



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 80.

An Act for making and maintaining a Turnpike Road from or near a Place called *The Five Oaks*, in the Parish of *Billinghurst*, in the County of *Suffex*, to join the *Horsham* and *Guildford* Turnpike Road on *Broadbridge Heath*, in the said County.

[14th May 1811.]

**W**HEREAS the making and maintaining of a Turnpike Road from the King's Common Highway, leading from *Billinghurst* toward *Horsham*, at or near to a Place called *Five Oaks*, in the Parish of *Billinghurst*, in the County of *Suffex*, to join the *Horsham* and *Guildford* Turnpike Road on *Broadbridge Heath*, in the said County, partly through Lands at present inclosed, and partly along the King's Common Highway, in the several Parishes of *Billinghurst* aforesaid, and of *Slinfold*, *Itchingfield*, *Warnham*, *Sullington*, and *Horsham*, in the said County, will, by opening an easier and more direct Communication between the Towns of *Arundel* and *Petworth* and the Town of *Horsham*, and several other Places, be of great Advantage and Convenience to the Land Owners and Inhabitants of that Part of the County, and will otherwise be of great general Utility: 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 Au-

[*Loc. & Per.*]



thority of the same, That Sir Cecil Bisshopp Baronet, Sir Charles Merrick Burrell Baronet, Sir Harry Goring Baronet, Sir Byshe Shelley Baronet, William Abböt, the Reverend Jonathan Asbridge, Charles Biddulph, Walter Burrell, John Butterworth, William Commerell, John Croucher, John Honour Croucher, Joseph Croucher, Edward Child, Thomas Clear, the Reverend James Dallaway, Richard Bettesworth Denyer, Peter Ducane, Peter Dendy, John Elliott, William Evershed, William Evershed junior, John Henry Ellis, William Golds, Philip Holland, the Reverend Thomas Hudson, Henry Howard, Charles Holden, John Jeffery senior, John Jeffery junior, Isaac Jeffery, Henry Ireland, Maurice Ireland, Thomas Ireland, Robert Jupp, James Jupp, the Honourable George King, John King, George King (of Afold), James Martin Lloyd, John Lanham, John Slade Lanham, Thomas Mann, John Napper of Malham, William Sandham, Timothy Shelley, Thomas Seward, William Stanford of Theal, William Stanford, Matthew Stanford, the Reverend Edward William Tredcroft, Nathaniel Tredcroft, Thomas Busbby, Richard Jeffery, the Reverend George Palmer, John Salter, the Reverend Thomas Sockett, William Tyler, the Reverend James Tripp, Thomas Weatherstone, James Weatherstone, the Honourable Charles William Wyndham, and James White, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, amending, widening, improving, and keeping in Repair, the said Road, and for otherwise putting this Act into Execution.

Other Trustees to be chosen on Death or Refusal to act.

II. And be it further enacted, That when any of the Trustees herein-before named or to be elected as herein-after mentioned shall die, or refuse to act, or be disqualified, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the room of every Trustee so dying or refusing to act, or becoming disqualified; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates which by virtue of this Act shall be then erected and set up on the said Road, at least Ten Days before every such Meeting; and every Person or Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be vested with the same Powers and Authorities for putting this Act into Execution as any Trustee hereby appointed is or are vested with.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act while he holds any Place of Profit under the same, or in any particular Case wherein he shall be personally interested, other than as a Creditor; nor shall any Person be qualified to act as a Trustee unless he shall at the Time of his acting 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, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprises, or shall be Heir apparent of a Person seised of a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, or be possessed of a Personal Estate to the Amount of Eight hundred Pounds, nor until he shall have taken and subscribed the following Oath before any Two or more of the said Trustees, (who are hereby authorized to administer the same), in the Words or to the Effect following; that is to say,



I do swear, That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprises, [*or, am possessed of or entitled to a Personal Estate of the Value of Eight hundred Pounds*], [*or, am the Heir apparent of* who, to the best of my Knowledge, is seized of a Real Estate of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds, *as the Case may happen.*]

' So help me GOD.'

