



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.



Cap. 115.

An Act for repairing the Road from *Offham* to
Ditchelling, in the County of *Suffex*.

[20th *May* 1812.]

WHEREAS the present Road or Public Highway leading from and out of the Turnpike Road leading from the upper End of the Town of *Lewes* to *Witchcross*, in the County of *Suffex*, towards and into the Turnpike Road leading from the Town of *Brightelmstone* to the Town of *Lindfield*, in the County aforesaid, through the several Parishes of *Hamsfey* and *Saint John* under the Castle of *Lewes*, the Hamlet of *Chiltington*, and the several Parishes of *Chailey*, *Plumpton*, *Street*, *Westmeston*, and *Ditchelling*, all in the said County of *Suffex*, is not only very much out of Repair, but likewise in many Places narrow, circuitous, and otherwise incommodious to the Public, so as to make it expedient to alter Part of the Course thereof: And whereas the same Road cannot be effectually altered, repaired, widened, straightened, and rendered safe and commodious, and kept in Repair, by means of the Laws in being for the Amendment and Preservation of Public Highways: And whereas the making and maintaining a good and sufficient Public Turnpike Road between the Points aforesaid, would establish a more direct, easy, and extensive Communication between the Eastern and Western Parts of the said County of *Suffex*, and would be of great Benefit and Advantage to the Proprietors and Occupiers of Estates in the Neighbourhood thereof, and of public 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 Authority of the same, That *George Awcock*, *William Attwood*, *Thomas Attree*, *John* Trustees.
[*Loc. & Per.*] 27 P *Attree*

Attree of Ditchelling, Sir Charles Merrick Burrell Baronet, Sir John Bridger Knight, Sir Henry Blackman Knight, J. H. Shaw Brooke Clerk, Charles Bathurst Clerk, William Borrer, William Borrer Junior, John Borrer Junior, George Berry, Henry Burtenshaw, James Brown, John Boys, Nathaniel Beard, Thomas Beard, John Martin Cripps, William Campion, William John Campion, Henry Campion, William Henry Campion Clerk, George Courthope, George Courthope Junior, Samuel Clarke Clerk, Peter Guerin Crofts Clerk, Richard Barnard Comber, Thomas Comber, Robert Chatfield, John Cheesman, Richard Christmas, John Chatfield of Stockwell, John Chatfield of Lewes, Chrusophilus Chitty, Samuel Woodgate Durrant, John Ellman, Edward Egles, Thomas Ellis, John Fuller, William Falconer, George Edward Graham, William Gwynne Clerk, Charles Grinstead, James Gray, John Guy, George Grantham, George Grantham Junior, John Godlee, Jonathan Harrison, John Hoper, George Hoper, Thomas Hodson, John Hodson, James Hodson, William Hodson, Richard Hurly, Nathaniel Hall, William Franklin Hick, the Honourable Charles Cecil Cope Jenkinson, James Jenkins Clerk, James Ingram, Thomas Read Kemp, Nathaniel Kemp, Richard Knight, Richard Knight Junior, Christopher Kell, Nathaniel Polhill Kell, William Balcombe Langridge, John Markham, W. C. Mabbot, William Madgwick, Joseph Molineux, George Mott, William Marten, Sir Henry Poole Baronet, Clerk, Thomas Partington, James Powell, Trayton Paine, Edward Robert Raynes Clerk, John Rickman, Peter Rowland, James Redman, Thomas Rogers, George Shiffner, John Bridger Shiffner, Josias Smith, William Lucas Shadwell, Samuel Snashall, Samuel Snashall Junior, Richard Stapeley, George Stanford, Thomas Tourle, Anthony Tanner, Anthony Tanner Junior, William Tanner, John Tanner, Thomas Tanner, Richard Verrall, George Verrall, William Verrall, Harry Verrall, W. P. Woodward Clerk, Thomas Woollgar, John Wood of Ditchelling, John Wood of East End, and John Wood of Southover, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for altering, improving, widening, amending, and keeping in Repair the said Road, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purpose thereof, Twenty Days Notice shall be given in Manner as is herein-after directed, respecting the Appointment of new Trustees on Vacancies), to elect, nominate, and appoint any Number of fit and proper Persons not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Power to elect new Trustees.

III. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein-after mentioned, shall die, or by Writing under their Hands, refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees, from Time to Time, to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees in the Room of of every Trustee or Trustees dying, or refusing to act as aforesaid, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election, be given by the Clerk to be appointed by the said Trustees as herein-after is mentioned, by affixing the same in Writing upon

all

all the Turnpike Gates then erected and being upon the said Road, and by inserting such Notice in one or more of the Newspapers published within the said County of *Suffex*, Twenty Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee or Trustees, pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed Trustees in and by this Act.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in his Wife's Right, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of Twenty Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of One thousand Pounds; and if any Person, not being so qualified, shall presume to act as a Trustee in the Execution 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 sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Impar lance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee, in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification
of Trustees.

