Anno ſeptimo

Georgii III. Regis.

An Act for repairing, widening, and keeping in Repair, the Road leading from the High Road between *Bromley* and *Farnborough*, in the County of *Kent*, to *Beggars Buſh*, in the Turnpike Road leading from *Tunbridge Wells* to *Maresfield*, in the County of *Suſſex*.

WHereas the Road leading from the High Road between Bromley and Farnborough, through the Pariſhes of Cudham, Weſterham, Eaton Bridge, and Cowden, in the County of Kent, and Hartfield, in the County of Suſſex, to a certain Place called Beggars Buſh, in the Turnpike Road leading from Tunbridge Wells, through Groombridge, in the ſaid County of Kent, to Maresfield, in the County of Suſſex, is in a ruinous Condition, narrow in many Places, and incommodious to Paſſengers, and cannot be effectually repaired, widened, and kept in Repair, 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 the Right Honourable Preamble.

Truſtees Names.

able Frederick Campbell, commonly called Lord Frederick Campbell; the Right Honourable William Campbell, commonly called Lord William Campbell; the Right Honourable George Sackville, commonly called Lord George Sackville; the Right Honourable Stanhope, commonly called Lord Mahon; Sir Jeffery Amherſt Knight of the Bath, Admiral John Amherſt, Colonel William Amherſt, Francis Auſten, Francis Motley Auſten, John Auſten, Abraham Atkins, William Aſhdown, Sir Richard Betenſon, Sir Brooke Bridges, Baronets; Peter Burrell, William Burrell, John Bodicoat, John Bodicoat junior, Ellis Boſtock, Sackville Bale, Sackville Spencer Bale Clerk, William Board, Michael Baſſett, Chriſtopher Burfoot, John Biſhop, Thomas Budgen, John Burgis, James Burrow, Robert Burrow, Gervas Blackman, John Browne, John Campbell, John Children, George Children, Thomas Curteis D.D. John Coſyn, Richard Children, Richard Caſſin, Peter Caſſin, William Chapman, Jonathan Chilwell, George Davis Clerk, Thomas Driver, John Denman, General George Elliott, Thomas Elliſon, William Everest junior, the Honourable Robert Fairfax, Sir Charles Farnaby Baronet, Thomas Farnaby, John Farnaby, John Frankland Clerk, Anthony Farrindon, Admiral Francis Geary, Francis Geary junior, William M'Gwire, William M'Gwire junior, Francis Green, Thomas Green, John Hyde, William Hudſon junior, Thomas Herring Clerk, Abraham Hancock, Henry Humphry of Lewis, Henry Hemington Clerk, John Hughes Clerk, Thomas Hervey, John Humphryes, Richard Humphryes, John Igleſden, Thomas Lambard, Daniel La Pla Clerk, William Lloyd Clerk, Marmaduke Lewis Clerk, William Longley, John Lamb, Sir John Major Baronet, Thomas Mompeſſon, Richard Munnins Clerk, Ralph Manning, George Medley, John Naſh M.D. Stafford Newe Clerk, John Naſh, Staple Naſh, Francis Otway, Sir Mark Parſons Baronet, Charles Polhill, John Plumſted, Pendock Price, Peach, Richard Round, Henry Streatfield of Chiddingſtone, Richard Beard Streatfield, Thomas Streatfield of Sevenoakes, Thomas Streatfield of Oxted, George Scullard, Secker D.D. Henry Steers, Bartholomew Smith, Henry Stanford, John Stanford of Gabriels, John Stanford of Hackſted, Edward Still, Algernon Sidney, Richard Saxby, Thomas Twort, William Thompſon, John Taylor, Geoffry Taylor, the Honourable Thomas Walpole, John Warde, John Warde junior, Timothy Waldoe, William Warde, Colonel George Warde, Francis Willſon, Stanford Whittaker, Kemble Whatley, John Whittaker, Hopton

ton Williams Clerk, Carſwell Winder Clerk, William Winder Clerk, Forth Winder, Thomas Whittaker, Thomas Wakeman, William Wells, and Henry Whapham, 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 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, 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 Iſaac Smith, known by the Sign of the George, at Weſterham, on the Twenty eighth Day next after the Day of the Paſſing of this Act, and ſhall proceed to the Execution of this Act; and ſhall then and at all ſubſequent Meetings adjourn themſelves, from time to time, to ſuch Times and Places in or near the ſaid Road, 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, 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 ſhall cauſe Notice thereof to be affixed on all the Gates or Turnpikes then

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

erected by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and that the ſaid Truſtees at all their Meetings, ſhall defray their own Charges and Expences.

