houſe) they the ſaid Surveyors, or other Perſon or Perſons, paying or offering to pay to the reſpective Owners or Occupiers of ſuch Lands or Grounds ſuch Damages for getting the ſaid Materials, and for carrying the ſame over their Grounds, as the ſaid Truſtees, or any Seven or more of them, ſhall think reaſonable: And in caſe of any Difference between Surveyors may dig Gravel, &c. without paying for the ſame; levelling the Pits. Materials may be taken from private Grounds; making Satisfaction to the Owners.

the ſaid Truſtees, Surveyors, or Perſon or Perſons, by them appointed as aforeſaid, and the ſaid Owners, or Occupiers, or any or either of them, concerning the Damages, any Two or more Juſtices of the Peace of the County or Place where the ſaid Materials ſhall be ſo cut, digged, gathered, taken, and carried away, ſhall and may, on Fourteen Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owner or Owners, Occupier or Occupiers, or by them the ſaid Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, to be left at their reſpective Places of Abode, with ſome or One of their reſpective Families, hear, ſettle, and determine, the Matters of the ſaid Damages; and the Judgement or Order of the Juſtices therein ſhall be final and concluſive to all Parties.

Juſtices to determine Differences.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, or any Perſon or Perſons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered to make, or cauſe to be made, Cauſeways in or along the Sides of any Part or Parts of the ſaid Roads reſpectively; and ſhall and may build, or cauſe to be built, any Bridge or Bridges, upon, in, or acroſs, the ſaid Roads, or any Part or Parts thereof; and to cut, or cauſe to be cut, any Drains or Watercourſes in, through, or acroſs, any Lands or Grounds, to prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over ſuch Drains or Watercourſes if neceſſary; and alſo to make, or cauſe to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the ſaid Roads hereby intended to be repaired (not being the Site of, or Ground whereon, any Houſe or Houſes ſtand, or planted Walk, Yard, Park, Paddock, or Avenue to any Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a publick Highway, whilſt the old, narrow, or ruinous, Roads are repaired, and till ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame; making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds for the Damages they ſhall thereby ſuſtain, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

Surveyors may make Cauſeways, &c.

and erect Bridges;

and make a temporary Road,

making Satisfaction to the Owners.

And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to remove all Annoyances

Surveyors may remove Annoyances in the Road, &c.

noyances on the ſaid Roads, and to cut down, lop, or top, or ſhrove, any Trees, Pollards, or Buſhes, growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers refuſing to cut down or ſhrove ſuch Trees, Pollards, or Buſhes, or to remove ſuch Annoyances, for the Space of Fourteen Days after Notice in Writing given for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down, lop, or top, ſuch Trees or Buſhes, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not, upon Demand, pay and reimburſe to the Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County or Place where the Offence ſhall be committed, from time to time, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof upon Demand, after all Charges paid; and if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before Two or more Juſtices of the Peace for the ſaid County or Place, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforeſaid.

and cut down Trees;

Owners neglecting to remove the ſame, after Notice.

Surveyors may levy the Charges by Diſtreſs and Sale.

Penalty on a Second Offence.

And be it further enacted, That if any Perſon or Perſons, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Road, ſhall not, in a proper Manner, cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by the ſaid Surveyor or Surveyors; then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons ſhall not repay the ſaid Money paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon,

Owners neglecting to ſcour their Watercourſes, after Notice,

Surveyors may cleanſe them,

or by Writing to be left at his, her, or their reſpective Place or Places of Abode, the ſaid Money, and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace of the County or Place where ſuch Perſon or Perſons reſpectively ſhall live, ſhall and may, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons; rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

and levy the Charges by Diſtreſs and Sale.

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

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 Road, 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 of ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, or altering, any Part of ſuch Road; 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.

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 and agree for the Sale of ſuch Lands, Grounds, or Hereditaments, but may be inca-

pable 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, Tenants for Life, Guardians, or any other Truſtees whatſoever, for or on the Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the ſaid Truſtees, or any Seven or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or for their 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, Tenants for Life, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Bodies Politick, &c. impowered to treat.

And be it further enacted, That if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, Tenants for Life, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditameots, 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 reſpectively, or into or through which ſuch Roads are 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 enquired into, and aſcertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Lands, Grounds,

Perſons neglecting to treat for the Sale of Lands;

Jury to aſſeſs the Damages.

Grounds, or Hereditaments, shall lie (which Oath any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence or 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 respectively, or of turning such Roads into or through any such Lands, Grounds, or Hereditaments; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness 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 Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and 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 anyways 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,

in, to, or out of, the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands, Grounds, or Hereditaments ſhall lie, 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 impannel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can 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 who ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or, being ſo ſworn, refuſing to give 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.

