



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 22.

An Act for making a Road from *Beach Down* near *Battle*, to *Heathfield*, and from *Robertsbridge* to *Hood's Corner*, all in the County of *Suffex*.

[1st April 1813.]

WHEREAS the Road leading from the Turnpike Road near the Watch Oak, in the Parish of *Battle* in the County of *Suffex*, to *Netherfield Gun*, in the said Parish of *Battle*, and from thence to *Hood's Corner*, in the Parish of *Dallington* in the said County of *Suffex*, and from *Hood's Corner* aforesaid, to the *Half Moon Inn*, in the Parish of *Heathfield* in the said County, and also the Road leading from the Town of *Robertsbridge*, in the Parish of *Salehurst* in the said County, to *Hood's Corner* aforesaid, are in many Places very narrow, ruinous, and deep in the Winter Season, and the Hills steep, and cannot be effectually repaired, widened, and rendered commodious for Persons travelling in Carriages or on Horseback, by the ordinary Course of Law; and it would be very beneficial to the Public and the Country adjacent, if a Turnpike Road were made and maintained from *Beachdown*, in the Parish of *Battle* aforesaid, (to join the present Turnpike Road there from *Battle* to *Laughton*, in the said County) to the *Half Moon Inn*, in the Parish of *Heathfield* aforesaid, and from the said Town of *Robertsbridge*, in the said Parish of *Salehurst*, to join a Branch of the said Road from *Battle* to *Heathfield* aforesaid, at *Hood's Corner* aforesaid: 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

[Loc. & Per.]

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Spiritual

Trustees.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *George Ashburnham*, commonly called Lord Viscount *Saint Asaph*, *Peregrine Palmer Ackland*, Sir *James Bland Burges*s Baronet, *Thomas Birch* Doctor of Laws and Dean of *Battle*, *Henry Bishop* Clerk, *William Bishop*, *John Bishop*, *Thomas Barton*, *James Bus*s, *William Baker* of *Ticehurst*, *Benjamin Bus*s, *Samuel Baker*, *John Baker*, *William Baker* of *Heathfield*, *Thomas Blundell*, *Thomas Barrow* of *Hawkhurst*, *James Breeds*, *John Blackman* of *Warbleton*, *Henry Blackman*, *Joseph Bunbury*, *Edward Jeremiah Curteis*, *George Courthope*, *George Courthope junior*, *Whitfield Curteis* Clerk, *John Constable* Clerk, *William Courthope* Clerk, *John Cruttenden*, *Edmund Cruttenden*, *William Collins*, *Richard Cheesman*, *William Cheesman*, *Joseph Couchman*, *William Christmas*, *John Charles Dunn*, *John Apsley Dalrymple*, *William Dunk*, *David Dunk*, *Samuel Durrant*, *William Duke*, *Thomas Day*, *William Eversfield*, *John Fuller*, *Thomas Ferris* Clerk, *Thomas Fuller* Clerk, *George Fuller*, *John Thomas Fuller*, *Jesse Gregson*, *Richard Green* Clerk, *Walter Gouldsmith*, *Richard Hollist*, *Robert Hawes*, *John Burrell Hayley* Clerk, *John Hodson* Clerk, *John Hilder*, *Edward Hilder*, *Thomas Hilder*, *Thomas Hilder the younger*, *James Hilder*, *Christopher Hoad*, *Henry Hoad*, *William Gilmore Harvey*, *Henry Hone Haviland*, *Stephen Jenkin*, *John Kirby* Clerk, *Samuel Kennets*, *Thomas Phillips Lamb*, *Thomas Davis Lamb*, *Charles Lamb*, *Charles Lawrence*, *Thomas Lade junior*, *John Micklethwait*, *Southerden Brandthwaite Micklethwait*, *Edward Milward*, *William Alexander Moreland*, *Robert Mascall*, *Thomas Munn*, *Francis Newberry*, *John Newbery*, *Samuel Nicholl*, *John Cressett Pelham* *Henry Noakes*, *Henry Noakes junior*, *William Noakes*, *John Newington*, *Joseph Newington*, *William Austen Righton*, *Robert Randall*, *Thomas Robinson*, *Richard Phillips*, *John Pattenden*, *Thomas Peters*, *William Lucas Shadwell*, *Abraham Sober*, *Tilden Smith*, *John Smith*, *John Snep*, *Richard Owen Stone*, *Hugh Totty* Clerk, *Francis Tutty*, *William Trivett*, *William Trivett junior*, Clerks, *John Tatlow*, *Anthony Tatlow*, *Robert Tournay*, *William Thorpe*, Sir *Godfrey Webster* Baronet, *Robert Watts*, *John Whapham*, *Robert Wilsher*, *Charles Woods*, *George Wordge*, and their Successors, to be appointed in the Manner hereinafter mentioned, and qualified in the Manner hereinafter expressed, shall be and they are hereby appointed Trustees for making and maintaining the said Roads, and for carrying this Act into Execution; and it shall be lawful for the said Trustees, or any Two of them, although they shall not have taken the Oath of Qualification herein-after required to be taken by the said Trustees, to administer such Oath to all or any of the Trustees present at their First Meeting for the Execution of this Act.