Truſtees to defray their own Expences.

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

5 Truſtees may appoint Special Meetings; Provided alſo, That in caſe any of the ſaid Truſtees ſhall think it neceſſary that a Meeting of the Truſtees ſhould be held at any Time between the ſaid Times of Adjournment, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, by Writing under their Hands, to appoint a Meeting of the ſaid Truſtees; Notice of the Time and Place of ſuch Meeting being affixed on all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Ten Days before every ſuch Meeting; and the Proceedings of the Truſtees, at all ſuch Meetings, ſhall be as valid and effectual to all Intents and Purpoſes, as if the ſaid Truſtees had, at their laſt Meeting, adjourned to the ſaid Time and Place.

giving 10 Days Notice.

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

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

On Death, &c. of Truſtees, others to be choſen. And be it further enacted, That as often as any of the ſaid Truſtees ſhall die or refuſe to act, it ſhall 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 Ten Days before the Meeting for 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.

Notice of Election ſhall be given.

Truſtees may erect Turnpikes and Toll-houſes, And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe One or more Gate or Gates, Turnpike or Turnpikes, to be erected in, upon, or acroſs, ſuch Part and Parts of the ſaid Road as the ſaid Truſtees ſhall think proper; and

ſhall and may erect or provide a Toll-houſe to each of the ſaid Gates or Turnpikes, with ſuitable Buildings thereto; and ſhall and may incloſe any adjoining Part of the ſaid Road or Highway, to be uſed as a Garden, for the Accommodation of the Collectors of the Tolls or Duties; and ſhall and may cauſe to be demanded and taken at each of the ſaid Gates or Turnpikes, the following Tolls or Duties, before any Carriage or Cattle ſhall be permitted to paſs through the ſame; that is to ſay, and take Tolls thereat.

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Carriage, the Sum of Four Pence. The Tolls.

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

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

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

Which ſaid reſpective Sum or Sums of Money ſhall be demanded and taken in the Name of or as a Toll; 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 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, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed 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.

And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to cauſe to be erected One or more Bar or Bars, Fence or Fences, Truſtees may erect Side-gates,

Fences, Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the ſaid Road, or upon, in, or acroſs, any Lane or Way leading into the ſame, and to erect or provide a Toll-houſe to each of the ſaid Bars, Fences, Gates, or Turnpikes, with ſuitable Buildings thereto, and ſhall and may incloſe any adjoining Part of the ſaid Road or Highway, to be uſed as a Garden for the Accommodation of the Collectors of the ſaid Tolls or Duties; and there to cauſe to be taken and levied ſuch Tolls as are by this Act made payable at any Gate or Turnpike erected by virtue hereof, ſo as the ſame do not extend to a Double Charge upon any Perſon or Perſons paſſing the ſame Day, through any other of the Gates or Turnpikes to be erected by virtue of this Act.

and take Toll thereat;

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

Only 2 Tolls between *Bromley* Road and *Weſterham*, and 3 between *Weſterham* and *Beggars Buſh*.

Provided always, That no Perſon having paid the Tolls for the paſſing of any Carriage or Cattle through any Two Gates to be erected on the Road leading from the High Road between Bromley and Farnborough, to the Town of Weſterham, or having paid the Tolls for the paſſing of any Carriage or Cattle, through any Three Gates to be erected between Weſterham and Beggars Buſh aforeſaid, ſhall be ſubject the ſame Day to the Payment of Toll at any other Toll-gate erected between the ſaid Places reſpectively; ſuch Perſon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payments, which Note or Ticket, Notes or Tickets, the reſpective Collectors are hereby required to give gratis.