Truſtees may iſſue their Warrant to Sheriff, *&c.* to impanel a Jury.

Jurors may be challenged.

Fine not to exceed 10 *l.*

And be it further enacted, That all and every Sum and Sums of Money ſo aſſeſſed as aforeſaid, is 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 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 laid into and made Part of the ſaid Road, and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be, a Publick and Common Highway, and be from thenceforth Part of the ſaid Roads forever 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 compleated, the Lands and Grounds comprized in or conſtituting the old or former Road, 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 for the County wherein ſuch Lands, Grounds, or Hereditaments, ſhall lie, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

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

and kept in Repair.

Old Road to to be ſold.

Buildings, &c. not to be injured.

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

Expences of the Jury how to be borne.

And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn, purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Monies as a Recompence or Satisfaction for the Right, Intereſt, or Property, of any Perſon or Perſons in any ſuch Lands, Grounds, or

Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſs or Damage as aforeſaid; that then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, concerning the aſcertaining and determining the Value of any ſuch Right, Property, and Intereſt, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Toll or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries to be ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more, or for leſs Monies than ſhall have been agreed to and offered by the ſaid Truſtees, or any Seven or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid; that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

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

And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members thereof, who before the making of this Act hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with, the repairing and keeping in Repair the ſame Parts of the ſame Roads, in the ſame Manner as they, or every of them, hath or have heretofore uſually done, or ought to do: And that the Inhabitants of, and Occupiers of Lands, Tenements, or Hereditaments, in the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, ſhall

Inhabitants to do Statute-work.

ſhall ſtill be ſubject and liable to do and perform the ſame Work, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Roads as by this Act are directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, or Places, in which ſuch Inhabitants or Perſons reſpectively ſhall live, or ſhall occupy ſuch Lands, Tenements, or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, and at ſuch Times, and in ſuch Manner, as the Surveyor or Surveyors by them authorized, ſhall direct or appoint: And that every Inhabitant of, and Occupier of, Lands, Tenements, and Hereditaments, in the ſaid Towns, Pariſhes, Hamlets, and Places reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team for every ſuch yearly Value of Fifty Pounds he or they ſhall ſo rent, hold, or occupy; and ſhall do and perform ſuch Work in and towards the repairing of the Highways of the ſeveral Towns, Pariſhes, Hamlets, and Places, in which they reſpectively ſhall live, as Perſons keeping Teams are obliged by Law and ought to do.

Perſons renting 50 *l. per Ann.* deemed Team-holders.

And, to the End that the ſaid Truſtees may know the Inhabitants of, and Occupiers of, Lands, Tenements, and Hereditaments, in all the Towns, Pariſhes, Hamlets, and Places, wherein the Roads by this Act directed to be repaired do lie, who are liable to do Statute-work in their Highways, and what Sort of Work they ought reſpectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the ſaid Towns, Pariſhes, Hamlets, and Places, ſhall, and they are hereby required, at the Firſt Meeting of the ſaid Truſtees after the Twenty fifth Day of March in every Year, or oftener, if thereunto required by the ſaid Truſtees, or any Five or more of them, 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, under their reſpective Hands, of the Names of all the Inhabitants of, and Occupiers of Lands, Tenements, and Hereditaments, in ſuch Towns, Pariſhes, Hamlets, and Places reſpectively, who are liable to do their Statute-duties in and upon the Highways; and ſhall in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Inhabitants or Occupiers ſhall, and by this Act ſhall be deemed to keep a Team or Teams, and which of them are Labourers,

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

ers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors neglecting to deliver in Lists;

And be it further enacted, That if the Surveyor or Surveyors of the ſeveral Towns, Pariſhes, Hamlets, or Places, through which the ſaid Roads lead, ſhall not deliver in to the ſaid Truſtees Liſts of the Inhabitants of, and Occupiers of, Lands, Tenements, and Hereditaments, in their ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, at ſuch Times, and in ſuch Manner, as by this Act is directed and required to be delivered, ſuch Surveyor or Surveyors, and every of them, ſhall forfeit and pay, for every ſuch Default, the Sum of Five Pounds: And if any or either of the Inhabitants of, or Occupiers of, Lands, Tenements, or Hereditaments, in the ſaid ſeveral Towns, Pariſhes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the Highways, ſhall not do ſuch Statute-work in and upon the ſaid Roads, at ſuch Times and Places, and in ſuch Manner, as they ſhall, by the ſaid Surveyor or Surveyors appointed by the ſaid Truſtees, be directed or appointed to do, ſuch Inhabitants and Occupiers, and every of them, ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned (that is to ſay) Every ſuch Inhabitant or Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep, a Team or Teams, for every Day's Work for each Team, the Sum of Ten Shillings; and every other Inhabitant or Perſons not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Work, the Sum of One Shilling and Six Pence: And if any Perſon or Perſons who ſhall come to work as Labourers, or be ſent with any Team, Draught, or Cart, to work on the ſaid Roads reſpectively, for the Repairs thereof commonly called Statute-work, are found idle or negligent, or ſhall not properly perform ſuch Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and diſcharge ſuch Perſon or Perſons; and it ſhall be deemed and taken as if ſuch Perſon or Perſons had not come or ſent any Team, Draught, or Cart, to work on the ſaid Roads; and he, ſhe, or they, ſhall be ſubject and liable to the reſpective Forfeitures as if he, ſhe, or they, had neglected or refuſed to do or perform the ſaid reſpective Days Work.