V. Provided also, and be it enacted, That every Trustee appointed, or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath next herein-after mentioned at the First or Second Meeting of the said Trustees) shall take and subscribe an Oath before Three or more of the said Trustees (who are hereby empowered to administer the same) in the Form or to the Effect following; that is to say,

Trustees to
take an Oath.

‘ I *A. B.* do swear, That I am in my own Right [*or, in the Right of my*
‘ Wife] truly and *bonâ fide* seised or possessed of, and in the actual
‘ Possession or Receipt of the Rents and Profits of Messuages, Lands,
‘ Tenements, or Hereditaments, of the clear yearly Value of Twenty
‘ Pounds above Reprizes [*and, in case of an Heir Apparent*] I *A. B.* do
‘ swear, That I am Heir Apparent of *C. D.* who, to the best of my Know-
‘ ledge and Belief, is truly and *bonâ fide* seised or possessed of, and in the
‘ actual Possession or Receipt of the Rents and Profits of Messuages,
‘ Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty
‘ Pounds above Reprizes [*and, in the Case of Personal Estate*] I *A. B.* do
‘ swear, That I am truly and *bonâ fide* possessed of a clear Personal Estate
‘ of the Amount or Value of One thousand Pounds, and that I will truly

and faithfully execute the Powers and Trusts reposed in me by an Act of Parliament, passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act.*]
So help me GOD.

Trustees holding Places of Profit not to act.

Justices may act in both Characters.

VI. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; and that all such Trustees as are Justices of the Peace may act as Justices of the Peace within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees (except only in Cases where they shall be personally interested), nor shall any 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, be on that Account deemed unqualified to act as a Trustee in the Execution of this Act.

Victuallers not to be Officers, or act as Trustees.

VII. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other Place of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

General Meetings of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the *Star Inn* in the Town of *Lewes*, in the said County of *Suffex*, or at some other convenient House or Place either in the said Town of *Lewes*, or in some one of the Parishes through or into which the said Road is or is intended to be made or carried, on the Second *Wednesday* after the passing of this Act, or as soon after as conveniently may be, and shall then proceed to carry this Act into Execution; and that the said Trustees shall then, and from Time to Time afterwards, adjourn themselves, and meet at the same Place, or at such other Place either in the said Town of *Lewes*, or in some one of the said Parishes through or into which the said Road is or is intended to be made or carried, and at such Times as the said Trustees shall from Time to Time order and direct; provided, that no Adjournment shall be made for a longer Time than Three Months; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time, as often as such Case shall happen, by Notice in Writing to be affixed on all the Turnpikes then erected in, upon, across, or on the Sides of the said Road, and to be inserted in one or more of the Newspapers published within the said County of *Suffex*, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which such last Meeting was appointed:

appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Eleven in the Forenoon, nor shall any Adjournment be made, or any Meeting appointed to be held at any later Hour than Two in the Afternoon of the Day on which such Meeting is appointed to be held.

IX. 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 appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by Three or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Meeting not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees, or the Majority of them at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements, in the Execution of this Act; and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order, Agreement, or Determination; and no such Order, Agreement, or Determination, shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Ten Days before in some public Newspaper usually circulated within the said County, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making any such Order, Agreement, or Determination; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on Emergencies.

How Orders of the Trustees are to be made and revoked.

Trustees to pay their Expences.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Three or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in Cases herein particularly to be done and executed by any greater or less Number of them.

All Acts may be done by Trustees unless otherwise directed.

XI. 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, or Transcripts thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders, &c. to be entered.

XII. And be it further enacted, That the said Trustees may and they are hereby empowered by Writing under their respective Hands, to appoint One or more Collector or Collectors of the said Tolls, and a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said

Appointing Officers Salaries, &c.

How Officers
shall account.

Penalty on
their Refusal.

Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead, and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing under their respective Hands, upon Oath (which Oath the said Trustees are hereby empowered to administer) of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or to verify the Articles thereof, upon Oath, or shall refuse or neglect to pay the Money due on such Account in Manner aforesaid; or if any such Officer or Person 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 the Books, Papers, or Writings in his Custody or Power, relating to the Execution of this Act, that then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County of *Suffex*, upon Complaint made to them by any Two or more of the said Trustees, such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon 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 Witness or Witnesses (which Oath such Justices are hereby empowered and required to administer without Fee or Reward), or upon Inspection of the said Accounts if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, 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 can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, unless for some sufficient Excuse, at the Time and Place by them appointed for that Purpose,

pose, or if appearing, shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justices the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, 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, such Justices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the same County, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint (which Composition the said Trustees are hereby empowered to make), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and that no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon such their Offices respectively, until they shall have given such Security.