Perſon going for *Chalk*, having paid Toll at any other Turnpike, not to pay at *Weſterham*, &c.

Provided always, and be it further enacted, That if any Gate or Turnpike ſhall be erected by virtue of this Act, between the Town of Weſterham, and a Chalk Pit in the ſaid Pariſh of Weſterham, called Weſterham Chalk Pit, lying near and adjoining to the ſaid Road, no Perſon having paid the Toll by this Act granted at any other Gate or Turnpike to be erected by virtue of this Act, ſhall be ſubject or liable to the Payment of Toll for paſſing with the ſame Cattle or Beaſt, through ſuch Gate or Turnpike, drawing any Carriage laden with Chalk, or going empty to ſuch Chalk Pit to fetch Chalk.

Certain Road to be ſtopped up and ſold.

And whereas the Tolls hereby granted may be evaded if a certain Road leading from Crockham Street Tan Yard along the Side of Squerries Park Pale, to the Road leading from Kent Hatch to Squerries Lodge, is not ſtopped up, and diſuſed by all Travellers and other Perſons; be it therefore further enacted, That the ſaid

Truſtees,

Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe the ſaid Road to be ſtopped up and diſcontinued by all Travellers and other Perſons; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell the ſaid Road to any Perſon or Perſons they ſhall think proper, and the Money ariſing by ſuch Sale ſhall be applied for the Purpoſes of this Act.

The Gates leading from *Kent Hatch* to *Weſterham*, to continue.

And whereas ſeveral Years ſince Three Gates were erected acroſs the Road leading from Kent Hatch to Weſterham, be it further enacted, That nothing in this Act contained ſhall extend to impower the ſaid Truſtees to take down or remove any of the ſaid Gates, or any Poſts, Pales, or Rails thereto belonging; provided the ſaid Gates ſhall at all Times be left in ſuch Manner as to be free for all Paſſengers to paſs and repaſs through the ſame.

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 Road, 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 of, 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 of which the ſame ſhall be built or conſiſt, or any of the Materials which ſhall be provided for the repairing of the ſaid Road.

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 Road, 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 may reduce 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, at their Firſt Meeting, and from time to time, aſſembled at any ſubſequent Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and may afterwards, from time to time, advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money, not exceeding the reſpective Rates herein before-mentioned; and the ſaid Truſtees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or ſo reduced or varied as aforeſaid, to be collected and taken in ſuch Parts and Proportions, at the reſpective Turnpikes, Bars, and Gates, as they the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and ſuch reduced or varied Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied, in ſuch and the ſame Manner as the ſaid Tolls are directed to be levied, collected, and applied; but no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting, unleſs the Perſon or Perſons, who ſhall be intitled to Two Thirds of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch ſubſequent Meeting ſhall be held for the Purpoſes aforeſaid, unleſs Fourteen Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act.

and raiſe them again.

Notice to be given for that Purpoſe.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted for the paſſing of any Cattle or Beaſt through any Gate or Turnpike 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 Cattle or Beaſt, 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 Note or Ticket the Collector of the Tolls is 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 to the ſaid Truſtees, to be affixed on all the Turnpikes to be erected by virtue of this Act, may, at any Time dur-

ing the Continuance of this Act, let the Tolls hereby granted, or any Part thereof, on Leaſe to any Perſon or Perſons, 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 as the Tolls hereby granted are to be applied, and to no other Uſe or Purpoſe whatſoever.

Truſtees may compound with Travellers.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, and they are hereby authorized and impowered to compound or agree by the Year or otherwiſe, with any Perſon or Perſons uſing to travel through the ſaid Turnpikes, or any of them, to be erected by virtue of this Act, with any Beaſt of Draught or Burden, for any Sum or Sums of Money as they ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls or Duties; ſuch Compoſition-money to be inſtantly paid to the ſaid Truſtees, or any Five or more of them, or to their Appointment.

Exemptions from Tolls.