And if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this 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, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor 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: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *King's Head Inn in Billinghurst* on the Third Day of *June* One thousand eight hundred and eleven, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves to meet at such Time and at such Place or Places in or near the said Road as they shall think proper, and that Five Trustees present at any Meeting shall be sufficient for the Purpose of acting and of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Time assembled, shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held or was held, (as the Case may be), and to such Time as he shall think fit, (not exceeding Twenty-one Days nor less than Fourteen Days from the Time of the last Default, and shall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place in or near the said Road

Trustees first Meeting.



Trustees to pay their own Expences.

Orders to be made at Meetings only, and the Majority to concur.

Trustees being Justices may act as such,

and may administer Oaths.

Orders not to be revoked but by Seven Trustees.

as they the said Five Trustees shall think proper, not exceeding Twenty-one nor less than Fourteen Days from the Time of affixing such Notice; and the Trustees shall at their several Meetings pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid unless Five Trustees be present at such Meeting, nor unless the major Part of the Trustees present at such Meeting shall concur therein; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except in Cases where they shall be personally interested; and in all Cases where the Trustees, or any Justice or Justices of the Peace, are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees, or any Two or more of them, or for such Justice or Justices, to administer such Oath; and that no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Seven Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than those who made such original Order, nor unless Ten Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and affixed on all the Turnpikes which by virtue of this Act shall be then erected, Ten Days at least before such Meeting.

Meetings on Emergencies.

V. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall be adjourned, the Clerk, by an Order in Writing, signed by Five or more Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner last herein-before directed, such Time not being less than Ten Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Orders, &c. to be entered in a Book.

VI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Clerk; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, and Transcripts, or Copies thereof, shall be admitted as Evidence in all Courts whatsoever.

Officers to be appointed.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers; and on the Death or Removal of any such Officer or Officers may appoint others in their Stead; but Ten Days Notice shall be given in Manner last aforesaid of every Meeting where any such Appointment shall be made

after



after the first Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed for their Services, in or about the making, maintaining, amending, improving, and keeping in Repair the said Road, or any Part thereof, or otherwise in putting this Act into Execution, as they the said Trustees shall think reasonable; and that the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take such Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees shall seem meet; and that no Person shall be capable of acting as a Trustee, or holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Treasurer to give Security.

No Visualler to hold a Place of Profit.

VIII. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how, and to whom, and for what Purpose, the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and shall verify the Accounts upon Oath (which Oath any Two or more of the said Trustees, or any Justice of the Peace for the County where such Officer or Person shall reside are hereby empowered to administer); and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power, in anywise relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, by any Five or more of the said Trustees, or by any Person or Persons in their Behalf, such Justice may and is hereby authorized and required to summon such Officer or Officers, Person or Persons to appear before him; and in case of his, her, or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shewn for such Non-appearance), to issue his Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by such Warrant, or having absconded, or not being to be found, it shall be

Officers to account on Oath.



lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts or of the Articles thereof upon Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol of the County where he or they shall live and reside, or to any House of Correction within the same, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed for Default of Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Trustees to  
appoint tem-  
porary Col-  
lectors.

IX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls to continue until the then next Meeting of the Trustees, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his



said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll-house or Building, with the Appurtenances, to be erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Suffex*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Five of them, or their new-appointed Officer, into the Possession thereof.

X. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit, (as the Case may be); but no such Clerk shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act collected or received by the said Trustees.