Treasurer,
&c. to give
Security.

XIV. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself, 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 so die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of this Act, shall neglect or refuse to deliver up such Possession, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, or by their Clerk or Treasurer, 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

Trustees may
appoint tem-
porary Col-
lectors in cer-
tain Cases;
how to reco-
ver Possession
of Toll
House.

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 Three or more of them, or any of their Officers, in the Possession thereof.

No Trustee shall vote for Officers who have not acted in the preceding Year.

XV. Provided always, and be it enacted, That after the First Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death, or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least once within the Space of Twelve Calendar Months next preceding the Time of such last-mentioned Nomination or Appointment.

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

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of any such Clerk or Treasurer, without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Clerk and Treasurer in whose Name any Action or Suit shall be commenced, sued, or prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

How Expences to be paid.

Power to erect Toll-gates, Toll-houses, &c.

XVII. And, for the Purpose of collecting and receiving the Tolls herein granted or made payable, be it enacted, That the said Trustees, or such other Person or Persons as they shall direct and appoint, shall and may erect, or cause to be erected, such and so many Toll Gates or Turnpikes in, upon, or across such Parts and in such Places of the said Road, and also such and so many Toll Gate or Toll Gates, Turnpike or Turnpikes, on the Sides of the said Road, and in, upon, or across any Lane or Byeway that does or shall lead into or out of the same respectively, as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same); and also shall or may erect or provide a Toll House, with suitable Buildings, a Garden and other Conveniences, not exceeding One Rood of Land, at or near each of the said Toll Gates or Turnpikes.

Toll-houses, &c. vested in Trustees.

XVIII. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates or Turnpikes, and Toll Houses which shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be

be provided for repairing the said Road, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the Toll Gates, Turnpikes, or Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct any Person employed by the said Trustees in the Execution of this Act.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Six or more of them, and they are hereby empowered, from Time to Time, when and as often as they shall think proper; to cause any of the Toll Gates or Turnpikes which shall be erected in, upon, or across, or on the Side or Sides of the said Road, by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Road, as the said Trustees, or any Six or more of them, shall from Time to Time order and direct; provided that none of the said Toll Gates or Turnpikes shall be removed as aforesaid, unless Thirty Days previous Notice of the Intention to remove the same shall have been given in one or more of the Newspapers published within the County of *Suffex* aforesaid, and also affixed in Writing upon all the Toll Gates or Turnpikes then standing upon the said Road.

Power to remove Toll-gates.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the respective Turnpikes or Toll Gates, or Turnpike or Toll Gate which shall be erected in, upon, or across the said Roads by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Power to take Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricule, Phaeton, Taxed Cart, or other such Carriage, the Sum of Four-pence:

Tolls.

For every Horse, Mare, Gelding, Mule, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing in any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule, Ass, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing any other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Two-pence:

For every Ass drawing any Carriage of the like Nature, One Penny:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eight-pence *per* Score, and so in Proportion for any greater or less Number:

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

For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Bricks, or Tiles, Gun

or any other Iron, Hop-poles, Marl, Chalk Marl or Chalk, Sand, Stone, Gravel, or Coals, passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the Tenth Day of *October* and the Tenth Day of *March* in every Year, double the Tolls or Duties which the same would otherwise 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; provided, that such double Toll shall not be imposed, demanded, or taken, on account merely of any small Quantities of Iron, Wood, Boards, Scaffolding, or other Poles in such Carriage, not exceeding Three hundred Weight.

Tolls vested
in the Trustees.

For compelling
Payment
of Tolls.

And the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever be permitted to pass through any such Turnpike or Toll Gates; and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned, in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made by the Person or Persons so authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized, to seize and distrain any Horse or Cattle, Beast or Carriage, upon which any Toll is by this Act imposed, or any of the Loading, Harness, or Accoutrements thereof respectively; or any of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Distress and keeping the same, shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels so distrained, and out of the Money which shall arise by such Sale pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unfold (if any) upon Demand, to the Owner or Owners thereof.

For settling
Disputes concerning
Tolls.

XXI. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Quantity of the Tolls, and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County of *Suffex*, who on Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined and assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or Overplus, or any Part thereof.

Collectors declared
competent Witnesses.

XXII. And be it further enacted, That in case any Dispute, Suit, or Litigation, 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 under the Authority of the said Trustees, shall not be incompetent,

competent, on account of his being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

XXIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Gate or Turnpike to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, the same not being a common Road), or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded, or with Intent to evade the same; or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge a Counterfeit of any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Turnpike with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts of the said Tolls shall be evaded, or shall leave or cause to be left upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

To prevent
evading of
Tolls.