And be it further enacted, That no Perſon ſhall be charged with any of the Tolls or Duties aforeſaid for any Cattle drawing any Carriage laden with Materials for repairing any Road or Highway in any Pariſh or Place through which the ſaid Road leads; or with any Hay or Corn in Time of Harveſt carrying to the Barns of the Proprietors; or with any Corn in Straw, Hay or Straw, to be laid up or houſed in any Barns or Outhouſes, or upon the Lands and Premiſſes of and belonging to any of the Inhabitants of the reſpective Pariſhes in which the ſaid Road doth lie (except ſuch Corn, Hay, or Straw, be ſold, or for Sale) or drawing any Ploughs, Harrows, or other Implements of Husbandry, or drawing any Carriage laden with Dung, Mould, Compoſt, or other Materials, to be uſed in amending or manuring of Land (Peat, Aſhes, Chalk, and Lime excepted, which are to be ſubject to the Payment of Toll) nor ſhall any of the Tolls or Duties hereby laid be demanded or taken from any Perſon or Perſons reſiding in the ſaid Pariſhes in which the ſaid Road lies, who ſhall paſs through any of the ſaid Turnpikes to and from Church, Chapel, or other their proper Parochial or uſual Places of Religious Worſhip on Sundays, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes;

riſhes; nor for any Perſon or Perſons riding any Horſe, Mare, Gelding, or other Beaſt, to and from any Lands in their own Occupation only; 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 Pariſhes in which the ſaid Road lies; 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 travelling with Vagrants ſent by Paſſes; nor for Felons committed or ſent to Gaol.

No Toll on Election Days.

Provided always, That during the Continuance of this Act, all Paſſengers on Horſeback or in Carriages, 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; any thing herein contained to the contrary notwithſtanding.

Penalty on making illegal Claims, &c.

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 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 Road.

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 or ſuffer any Perſon or Perſons to paſs through any Gate, Paſſage, or private Way, with any Cattle or Beaſt; or if any Perſon ſhall, with any Cattle or Carriage, paſs through any ſuch Gate, Paſſage, or private Way, in order to 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 Beaſt, whereby the Payment of any of the Tolls by this Act granted ſhall be avoided; every Perſon ſo offending in each of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Tolls may be aſſigned for Money borrowed.

And, for the more ſpeedy repairing and widening the ſaid Road, 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

the Credit of the Tolls hereby made payable, to borrow and take up at Intereſt any ſuch Sum or Sums of Money, as they, or any Seven or more of them, ſhall think needful; and may, and they are hereby authorized and impowered to mortgage or aſſign over the ſaid Tolls, or any Part or Parts thereof, to any Perſon or Perſons as a Security or Securities, for the ſeveral Sums of Money which ſhall be ſo borrowed, and the Intereſt thereof; which Sums of Money ſo borrowed (the Charges of procuring and paſſing of this Act being thereout firſt paid) ſhall be laid out and applied in ſuch Manner as the ſaid Tolls are hereby directed to be laid out and applied.

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 his, her, or their Security or Securities, and all the Monies that ſhall be due thereon, to any other Perſon or Perſons.

Notice to be given of borrowing Money.

Provided always, That no Money ſhall be borrowed upon the Credit of the ſaid Tolls by the ſaid Truſtees after their firſt Meeting, unleſs Notice in Writing under the Hand of the Clerk to the ſaid Truſtees be, by Order of 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 remove them, and appoint others.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may appoint ſuch Officers 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,

Truſtees to allow Officers Salaries.

Officers to account upon Oath.

and every of them reſpectively, ſhall to that Time have received, paid, and diſburſed, for 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 ſuch Officer or Perſon ſhall reſide, 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.

Officers refuſing to account,

Juſtices may enquire into the Default;

and commit the Offender,

until Payment or Compoſition made.

Treaſurer to give Security.

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.

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

And be it further enacted, That no Perſon keeping an Inn, Alehouſe, or other Houſe of publick 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.

Surveyors may dig Gravel, &c.