Trustees may sue and be sued in the Name of their Clerk.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect, or set up, and build, or cause to be erected, set up, and built upon, in, or across any Part or Parts of the said Road, or across any Road or Lane that doth or shall lead into or out of any Part or Parts of the said Road, One or more Gate or Gates, Turnpike or Turnpikes, Side-bar or Side-bars, or Gates, and also One or more Toll House or Toll Houses, and Weighing Engine or Weighing Engines, with Outbuildings suitable thereto, and take in and inclose on the Sides of the said Road suitable Garden Spots, not exceeding One Quarter of an Acre for each Toll House, and pull down and remove the same, as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint; provided that One Turnpike or Toll Bar shall be placed upon and across that Part of the said Road lying within the said Parish of *Slinfold*, which is situate between *Lyons Corner* and *Newbridge*, but that no Turnpike Gate shall be placed on the said Road East of *Newbridge*, in the said Parish of *Slinfold*, nor shall any Tolls be collected on that Part of the said Road which lies between *Lyons Corner* and *Newbridge* aforesaid, until the Whole of the said Road shall be made and opened.

Power to erect Turnpikes.

XII. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails and Fences, Toll Houses, and the Gardens thereof, Weighing Engines and Buildings which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing and repairing the said Road, and all such Materials made use of for the Purposes of this Act, or collected

Turnpikes to be vested in Trustees.



lected to be made use of, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper, and in the Name of their Clerk for the Time being to bring or cause to be brought any Action or Actions, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb them or their Agents or Servants in the Possession thereof.

XIII. And be it further enacted, That the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint to receive the same, before any Horse, Mare, Gelding, Mule, Ass, Beast or other Cattle, Coach, Waggon, Cart, or Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, Side-bar or Side-gate, to be erected by virtue of this Act upon or across the said Road, or upon or across any Lane or Way leading into the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Mule or other Beast, Ass or Pair of Oxen, Bullocks or other Neat Cattle, drawing any Coach, Landau, Chariot, Berlin, Chaise, Calash, Barouche, Curricule, Phaeton, Hearse, Gig, Taxed Cart, Fish Van, Waggon, Cart, or other Carriage, the Sum of Sixpence :

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence :

For every Drove of Oxen, Cows, or other neat Cattle, the Sum of One Shilling *per* Score, and so in Proportion for any less Number :

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so in Proportion for any less Number :

Carriages laden with Timber, &c. at what Time to pay Double Tolls.

For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Bricks or Tiles, Iron, Coals, Marl, Chalk, Sand, Stone, or Gravel, passing through any Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act, between the Twentieth Day of *October* and the Twentieth Day of *April* in every Year, Double the Tolls or Duties which the same would otherwise hereby be liable to pay at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass, and at which they shall be liable to pay Toll :

Tolls on Sunday.

And that Double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act.

Penalty on refusing to pay Tolls.

Which said respective Tolls or Duties shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after directed; 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 such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any such Horses or other Beasts or Cattle, or the Bridles, Saddles, Gear, Harness, Accoutrements, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, or other Things so distrained, or a sufficient Part thereof, returning



ing the Overplus (if any), and what shall remain unfold, upon Demand to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress, and keeping and selling the same, shall be deducted and paid.

XIV. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for Once passing and repassing the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through all the said Gates or Turnpikes to be erected on the said Road; but that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment thereof, (which the Collectors of the Tolls are hereby required to give *gratis*), shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages Toll-free, through all the Turnpikes or Toll Gates to be erected on the said Road; but if any Person or Persons shall pass through any Gate or Turnpike a Third Time with the same Horses, Cattle, Beasts, or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Toll, and so (*toties quoties*) for the Third Time he or they shall pass the said Gate after having paid the said Toll with such Horses, Cattle, Beasts, or Carriages as aforesaid.

No more than One Toll to be paid for passing and repassing the same Day.