XXIV. Provided always, and it is hereby enacted and declared, That no more than One full Toll and an Half shall be demanded or taken from any Person or Persons passing and repassing the same Day with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages, through all the Toll Gates or Turnpikes which shall be erected by virtue of this Act; and that all and every Person and Persons having paid the full Toll imposed by this Act at any one of such Toll Gates or Turnpikes, producing a Note or Ticket denoting the Payment thereof, (which Note or Ticket the Collectors of the Tolls are hereby required to give gratis, on the Receipt of such Toll), shall pass and repass during the same Day with or drive the same Horses, Cattle, Sheep, Beasts, or Carriages, through any other of the said Toll Gates or Turnpikes erected by virtue of this Act, upon Payment of One Half of the Toll to which he or they would have otherwise been liable; and upon producing a like Note or Ticket of his or their having paid such half Toll, in addition to such full Toll as aforesaid, shall pass and repass during the same Day any Number of Times with the same Horses, Cattle, and Carriages, Toll free, through all other the Toll Gates or Turnpikes so to be erected as aforesaid.

Number of
Tolls limited.

XXV. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than once at any one Toll Gate or Turnpike to be erected by virtue of this Act, for passing or repassing at any Time or Times in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, with or driving the same

Tolls to be
paid but once
a Day.

Horses, Cattle, Beasts, or Carriages through the same Toll Gates or Turnpikes; but all and every Person and Persons, after having paid Toll once as aforesaid, and producing a Note or Ticket denoting the Payment of such Toll, (which Note or Ticket the Collectors are hereby required to give *gratis*, on Receipt of the Tolls, to all Persons so passing who shall request the same), shall afterwards pass and repass with the same Horses, Cattle, Beasts, or Carriages, Toll free during such Day through the same Toll Gate or Turnpike where such Toll was paid.

Exemptions
from Tolls,

XXVI. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Toll Gates or Turnpikes erected or to be erected upon or on the Sides of the said Road, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be used on or about the said Road, or for repairing any of the Highways in the Parishes, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said Road, nor returning empty when so employed; nor carrying or conveying Hay, not having been stacked, Straw or Corn in the Straw only, not to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, nor any Ploughs, Harrows, or other Implements of Husbandry, to be used in the Cultivation of Lands, carried from one Part to another of Lands occupied by the same Person or Persons; nor any Mould, Dung, Ashes, Soil, or Compost, for the manuring of Lands, (Chalk, Chalk-Marl, and Lime excepted); or from any Clergyman going to or returning from visiting any of his sick Parishioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Ministerial Duty; or from any other Person or Persons residing in the said Parishes, Districts, or Places, who shall pass through any of the said Toll Gates or Turnpikes to or from Church, Chapel, or other Place of Religious Worship, situate within any of the said Parishes, Districts, or Places, or within Two Miles thereof, 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 or Persons who shall die and be buried in any of the said Parishes, Districts, or Places, or within Two Miles thereof; nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle, which are kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; nor for any Horses or Cattle going to or returning from Water or Pasture, or going to or returning from being shod; nor for any Horses or Carriages, of whatsoever 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 the same, or in returning back from conveying the same; or for the Horses of Officers and Soldiers on the March or on Duty, or Carriages or Horses, or other Beasts, employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all and every such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively

respectively at the Time of claiming such Exemption, and not otherwise; 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, or Barrack or other Public or Commissariat Stores, or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning 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 before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, (not being entitled thereto), every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds: Provided always, that no Tolls shall be demanded or taken for any Horse, Cattle, or Carriage, which shall not go more than One hundred Yards upon the said Road.

No Toll if not going more than 100 Yards.

XXVII. 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 public 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 Over-weight, nor shall any Waggon, Wain, Cart, or other Carriage, while so employed, 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, Wain, Cart, or other Carriage; any Thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages employed in His Majesty's Service not to be subject to Regulations for Over-weight.

XXVIII. Provided always, and be it further enacted, That no Exemption from Toll shall be claimed or allowed for any Horse or Carriage passing through any of the Toll Gates or Turnpikes erected or to be erected upon or on the Side of the said Road, carrying or conveying Mould, Dung, Ashes, Soil, or Compost, for the manuring of Lands, between the Tenth Day of *October* and the Tenth Day of *March* in any Year; any Thing herein-before contained to the contrary notwithstanding.

Manure to pay Toll between October and March.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable, at all or any of the Turnpikes to be erected by virtue of this Act, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time-being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Turnpikes then erected across the said Road, and also

Tolls may be reduced.

inserted in One or more of the Newspapers published or generally circulated in the County of *Suffex*.

Trustees may compound for Tolls.

XXX. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which the said intended Road leads, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates to be erected on the said Road or on the Sides thereof, which Composition shall be paid yearly in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Power to lease the Tolls.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by a certain Act of Parliament, made and passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to lease and demise the Tolls granted by this Act, and arising upon the said Road intended to be made, repaired, and amended by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit, they the said Trustees taking a Counterpart of all such Lease and Leases, and taking such sufficient Security from the Person and Persons to whom such Tolls shall be leased and demised, for Payment of the Rents, and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees shall think fit.