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, at proper and ſeaſonable

Times, with Carts and other Carriages, to enter into, and pick up, gather, and carry away, any Stones lying diſperſed upon any Lands or Grounds being or lying near or adjacent to the ſaid Road, without paying any Thing for the ſame (ſuch Lands or Grounds not being then ſown with any Sort of Corn, and ſuch Stones not being before then picked and laid up by the Owner or Occupier for his own private Uſe) for the repairing and amending the ſaid Road, without Licence, Controul, or Interruption, of or by the Owner or Owners, Occupier or Occupiers, of ſuch Lands or Grounds, and without incurring or being liable to any Treſpaſs or Action for or by reaſon thereof, and to enter into any Gravel Pit lying near the ſaid Road, and there to dig, caſt, and ſcry, Gravel, to be carried on and uſed for repairing, and keeping in Repair, the Road aforeſaid; and that it ſhall and may be lawful for the ſaid Surveyor or Surveyors, or any Perſon or Perſons appointed by ſuch Surveyor or Surveyors, 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, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or lying near, the Road aforeſaid, to be uſed in repairing the ſaid Road, 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 a ſufficient Fence to prevent any Misfortune or Accident happening in or from the Pits or Holes from whence ſuch Materials ſhall be taken, or cauſing the ſame to be done: And if a Quantity of Materials proper and ſufficient for that Purpoſe cannot be found in or upon ſuch Rivers or Brooks, Waſtes or Commons; 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 the Lands or Grounds of any Perſon or Perſons, where the ſame may be had or found, to be uſed towards repairing the ſaid Road (ſuch Lands or Grounds not being a Yard, Garden, Park, Paddock, Nurſery, planted Walk or Walks, or Avenue to a Houſe, or Orchard, planted before the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſix) 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

without paying for the ſame;

levelling the Pits.

Materia's may be taken from private Grounds;

making Satisfaction to the Owners.

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 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 said Damages, any Two or more Justices of the Peace of the Counties of Kent or Sussex 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.

Surveyors may make Causeways, &c.

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 Road; and shall and may build, or cause to be built, any Bridge or Bridges, upon, in, or across, the said Road, or any Part thereof; and to cut, or cause to be cut, any Watercourses in, through, or across, any Lands or Grounds, to prevent the said Road, 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 Road 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 a 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, Road is repairing, 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; but no Satisfaction

and erect Bridges;

and make a temporary Road,

making Satisfaction to the Owners.

shall

ſhall be made for doing or performing any of the Works aforeſaid, upon or through any Wood, Waſte Ground, or Common.

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 on the ſaid Road, and to cut down, lop, top, or ſhrove, any Trees, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, the Owners or Occupiers neglecting to cut down, lop, top, and ſhrove ſuch Trees 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, top, or ſhrove, 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 One 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.

Surveyors may remove Annoyances in the Road, &c.

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 Sur-

Owners neglecting to ſcour their Watercourſes, after Notice,

Surveyors may cleanſe them,

and levy the Charges by Diſtreſs and Sale.

veyors 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 Money paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing to be left at his, her, or their reſpective Place or Places of Abode; 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.

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

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, divert, change, or alter, any Part or Parts of the ſaid Road, or the Courſe thereof, for the better Accommodation of Paſſengers, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority to treat, contract, and agree, with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage ſuch Owners, Proprietors, Occupiers, and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, diverting, changing, or altering, any Part of ſuch Road, or the Courſe thereof; 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

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 Road, or through which the ſaid Road 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 incapable of granting or conveying the ſame, by reaſon of Infancy or other Diſability; be it therefore 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, Husbands, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be 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, Executors, Adminiſtrators, Huſbands, 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, Husbands, Guardians, Truſtees, or other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo to be taken in, and added to, the ſaid Road, or into or through which ſuch Road is to be turned or altered as aforeſaid, ſhall, by the Space of Twen-

Perſons neglecting to treat for the Sale of Lands;

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ty 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, 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 and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer;) and they shall also order and cause the said Jury to view the said 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 so 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 Judgement, Order or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever;

Jury to assess the Damages.

and

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, 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 impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can 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, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn, and give Evidence; and, from time to time, to levy ſuch Fine or Fines in the ſame Manner as any other Forfeiture or Penalty herein before-mentioned is hereby

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

Jurors may be challenged.

Fine not to exceed 10 l.

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.