XV. Provided always, and be it further enacted, That for the Horses and other Beasts drawing any Carriage, and for the Cattle of or belonging to the resident Inhabitants or non-resident Occupiers of Lands, Tenements, or Hereditaments within the said Parish of *Slinfold*, (not employed or used for Hire), passing and repassing from the said Lands, Tenements, or Hereditaments of such respective Inhabitants or Occupiers within the said Parish, along the said Road hereby authorized to be made, towards or unto the Town of *Horsbam* aforesaid, such Inhabitants and non-resident Occupiers respectively shall be liable to pay, and shall pay only One-third of the Tolls herein-before imposed and made payable in respect of such Horses, Beasts, and Cattle; and that for each Horse or other Beast not drawing of such resident Inhabitants or non-resident Occupiers passing and repassing as aforesaid once in the same Day, such Inhabitants and Occupiers shall be liable to pay and shall pay only the Sum of One Penny.

Diminution of Tolls for Slinfold.

XVI. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by the Sale thereof, as the Case may happen, until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace for the said County of *Suffex*, who upon Application to him made for that Purpose shall examine the Matter upon the Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Tolls due, and also assess the Charges of such Distress, and keeping and selling the same, and also of the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or any Part thereof; and in case any Dispute, Suit, or Litigation

Disputes concerning Tolls to be settled by a Justice.

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Collector of Toll competent Witness.



shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any Dispute, Suit, or Litigation.

Tolls to be divided, lessened, varied, or altered.

XVII. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered, from Time to Time, as they shall think proper, to divide, lessen, and reduce all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again, so as they do not exceed the Tolls by this Act granted; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money charged and borrowed on the Credit of this Act shall have been paid off or discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Four-fifths of the Money remaining due upon the Credit of this Act.

Exemptions from Tolls.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, (having been employed only in carrying or conveying on the same Day), Gravel, Stone, or other Materials for repairing the said Road, or any of the Roads in the Parishes in which such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; nor for any Implements of Husbandry, or any Manure, Fodder, Mould, or Dung for Improvement of Land, (Chalk, Lime, and Marl excepted); nor shall any Tolls hereby granted be demanded or taken from any Person or Persons residing in any Township or Parish in which the said Road lies, who shall pass through any Toll Gate or Turnpike to or from their proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses or Cattle going to or returning from Water or Pasture, or going to be or returning from having been shod or farried; nor for any Horse or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; nor for any Horses belonging to or attending any Officers or Soldiers upon their March, or upon Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded,

or



or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other Publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Voluntary Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulation provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; nor for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; nor for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Suffex*, on the Day or Days of such Election, or on the Day next before or next after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on claiming Exemptions unlawfully.

XIX. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

XX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Road, or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a publick Highway, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage, through or over the same, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or take off, or cause to be taken off, any Horse or other Beast from any Carriage, or having passed through any Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof, every such Person so

To prevent evading the Tolls;

or taking off any Horse from any Carriage to avoid Payment of Tolls.

offending



offending in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Trustees may  
lease the  
Tolls.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, upon Fourteen Days Notice to be given thereof upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any one Letting, upon publick Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable monthly in Advance, and in such Manner and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of; and that during such Times as the Tolls, or any Part or Parts thereof, shall be so let or farmed, it shall and may be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees or  
Persons ap-  
pointed by  
them may  
collect the  
Tolls.

Tolls may be  
compounded

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Calendar Months at any One Time; and also that it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby required, in case any Turnpike Gate or Bar shall be erected on any Part of the said Turnpike Road hereby authorized to be made, which lies North-eastwardly from the Junction of the said Turnpike Road with the present Road or King's Common Highway, leading from the Village of *Itchingfield* towards the Town of *Horsham*, to compound and agree annually with the Surveyor or Surveyors for the Time being of the Highways of the Parish of *Itchingfield* aforesaid, for any Sum or Sums of Money not exceeding Ten Pounds nor less than Five Pounds, in lieu of the Tolls payable by the Inhabitants residing in the said Parish of *Itchingfield*, for any Horses, Beasts, Cattle, or Carriages, (such Carriages not being used or employed for Hire, but for the Purpose of the said Inhabitants only, and not being a Coach, Chariot, Gig, Post Chaise, or any such like Carriages), passing and repassing through any Turnpike Gate or Bar to  
be