Lessees of Tolls may appoint Persons to receive the same.

XXXII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in Farm to any Person or Persons whomsoever, it shall 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, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act, is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, 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.

For borrowing Money on Security of Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting, to

to borrow and take up at Interest upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money, as they or any Five or more of them shall think fit, and for securing the Repayment of all such Sum and Sums, with Interest, they the said Trustees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls or any Part or Parcel thereof, and the Turnpike and Toll Houses for collecting the same, during the Continuance of this Act (the Charges of such Mortgages to be paid out of such Tolls), as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

BY virtue of an Act made in the Fifty-second Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*] We, Five of the Trustees for putting the said Act into Execution, in Consideration of the Sum of _____ in hand advanced and paid by *A. B.* of _____ to the Treasurer of the said Road, do hereby grant, bargain, sell, and demise unto the said *A. B.* his Executors, Administrators, and Assigns, for and during the Continuance of this Act, such Proportion of the Tolls to arise upon the said Road, and the Turnpikes and Toll Houses already or hereafter to be made and erected for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Security thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate of Five Pounds *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands this _____ Day of _____ in the Year of our Lord _____

Form of Mortgage.

And Copies of all such Mortgages, or Mortgage Securities, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward, but no Money shall be borrowed on Security of the Tolls, beyond the Sum which shall be fixed upon by the Trustees, at the First Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Turnpikes then erected by virtue of this Act, and also inserted in One or more of the Newspapers published within the said County of *Suffex*, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then existing Creditors shall consent thereto; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest, in and to such Mortgage, and the Principal Money, and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten, or thereunto annexed, and signed

Copies to be entered.

signed in the Presence of and attested by One or more credible Witnesses or Witnesses ; (that is to say),

Form of
Transfer.

‘ I The within-named *A. B.* or *I C. D.* Assignee, Executor, or Administrator of the within named *A. B.* [*as the Case may happen*] do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and all Interest now due and hereafter to grow due upon the same, unto *E. F.* of his Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord

‘ Witnesses to the signing hereof.’

Transfers to
be entered.

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more ; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security, and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties* ; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void, the original Mortgage Security, or the Monies due thereon, or any Part thereof ; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid, shall in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise, except as herein-after mentioned.

For paying
Creditors by
Lot.

XXXIV. Provided always, and be it further enacted, That in case the said Trustees shall, at any Time or Times, be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, Notice of such intended Meeting, and of the Purpose thereof being first given, at least Ten Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Suffex*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only ; any Thing herein contained to the contrary thereof notwithstanding.

Application
of the Money.

XXXV. And be it further enacted, That all the Monies that shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following ; (that is to say,) in the First Place, in Payment of all the Costs, Charges, and Expences, which have been incurred, or incidental to or attending the applying for or obtaining and passing this Act ;

Act; in the Second Place, in defraying the Expences of purchasing Land which may be necessary for the making and widening of the said intended Road; in the Third Place, in paying the Interest accruing from Time to Time upon the several Principal Sums of Money which shall from Time to Time be borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and keeping the same in Repair; and of altering, raising, widening, repairing, and preserving the said Road so intended to be made as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall be secured in pursuance of this Act, either rateably or by Lot, as the said Trustees shall think proper.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, alter, or repair any Part or Parts of the said Road (within the Limits herein-after mentioned, or beyond such Limits, with the Consent of the Owners or Proprietors of the Lands through which the same shall be carried), in, upon, through, or over any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Roads or Alterations hereby authorized to be made is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Roads or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Roads; and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a public Highway, whilst the narrow or ruinous Parts of the Roads are widening or repairing, and until the said Roads shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act, is herein-after directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees may widen, turn, or alter the Roads.

XXXVII. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the

Roads to be made according to Plan.

Peace for the County of *Suffex*, be it therefore enacted, That the said Map or Plan, or 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 any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan, and Book of Reference, and so in Proportion; and that the said Trustees in making the said Road shall not deviate more than Fifty 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, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, unless otherwise directed by this Act.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and new Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or 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, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees restrained from taking certain Lands without Consent.

XXXIX. Provided always, and be it further enacted nevertheless, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to make or carry the Line of the said Road into, through, across, or over the Piece or Parcel of Land belonging to *Mary Lane*, in the said Parish of *Westmeston*, (marked in the said Survey, Map, or Plan, No. 15,) without the Consent in Writing of the said *Mary Lane*, or the Owner or Proprietor thereof for the Time being first had and obtained for that Purpose, any Thing in this Act contained to the contrary notwithstanding; and that in the mean Time, and until such Consent shall be obtained, the present Line of the Road or Highway at or near *Westmeston Church* shall be deemed and considered to be the Line intended by this Act, and shall and may be widened, altered, repaired, and made fit for that Purpose.