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

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 thereof or Tender thereof to ſuch Perſons, or their Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees for the Uſe of ſuch Perſons, ſuch Lands, Grounds, or Hereditaments, ſhall be 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 Road for ever after; and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Road ſo widened, altered, or turned, was and ought to have been kept in Repair: And after ſuch new Road ſhall be completed, the Lands and Grounds 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 Road, 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; or it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to exchange all or any of ſuch Lands or Grounds for any Land or Ground which the ſaid Truſtees ſhall think neceſſary to become poſſeſſed of for the widening, turning, or altering, the ſaid Road.

and kept in Repair.

Old Road 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 Road, nothing

thing ſhall be done which ſhall or may in any-wiſe injure or damage any Houſe or Building, or any Yard, Garden, Park, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, or Orchard, planted before the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty ſix, unleſs the Owner or Proprietor 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; 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, or 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 Tolls hereby granted, or out of any Money to be borrowed upon the Credit thereof: But if any Jury or Juries ſo 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 Road hereby intended to be repaired, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with, the repairing and

and keeping in Repair the ſame Parts of the ſame Road, 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 Road hereby intended to be repaired doth lie, who, by the Laws and Statutes of this Realm, are or ſhall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, ſhall ſtill be ſubject and liable to do and perform the ſame Work, 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 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 live, as Perſons keeping Teams are obliged by Law and ought to do.

Inhabitants to do Statute-work.

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 Road by this Act directed to be repaired doth lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought reſpectively to do; be it further enacted, That the Surveyors of the Highways or 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, 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,

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

Trustees, or any Five or more of them, 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 said 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 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 Road leads, 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 Road, 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 Person 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 if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, for the Repairs thereof, commonly called Statute-work, are found idle and 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 Per-

and on Persons not performing Statute-work.

Persons found idle to be turned off.

ſon 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 Road; 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.

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 authorized and impowered, to compound with any Perſon or Perſons, Bodies Politick or Corporate, for the Repairs to be by them done upon the ſaid Road, 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 Road hereby intended to be repaired, or any Part or Parcel thereof, doth 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 Road directed by this Act to be repaired doth 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 Road, it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the Quarter Seſſion of the Peace next after ſuch Direction or Appointment, unleſs the ſame ſhall be made within Ten Days preceding ſuch Quarter Seſſion, and then to the Second Quarter Seſſion next after ſuch Direction or Appointment; and the Juſtices in their ſaid Quarter Seſſion are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any Town, Pariſh, Hamlet, or Place, ſhall be done on the Road by this Act directed to be repaired; ſuch Surveyor or Surveyors of the Highways having firſt given Eight Days Notice of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid Truſtees.

And

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

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones to be set up on the Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles and Distance of Places; and if any Person shall wilfully or designedly break, pull down, dig up, injure, or destroy, any or either of the 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 Forty Shillings for each Stone so wilfully or designedly broken, obliterated, defaced, or pulled down. Road to be measured, and Mile-stones erected. 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 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 the said Road, 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 or their Hand and Seal, or Hands and Penalties and Forfeitures how to be recovered and applied.

and Seals, to commit ſuch Offender or Offenders to the Houſe of Correction for any Time not exceeding Two Months.

Perſons aggrieved may appeal to the Quarter Seſſion.

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 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, or 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 being 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 nor removed 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 removable 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 Damage in an Action upon the Caſe.

Diſtreſs not unlawful for want of Form;

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

Provided

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 on Behalf of the Party diſtraining before ſuch Action brought. Plaintiff not to recovery 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 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. Proceedings to be entered in Books.

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. Writings to be without Stamps.

And be it further enacted, That no Order made by the ſaid Truſtees, 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 the Number of Truſtees then preſent ſhall be equal to the Number of Truſtees who made ſuch Order, and ſhall be conſenting thereto. No Order made to be repealed, unleſs by a Number of Truſtees equal with thoſe who made it.

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. Commencement and Continuance of this Act.

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 Limitation of Actions.

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 the Defendant or Defendants in ſuch Actions and Suits, and every of them,

General Iſſue. 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 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 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.