Power to appoint additional Trustees.

II. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Seven or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Power for Trustees to elect others

III. And be it further enacted, That when and so often as any Trustee shall die, or become disqualified or refuse to act, it shall and may be lawful

ful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint one other Person to be a Trustee in the room of such Trustee so deceased, or being disqualified or refusing to act; but Notice of the Time and Place of Meeting for every such Election, shall be given in Writing under the Hand of the Clerk of the said Trustees, and be affixed at or on all the Turnpikes erected upon or across or on the Sides of the said Roads, Ten Days at least before any such Meeting; and every Person so elected and being duly qualified, shall be a Trustee for the Purposes of this Act.

in the room of such as die or refuse to act.

IV. Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall, during all the Time he shall so act, be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of Forty Pounds, or possessed of or entitled to Personal Estate to the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Land of the clear Yearly Value of Eighty Pounds, and unless he shall have taken, or shall (not being such Heir Apparent as aforesaid) before he acts as such Trustee, take and subscribe the Oath following, before any Two or more of the Trustees appointed or to be appointed by or in pursuance of this Act; who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say)

Qualification of Trustees.

‘ I *A. B.* do swear, That I truly and *bona fide* am, in my own Right [or, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Forty Pounds, or possessed of or entitled to Personal Estate of the Value of Eight hundred Pounds [as the Case may be.]

Oath.

‘ So help me GOD.’

Nor shall any Person be capable of acting or voting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act, or who shall sell any Wine, Cyder, Ale, Beer or Spirituous Liquors, by Retail, nor in any Case wherein he shall be individually interested (except as a Creditor;) and if any Person not being duly qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless presume to act as a Trustee in the Execution of any of the Powers of this Act, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparance shall be allowed, and the Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall,

Penalty on acting if not qualified.

Acts of Trustees not qualified, if done before Conviction, valid.

notwithstanding

notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Trustees may act as Justices, except where personally interested.

V. Provided always, and be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be individually interested.

First Meeting of the Trustees.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall first meet at the House of *Sarah Bartlett* Widow, known by the Sign of the *Swan*, at *Hood's Corner* aforesaid, in the Parish of *Dallington* aforesaid, in the said County of *Suffex*, on the Third *Monday* after the passing of this Act, and proceed to the Execution of this Act; and shall or may then, and at all subsequent Meetings, from Time to Time adjourn to such Times and Places in or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper and convenient for putting this Act in Execution; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees at any Time so assembled shall omit or neglect to adjourn, then the Clerk to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing under his Hand, to be affixed at all the Turnpikes which shall be erected by virtue of this Act, across or on the Sides of the said Roads, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks on which such last Meeting was appointed; and the said Trustees at all their Meetings shall defray their own Expences: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only.

Trustees to pay their own Expences; Two Trustees sufficient to adjourn

Special Meetings.