XL. And provided also, and be it further enacted, That the said Trustees shall not be empowered to make or extend the Line of the said Road, as described in the said Survey, Map, or Plan, into a certain Piece of the Lands or Grounds belonging to the Honourable *Charles Cecil Jenkinson*, in Right of his Wife, in the Parish of *Saint John*, under the Castle of *Lewes*, (marked in the said Map or Plan No. 2,) more than to the Distance of Twenty-five Yards in any one Place from the Southern Hedge, adjoining the present Road near *Court House*, without the like Consent in Writing of the said *Charles Cecil Jenkinson* and his said Wife, or the Owner or Owners thereof for the Time being, first had and obtained for that Purpose; nor shall the said Trustees be empowered to extend the said

Road

Road into any Part of a certain Piece of Land belonging to *Frances Attree*, adjoining to the Piece marked Twenty-five, without the like Consent of the said *Frances Attree*, or the Owner or Owners thereof for the Time being, first had and obtained for that Purpose.

XXI. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Plan and Book of Reference; any Thing in this Act contained to the contrary in anywise notwithstanding.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XLII. And be it further enacted, That when and so soon as that Part of the said intended Road, extending from the Commencement thereof, from and out of the Turnpike Road from *Lewes* to *Witchcross*, to the Point marked A in the said Map or Plan, being near *Court House*, in the Parish of *Saint John, Lewes*, shall be opened and made fit for Travellers (which the said Trustees are hereby directed and required to complete as speedily and with as little Delay as may be after their proceeding to carry this Act into Execution), then and from thenceforth the said Trustees be authorized and required forthwith to cause the present Road leading from *Offham Street* towards *Ditchelling* aforesaid, to the Point where the same divides the Lands, Grounds, and Plantations of *George Shiffner* Esquire, from the Garden or Shrubbery of *Thomas Partington* Esquire, to the Point where the same joins the said new intended Line of Road, at or near *Court House* in the Parish of *Saint John, Lewes*, aforesaid, to be stopped up, and to sell and dispose of the same according to the Directions of this Act.

For stopping up the present Road leading from Offham Street towards Ditchelling, near the Grounds of G. Shiffner Esq. and T. Partington Esq.

XLIII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the said Road, or make any new Road over and through any private Grounds, or shall take away any Fence for the widening the said Road, the said Trustees shall make, or cause to be made and planted proper Quickset Hedges or Fences, on both Sides of such new-made Road, or on the Side upon which any such Fence is so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post or Rail, or other Fence, to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair, for and during the Term of One Year from the Time that such Fences shall have been made or set up.

Trustees to fence the new Road.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the Owners and Persons interested in any such private Lands or Grounds for the Purchase thereof, or for the Loss or Damage such Owners and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering, any Part or Parts of the said Road; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and

The Purchase of Lands.

Corporations
and incapacitated
Persons empowered to
sell, &c.

On refusal to
sell, a Jury to
settle the Re-
compence;
their Verdict
final.

and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infant, Females Covert, *Cestuique* Trusts, and for all and every Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands or Grounds, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any of such Lands and Grounds as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law, to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons are, and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be taken in, and added to the said Road, or into which any Part or Parts of such Road are or is to be turned or altered as aforesaid, shall, by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be hindered from treating, then and in every or any such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oath of a Jury of Twelve indifferent Men of the County of *Suffex*, (which Oath any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested for, upon, or on account of the taking such Lands or Grounds into the said Road, or of turning any Part or Parts of such Road into and through the same Lands and Grounds; and in order thereto, the said Trustees are hereby empowered and required from Time to Time as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as the Juries better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury, which

said

said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming in Possession, in Fee, or in Tail general or special, Reversion or Remainder, or otherwise their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever, and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands or Grounds, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for the summoning or returning of such Jury or Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Suffex*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear, or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, without sufficient Excuse, or appearing, shall refuse to be sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines, are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any one Offence.

Sheriff, &c.
to be fined
on Neglect of
Duty.

XLV. 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 of 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, before the summoning or returning of the Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Da-

How Ex-
pence of Jury,
&c. shall be
paid.

[Loc. & Per.]

27 U

mage

mage as aforesaid, that 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 or Treasurers to the said Trustees, out of any Money arisen or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Differences, 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 respective County or Place, 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 or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures, provided, that where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the Whole of such Fees and Expences shall be paid by the said Trustees.

Upon Payment of the Purchase Money, the Lands to be laid into the Road, and former Roads may be sold or stopped up.