be erected upon or across that Part of the said Turnpike Road which lies North-eastwardly from its Junction with the said present Road or King's Common Highway, leading from the Village of *Itchingfield* aforesaid towards the Town of *Horsbam* aforesaid; and that the said Composition Monies shall be paid in Advance, quarterly or otherwise, as the said Trustees, or any Five or more of them, shall appoint; and in Default of such Payment, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Monies shall be recovered and applied in such Manner as the Tolls are hereby directed to be recovered and applied.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, upon the Credit of the Tolls payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls, or any Part or Parts thereof, and any of the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of such Mortgages to be paid out of such Tolls), to any Person or Persons, his, her, or their Executors, Administrators, or Assigns, who shall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be so borrowed, and Interest thereof as aforesaid, by the following Words, under their Hands and Seals, or by any other Words to the like Effect; (that is to say),

‘ BY virtue of an Act, made in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of the Act*], We  
 ‘ of the Trustees of the said Road, whose Names are hereunto set and Seals affixed, in Consideration of the Sum of  
 ‘ by \_\_\_\_\_ to the Treasurer of the said Road in Hand paid,  
 ‘ do grant, bargain, sell, and assign unto the said  
 ‘ Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll Houses for collecting the same, as the said Sum of  
 ‘ \_\_\_\_\_ doth or shall bear to the whole Sum charged and advanced or to be charged or advanced on the Credit of the said Tolls;  
 ‘ to be had and holden from the Date hereof for and during the Continuance of the said Act, unless the said Sum of  
 ‘ with lawful Interest for the same, shall be sooner paid and satisfied.  
 ‘ Given under our Hands and Seals this \_\_\_\_\_ Day of  
 ‘ in the Year of our Lord

For borrowing Money.

Form of Assignments

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed upon the Credit of the Tolls after the First Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing upon all Turnpikes then erected by virtue of this Act, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered from Time to Time to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing

[*Loc. & Per*]

18 R.

an







more of them, shall and they are hereby required to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted in an Husband-like Manner, or sufficient Stone Walls to be built on both Sides of such new Road where the same is necessary, and shall support such Mounds, Walls, Rails, and Fences, for and during the Term of Three Years from the first making thereof.

XXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, or Workmen, with or without Carriages or Cattle, from Time to Time, to enter upon the Lands and Grounds through which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width and in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, and to enter upon the adjoining Lands, and to put and place any Materials thereon for the making and completing such Road, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for so entering or continuing upon any Part or Parts of such Lands or Grounds respectively, making Satisfaction to the Occupiers of such Lands or Grounds for the Damage that shall be done by any such Acts to such Lands or Grounds whilst the same Road shall be so making, such Damages to be settled and ascertained by the Justices assembled at any petty Sessions to be holden within the Division in which the said Lands or Grounds lie, whose Determination respecting the same shall be final; and if any Person shall wilfully pull up, remove or destroy any of the Stakes, or other Marks used in the laying out, making, altering, or turning any such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Trustees empowered to enter Lands, to set out Roads.

XXVII. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same leads, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Sussex*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards (of Three Feet each) from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining the Trustees from deviating beyond a certain Distance from the Line described in the Plan.

XXVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are, or may be, Owner or Owners of Lands over which the same is set out and described in the said Map or Plan as aforesaid, although the Name

Trustees may make Roads through Grounds, although the Owners or Names are



not in the  
Book of  
Reference.

or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Suffex*, and be certified by Writing under their Hands, that such Omission proceeded from Mistake.