and on Perſons not performing Statute-work.

Perſons found idle to be turned off.

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, may, and are hereby authoriſed and impowered, to compound with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs

to be by them done upon the ſaid Roads reſpectively, and alſo with the ſeveral Inhabitants of, and Occupiers of, Lands, Tenements, and Hereditaments, in the ſeveral Towns, Pariſhes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parcel thereof, do lie, for the ſeveral Days Statute-work to be by them reſpectively done upon the ſaid Road, at and for ſuch Sum and Sums of Money by the Year, or otherwiſe, as they the ſaid Truſtees, or any Seven or more of them, and ſuch Perſon or Perſons, Bodies Politick or Corporate, or Inhabitants or Occupiers reſpectively, ſhall agree upon; which ſaid Money ſhall be inſtantly paid to the ſaid Truſtees, or any Seven or more of them, or to their Appointment.

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 do 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 reſpective 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 preceeding 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.

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

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

Road to be meaſured, and Mile ſtones erected.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Mile-ſtones to be ſet up on the Sides of the ſaid Roads, with Inſcriptions to be made thereon, denoting the Number of Miles and Diſtance

of Places; and if any Perſon or Perſons ſhall wilfully or deſignedly break or pull down, dig up, injure, or deſtroy, any of the ſaid Stones that ſhall be ſo ſet up, or eraſe, obliterate, or deface, any of the Inſcriptions which ſhall be made thereon, or cauſe the ſame to be done, every ſuch Perſon ſo offending, ſhall forfeit and pay the Sum of Two Pounds for each Stone ſo wilfully or deſignedly broken, obliterated, defaced, or pulled down. Penalty on defacing Mile-ſtones.

And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the County wherein the Offence ſhall be committed; which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant upon the Information of any One or more credible Witneſs or Witneſſes upon Oath; which Oath the ſaid Juſtice or Juſtices is and are hereby impowered and required to adminiſter, without Fee or Reward; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the amending of the ſaid Roads reſpectively, and other the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties or Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant under his and their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction for any Time not exceeding Two Months. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any Act, Order, or Judgement, of any Juſtice or Juſtices of the Peace, which ſhall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General Quarter Seſſion Perſons aggrieved may appeal to the Quarter Seſſions.

ſion of the Peace for the County or Place where the Matter or Thing for or by reaſon of which ſuch Act, Order, or Judgement ſhall be ſo done, made, or awarded, and which ſhall be holden next after the doing, making, or awarding of ſuch Act, Order, or Judgement, he, ſhe, or they, cauſing reaſonable Notice in Writing of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Oath or Oaths, or 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, at their ſaid Seſſion, upon due Proof of ſuch Notice given, ſhall proceed in, and hear and determine the Cauſes and Matters of the ſaid Appeals, and every of them; and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Notice of Appeal to be given.

Proceedings not to be quaſhed for want of Form, nor removable by *Certiorari*.

And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be removed or removeable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter; and that where 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 to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereunto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the Special Damages in an Action upon the Caſe.

Diſtreſs not unlawful for want of Form;

nor the Party diſtraining deemed a Treſpaſſer *ab initio*.

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 on Behalf of the Party diſtraining before ſuch Action brought.

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

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which 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

Proceedings to be entered in Books.

ſaid

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.

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 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 7 Truſtees are 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 Seven 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 hereof, 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, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons for any thing done in purſuance of this Act, or in relation to the Matters herein contained, ſuch Actions and Suits, and every of them, ſhall be commenced within Six Months next after the doing the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, and not afterwards; and ſhall be brought, laid, and tried, in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not in any other County or Place: And that the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon; and that the Matter or

General Iſſue.

Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become Nonſuit, or ſuffer a Diſcontinuance of ſuch Action or Actions; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants
Treble Coſts. ſhall have Treble Coſts, and ſhall have ſuch Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes by Law.

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

FINIS.