XLVI. And be it further enacted, That every Sum of Money or Recompence to be agreed for and assessed as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees 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 as 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 such Lands and Hereditaments; and from and after such Parts of the said Road hereby intended to be made new Road, shall be formed and completed, then the Land comprized in or constituting the old or former Road shall be vested in the said Trustees, and shall or may be stopped up and left unrepaired, unless the same may be wanted for any public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements

nements to which the same may lead, or shall be by the said Trustees sold for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act, and the Conveyance to be made of such Lands, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the County of *Suffex*, shall be good and effectual to all Intents and Purposes.

XLVII. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

First Offer to whom to be made.

XLVIII. And be it further enacted, That if Money shall be agreed or awarded to be paid for any Lands, Tenements, 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, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed 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

Application of Money awarded, above 200l.

a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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, Tenements, 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 Conveyance or Settlement 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 High 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 Three Pounds *per Centum* 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, Tenements, and Hereditaments, so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less
than 200l.
and above 20l.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, 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, Tenements, 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 of *England*, 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 Two or more of the said Trustees for executing this Act, (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 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 said High Court of Chancery.

L. Provided

L. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Two 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.

Where under
20l.

LI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Two 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [*describing them*], subject to the Order, Controul, and Disposition of the said High 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 said Court shall seem meet, to order the Expences to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim 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 of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, 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.

In case of not
making out a
good Title,
or Persons
cannot be
found, the
Purchase
Money to be
paid into the
Bank, subject
to the Order
of Chancery,
on Petition.

LII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements 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 Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and 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

In case of a
disputed
Title.

and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

LIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, 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 said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High 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.

For getting Materials for repairing the Road, &c.

LIV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials, proper and convenient for repairing the said Road, out of any Waste or Common, River or Brook, (not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty), in any Parish, Town, Village, or Hamlet, within which the said Road, or any Part or Parts thereof does or do lie, or is or are intended to pass, and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook, (not being within the like Distance from any Bridge, Dam, Weir, and Jetty), in any adjoining Parish, Town, Village, or Hamlet, without making any Recompence for the same, the said Surveyor or Surveyors filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Wastes, Commons, Rivers, and Brooks as aforesaid, it shall be lawful for such Surveyor and Surveyors, by Order of the said Trustees, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Yard, Paddock, Park, planted Walk, or Avenue to any House or inclosed Ground planted, set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found in any such Parish or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for the repairing

repairing and amending the said Road, paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds where, through and from whence the same shall be digged and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers or any of them and the said Trustees, touching the Damages aforesaid, then the Amount thereof to be settled by any Two or more Justices of the Peace for the said County of *Suffex*, but subject to such Appeal to the General Quarter Sessions of the Peace to be holden in and for the same County as is hereinafter directed.

LV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any such Materials for repairing such Roads, out of or from any inclosed Land or Ground, until Five Days Notice in Writing, signed by such Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Abode, to appear before the said Trustees, or Two or more Justices of the Peace acting for the County of *Suffex*, 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 shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Trustees or such Justices, by their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Trustees or such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Trustees or such Justices may make such Order therein as they respectively 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 to the Occupier of inclosed Lands before Materials are to be taken.

LVI. And be it further enacted, That if any Person or Persons whomsoever shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Road, 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 Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and the Person or 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 the Sum of Five Pounds.

Penalty on taking away Materials got by Surveyor.

LVII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stones, Carriages, Saw-pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same, to the Prejudice thereof, and to open, scour, and cleanse, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourses adjoining

Surveyors may remove Annoyances.

or

or near to the said Road, or any Part or Parts thereof respectively, and also to cut down, top, or lop, at proper Seasons of the Year, any Trees, Branches, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, so as to reduce such Hedges to any Height not less than Four Feet, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do, for Seven Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors, by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning, or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such Second or other repeated Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Surveyors
may make
Causeways,
cut Drains,
&c.

LVIII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by Order of the said Trustees, to make Causeways in or along the Sides of the said Road, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places, and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, and also make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Parts of the said Road, (not having a House or other Building thereon, and not being a Garden, Orchard, planted Walk, or Avenue to any House, or a Plantation or Nursery of Trees), to be made use of as a temporary Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners or Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by the Justices of the Peace for the said County of *Suffex* at their General Quarter Sessions of the Peace to be holden next after such Difference shall arise.

Roads to be
measured and
Mile Stones
erected.

LIX. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places from any Town or Place, and also to cause to be erected Guide Posts upon such Parts of the said Road, where the same are crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post, or

Stone

Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beasts, or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath; or if any Person shall cause to be haled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or on the Banks, Land, Streets, or Places adjacent or lying open thereto; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse, or Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, between the said Road and the Fences now standing or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Turnpike Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherways shall scrape off any Soil or other Thing from the said Road, or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Ground, and be carried away without being brought over any Part of the said Turnpike Road, or that the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Penalties for defacing and committing any Nuisances.

LX. 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 contract and agree with any Person or Persons for the repairing of the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

Trustees may contract for Repairs or any other Works.