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

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered, from Time to Time, as they shall think proper, to widen, divert, turn, shorten, vary, or alter, within the Distance herein mentioned, the Course or Path of any Part or Parts of the said Road; and that any Variation of Road may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private Grounds or other Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of and Persons interested in any Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds, or Hereditaments; and that it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, Executors or Administrators, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of any Infants, Wards, *Cestuique* Trusts, Lunatics, or Persons under any other legal Disability, and to and for all Females Covert who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all or any of such Lands, Grounds, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding; and all such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Where Persons neglect  
or refuse to  
treat,

XXX. And be it further enacted, That if any such Bodies, or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, through which any Part of such Road is to be widened, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise 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 such Damage and Recompence to be enquired

Damages and  
Recompence  
shall be settled  
by a Jury.



into and ascertained by a Jury of indifferent Men of the County wherein the Premises lie; and in order thereto, the said Trustees, or any Five or more of them, shall and may issue their Warrant or Warrants to the Sheriff of the County of *Suffex*, requiring him to empanel, summon, and return Twenty-four Persons, qualified to serve on Juries, to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed and specified; and also in and by such Warrant to direct such View of the Premises to be had and taken by the Persons so to be empannelled as they the said Trustees shall judge necessary for their better Information concerning the same, and also by a like Warrant to require the Attendance of any Witness before the said Jury; and such Sheriff, or his Deputy or Deputies, is and are hereby required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, empannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and are hereby empowered and required to draw by Ballot, and to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, shall return such other honest and indifferent Men of the Standers-by, or that speedily can be procured to attend that Service, to make up the Number of Twelve, which Jury so empannelled and sworn, shall forthwith proceed to enquire and assess such Damage and Recompence as aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power to examine upon Oath all such Witnesses as may be produced before them and such Jury, and also from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, (except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear without some reasonable and sufficient Excuse, or appearing, shall refuse to be sworn and examined, or to give Evidence, so as no such Fine exceed the Sum of Five Pounds on any One Person for One Offence; and after such Jury shall have enquired of and assessed such Damages or Recompence as aforesaid, then the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition, which Verdict or Inquisition, and the Judgement, Order, or Determination thereon, shall be final and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politick or

Juries may be challenged.



Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all other Persons whomsoever.

Expences of Jury how to be paid.

XXXI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict and Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County of *Suffex*, not interested in the Matter in Question, (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

Upon Payment of Purchase Money, the Lands to be laid into the Road.

XXXII. And be it further enacted, That upon Payment of the Sum or Sums of Money to be agreed for or assessed as aforesaid for the Purchase of any Lands, Tenements, or Hereditaments, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, or on depositing of the same in the Bank of *England*, in the Manner by this Act directed, as the Case may be, such Lands, Tenements, and Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be sufficiently ditched, fenced, and set out, for that Purpose, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth for ever be deemed Part of the Road by this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to



to such Lands and Hereditaments; but no more Land shall be taken for the Purposes of the said Road, without the Consent of the Owner or Proprietor thereof, than shall be sufficient to make such Road, in such Part thereof where the same shall be taken, of the Width of Thirty-three Feet between the Fences thereof; but this Act shall not extend or give Power to the Trustees acting in the Execution hereof to the taking down of any Dwelling House or other Building, or taking any Land, being a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Part thereof.

XXXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyances and Settlements shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application  
of Compen-  
sation Money  
when  
amounting  
to 200l.

XXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used, for the Purpose aforesaid, and belonging to any Corporation,

Application  
of Compen-  
sation under  
200l. and not  
less than 20l.



ration, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application  
of Compensation under  
201.

XXXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not  
making out  
Titles.

XXXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Persons making Claim thereunto;



thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time of such Purchase, shall be deemed entitled thereto.