Persons liable
to repair the
Roads to con-
tinue so.

LXI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part or Parts of the said Road, or any Bridge or Bridges, or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner, and to the same Extent, but not in any other Manner, nor to any greater Extent, than as they were liable and chargeable before the passing of this Act.

Statute La-
bour.

Justices to
determine
Differences
touching
Statute
Work.

LXII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace acting in and for the Division of the said County where the said Road is situate, and they are hereby required (upon Application made to them for that Purpose by the said Trustees, or by their Treasurer, Clerk, or Surveyor by their Order), yearly 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 same do 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 their Treasurer or Treasurers; and in order thereunto, it shall 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, 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 such Parish or Place respectively 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 to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways, and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees, or any Five or more them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof, the same shall or 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 last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to 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, 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 and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, 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 sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places respectively 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 Forty Shillings.

LXIII. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any the Parishes or Places in which the said Roads are 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 of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, 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 to the said Trustees in advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

LXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls or Gate-keeper, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees or any of them, employed in the Execution of this Act or the said recited Acts, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

LXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed

Statute Work
may be com-
pounded for.

Penalty for
assaulting Col-
lectors, or ob-
structing the
Execution of
this Act.

For securing
transient Of-
fenders.

appointed to put the same in Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or 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 to take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed.

Punishing
Collectors
misbehaving.

LXVI. And, in order to prevent the Misconduct of the Persons employed as Collectors of the said Tolls, Gate Keepers, and other Officers as aforesaid, be it further enacted, That every Person employed as Collector, Gate Keeper, or otherwise, to collect any of the Tolls hereby granted and made payable, shall from Time to Time affix his Christian and Surname on a Board in some conspicuous Part of the Toll House at which he shall be so appointed, on each and every Day that he shall continue on such Collection, under the Penalty of any Sum not exceeding Forty Shillings, and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, or otherwise, by taking excessive Toll, demanding or taking Toll from Persons entitled to Exemption or otherwise not liable, or where none is due or payable, using abusive or improper Language to, or otherwise misconducting himself to any Person or Persons passing, or claiming to pass through, or coming to any of the Turnpikes to be erected by virtue of this Act, and shall be thereof convicted on his own Confession, or on the Oath of one or more credible Witnesses or Witnesses, before one or more of His Majesty's Justices of the Peace for the said County of *Suffex*, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in Default of Payment thereof shall be committed to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month.

Penalties and
Forfeitures
how to be
recovered and
applied.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed) shall, upon Proof of the Offences respectively, before any one Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of one or more credible Witnesses or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of the Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid, One Half thereof to the Informer, and the other Half Part thereof to the Treasurer or Clerk to the said Trustees, and applied to the Purposes of this Act; and in case such sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or
Offenders

Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXVIII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say),

County of *Suffex*, }
to wit. }
BE it remembered, That on the
Day of in the Year of
His Majesty's Reign, and in the Year of our Lord
A. B. is convicted before me, one of His Majesty's Justices of the Peace
for the said County, by virtue of an Act of the Year of
the Reign of King *George* the Third, intituled An Act, &c. [*here set
forth the Title of this Act, and specify the Offence, and when and where
committed*]. Given under my Hand and Seal, the Day and Year above
written.

LXIX. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of obtaining and passing this Act, and carrying the same into Execution, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring, or cause to be brought, any Action of Debt, or on the Case, Bill, Plaint, or Suit, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and after Proof of such Person or Persons having so subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiffs in all such Action and Actions, and Execution shall issue thereupon, as the Case may require.

LXX. 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, either by the said Trustees or by any one or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County in which such Cause of Appeal shall arise, such Appellant (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk

[*Loc. & Per.*]

27 Z

or

Form of Conviction.

Subscribers compellable to pay their Subscriptions.

Persons aggrieved may appeal to the Quarter Sessions.

or Treasurer to the said Trustees, and within Four Days next after such Notice, entering into Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for Want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the County in which such Cause of Appeal shall arise, and the Justices at such First or Second 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 Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County in which such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
want of
Form.

LXXI. And be it further enacted, That no Order made, touching or concerning any of the Matters in this or the said recited Act contained of any Proceedings to be had, touching the Conviction of any Offender or Offenders against this or any of the said recited Acts, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining before such Action brought.

Limitation
of Actions.

LXXII. 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 Days Notice thereof shall be given to the Clerk or Clerks of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the said County of *Suffex*, and not elsewhere, and the Defendant or Defendants in every such Action shall or

may at his or their Election, plead specially or the General Issue, Not Guilty, 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 have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County, then the Jury shall find 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 Suits, after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

LXXIII. 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. Publick Act.

LXXIV. And be it further enacted, That this Act shall commence upon and have Continuance from the Sixteenth Day of *May* One thousand eight hundred and twelve, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.