XXXVIII. Provided also, and be it enacted, That where by reason of any Dilability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, get and take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials for making, amending, altering, improving or repairing the said Road, out of any Waste or Common, or out of any River or Brook in any Parish, Hamlet, Township or Place, in, adjoining to, or lying near the said Road, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken,

For getting Materials to make and repair the Roads.



or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Material cannot be had or found in or upon any such Waste or Common River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, search for, dig, gather, get and take away any such Materials in and out of the Lands, Fields or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered and carried away, or over which the same or any other Materials for amending, altering, improving or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier, or in case of their not agreeing, then as any One or more Justice or Justices of the Peace in and for the said County of *Suffex* shall and may adjudge and determine to be reasonable, which Judgement or Order of the said Justices therein shall be final and conclusive to all Parties; but so as that it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away any Materials for making or repairing such Road out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupier, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting in and for the County wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, the said Trustees or such Justice or Justices shall, if they or he think proper, authorize such Surveyor or other Persons to dig, gather, get, take and carry away such Materials at such Time or Times as to such Trustees or to such Justice or Justices shall seem meet; and if such Occupier or his Agent shall neglect or refuse to appear by himself or Agent, the said Trustees, or such Justice or Justices, shall and may make such Order therein as they and he shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Notice to be given before Materials taken.

Penalties on taking away Materials.

XL. And be it further enacted, That if any Person whatsoever shall take away any Materials which shall have been dug, gathered or got in any Lands, Fields, Grounds, Wastes, Commons, Rivers or Brooks for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Six Months (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For removing Annoyances.

XLI. And be it further enacted, That it shall be lawful for the Surveyor, and such Person as he shall appoint, by Direction under the Hands

of



of any Five or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw or otherwise, and to turn or stop any Watercourses, Sinks, or Drains, running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining or near thereto, and to make the same as deep and large as such Surveyor shall think necessary, and to cut down, lop or top, at proper Seasons of the Year, any Trees, Branches, Shrubs or Bushes growing on the said Road, or in the Hedges or Banks adjacent thereto, (except Trees planted for Ornament, or Shelter to the House, Building, Garden or Court-yard of the Owner thereof), and to cut and reduce all such Hedges to the Height of Four Feet, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Seven Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or to lop or top and remove such Boughs, Bushes, or Lops, or to reduce such Hedges in such Manner as the said Surveyor shall require, for the Space of Thirty Days, or to cut down such Trees within Six Calendar Months next after Notice in Writing given for those respective Purposes under the Hand of such Surveyor, or so near thereto as the proper Season will allow for such reducing of Hedges, or cutting down, topping or lopping of Trees, the Charges whereof (to be settled by any Justice or Justices of the Peace for the said County of *Suffex*) shall be reimbursed to such Surveyor by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and if after the Removal of any of the said Nuisances and Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such subsequent Offence forfeit any Sum not exceeding Ten Pounds over and above the Penalty and Charges before mentioned.

**XLII** And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle or Carriage, over or upon any Footpath or Causeway, made or to be made on the Side or Sides of any Part of the said Road; or if any Driver of any Waggon or other Carriage, shall wilfully or carelessly break or damage any of the Direction Posts or Mile Stones on the said Road, or any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over, or drag over any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast, drawing any Plough, upon any Parts of the said Road to the Prejudice thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any Instrument, so as to damage the said Road or any Part thereof; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or

For preventing Annoyances.



damage the said Road or any Part thereof, or the Fences, Hedges, Banking, or Copse, on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, or Beast to be and remain loose on the said Road; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be), in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To make  
Causeways,  
&c. and build  
and repair  
Bridges.

XLIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to make, or cause to be made, Causeways and Footpaths, and also covered or opened Drains and Ditches, in and upon or on the Sides of the said Road, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains, so as effectually to carry off the Water from any Part of the said Road, and also to make, or cause to be made, a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road, (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Avenue to any House), to be made Use of as a publick Highway whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain as the Parties shall agree upon, or if they shall not agree, then as shall be adjudged reasonable by any Two or more Justices of the Peace for the said County of *Suffex*; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground; and also by Order of any Five or more of the said Trustees to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, and also to repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, now built or to be hereafter



hereafter built upon any Part of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto; Notice of such Intention to build, erect, or repair, any such Bridge being first given by affixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act, at least Fourteen Days before such Meeting, at which such Order to build, erect, or repair any such Bridge shall be made.

XLIV. And be it further enacted, That all the Inhabitants of the several Parishes or Places through which the said intended Road shall pass, shall be liable to the Repair of such Parts of the said intended Road as are within their respective Parishes or Places, in such and the same Manner as they are liable to the Repair of any other Highway within the same. Parishes to be liable to Repairs.

XLV. Provided always, and be it further enacted, That all Persons who by Law are liable to Statute Work on any Part of the Road within any of the Parishes or Places through which the said Road hereby authorized to be made, or any Part thereof, shall pass, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Suffex*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid shall be by him or them paid to the said Trustees, or to any Five or more of them, or to their Treasurer; and in order thereunto, it shall and may be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices respectively, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within every such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams, or Draughts, or otherwise, and also the Amount of the respective Sums so to be paid, which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force or effect for the Repair of the publick Highways; and out of such Lists the said Justices respectively shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, (not being Seed Time, Hay Time, or Harvest), and in such Part of the said Road as the said Trustees, or any Five or more of them, or their Surveyor, shall from Time to Time order, direct, and appoint; and the said Justices respectively shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, Persons chargeable to Statute Work to continue so, and Justices to determine Differences touching Statute Work.

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to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or to their Treasurer, at such Time or Times as they the said Justices respectively shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, or Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been set to work on any Part of the said Road; all which Penalties and Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

XLVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Repairs or Statute Work to be by him, her, or them done on the said Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer of the said Trustees in Advance, on or before the First Day of *May*, in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Trustees may contract for amending the Roads.

XLVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in Repair, the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done



done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting by such Trustees, or any Five or more of them, shall be binding on the said Trustees and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

XLVIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any Person or Persons by them or any of them, or by the said Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on obstructing the Execution of this Act.

XLIX. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall and may be lawful for any of the said Trustees, or their Clerks, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as he or they shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or District near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders seized and apprehended; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at some Petty Sessions to be holden within and for the District in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Gaol or House of Correction of the same County or District, there to remain for any Time not exceeding Thirty Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

For securing transient Offenders.

L. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively, before any Justice of the Peace for the said County of *Sussex* wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of One or more

For Recovery of Penalties and Forfeitures.

credible







LIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Western Division of the said County of *Suffex*, within Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees; and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices at such Quarter Sessions shall be final and conclusive to all Intents and Purposes; and the said Justices at such Sessions, or any Justice or Justices of the Peace of the said County out of Sessions, may by their or his Order or Warrant cause such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same on Demand, and for Want of sufficient Distress may commit such Person or Persons to the Common Gaol of the said County, or to any House of Correction within the same, for any Time not exceeding the Term of Two Calendar Months, or until Payment of such Costs.

Allowing  
Persons ag-  
grieved to  
appeal.

LIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall have been given to the Clerk to the said Trustees, nor after Twelve Calendar Months next after the Fact committed, nor after a sufficient Satisfaction or a Tender thereof shall have been made to the Party or Parties aggrieved; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and every Action shall be laid and tried in the County of *Suffex*, and not elsewhere; and the Defendant or Defendants in every such Action shall and may at his, her, or their Election plead specially, or the General Issue, and give this Act, and the special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or

Limitations  
of Actions.

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after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

To compel  
Payment of  
Subscrip-  
tions.

LV. And be it further enacted, That the Persons respectively who have subscribed any Money for or towards defraying the Expences of executing this Act, shall and he and they is and are hereby required to pay such Money within such Time, and to such Persons, as the said Trustees, or any Five or more of them, shall order and direct; and in Default of such Payment such Money shall be recovered by Action of Debt, or on the Case, to be brought in the Name of the Clerk to the said Trustees in any of His Majesty's Courts of Record at *Westminster*.

Publick Act.

LVI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

Commence-  
ment and  
Continuance  
of this Act.

LVII. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and eleven, and shall have Continuance from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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