VII. And be it further enacted, That if any Five or more of the said Trustees shall think it necessary, for the better Execution of this Act, that a Meeting should be held before the Time appointed by virtue of any Adjournment, then and in every such Case it shall be lawful for any such Five or more of the said Trustees, or the Clerk, at their Request, to give Five Days Notice at least, in Writing, to be affixed on all the Turnpikes erected across or on the Sides of the said Roads, of the Time and Place of holding such earlier Meeting, and in which Notice shall be specified the particular Business intended to be done and transacted at such earlier Meeting, and all which Business so done by the said Trustees, or any Five or more of them, and specified in such Notice, shall have the same Effect as it would have had in case it had been done at a Meeting of the said Trustees held in pursuance of Adjournment, or herein otherwise authorized or directed to be held; but any Business done at such Special Meeting, other than what shall be so specified, shall be to all Intents and Purposes void and of none Effect.

What Number of Trustees shall be present at Meetings.

VIII. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as may be herein

herein otherwise particularly expressed); and that all the Powers and Authorities by this Act granted to the said Trustees, may from Time to Time be executed, done, and performed by the Trustees who shall attend at any Meeting to be holden in pursuance of this Act, or the major Part of them, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of such Five Trustees, or the major Part of such Five Trustees as shall so be present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all the Trustees for the Time being (save and except as may be herein particularly excepted); and at every Meeting of the said Trustees a Chairman shall be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes (including the Vote of the Chairman) at any such Meeting upon any Question, then and in such Case the Chairman may give the decisive or casting Vote.

IX. And be it further enacted, That no Order or Determination of the said Trustees, in the Execution of this Act, made by Five or more Trustees (being under the Number of Nine) shall be revoked, repealed, or set aside at any subsequent Meeting, unless Nine or more Trustees, neither of them being personally interested in the Matter in Question, shall be present at the making such subsequent Order; nor shall any Order made by Nine or more Trustees, be revoked, repealed or set aside at any subsequent Meeting, unless Fifteen or more Trustees, neither of them being personally interested as aforesaid, shall be present at the Time of making such further subsequent Order.

What Number of Trustees shall revoke Orders.

X. And be it further enacted, That all and every the Orders and Proceedings of the said Trustees, done by them or any of them in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and which Orders and Proceedings so entered, shall be signed by the said Trustees, or the major Part of them, present at the making of such Orders and Proceedings; and such Orders and Proceedings, so signed, shall be deemed and taken to be Originals, and shall and may be produced and read, and admitted in Evidence in all Cases of Appeals, Suits, Actions and other Proceedings, touching any Thing done in pursuance of or by Authority of this Act; and which Book or Books, and also the Book directed to be kept for registering Mortgages and Assignments herein-after mentioned, shall and may be inspected and perused by any Person or Persons whomsoever, without Fee or Reward at all reasonable Hours.

Proceedings to be entered in Books.

XI. And be it further enacted, That the said Trustees, or any Seven or more of them, present at their First or any subsequent Meeting, shall and may by any Order or Orders, or Writing or Writings, elect, choose, and appoint any fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls or Duties hereby granted; and also any fit Person or Persons to be Surveyor or Surveyors of the said Roads, to view the Condition thereof, and to see that the same are repaired and amended, and that the Money raised by virtue of this Act be duly applied; and from Time to Time to remove such Clerk or Clerks, Treasurer or Treasurers, Collectors, Receivers, Surveyors and other Officers aforesaid, or any of them, as they the said Trustees, or any Seven or more of them shall see Occasion, and appoint

Trustees to appoint Officers, &c.

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other or new Officers in their Stead, in case of their Death or such Removal; and the Person or Persons who shall receive the Tolls or Duties by this Act granted, shall pay the same to the Treasurer or Treasurers to the said Trustees; and such Treasurer or Treasurers, and the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor or Surveyors, and such other Person or Persons so appointed as aforesaid, shall from Time to Time, and as often as the said Trustees, or any Five or more of them, at any Meeting assembled, shall require, make and render to them, or any Five or more of them, a true, perfect, exact and particular Account in Writing (upon Oath, to be taken before any One or more of the said Trustees, or any One or more of His Majesty's Justices of the Peace acting in and for the said County of *Suffex*, and which Oath the said Trustees and Justices are hereby empowered and required to administer without Fee or Reward) of all Monies by them respectively collected, received, and disbursed, and of all other Matters and Things committed to their Charge, by virtue of or under the Authority of this Act; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall by Writing or Writings under their Hands authorize to receive the same; and shall be disbursed and laid out to and for the several Purposes, and according to the true Intent and Meaning of this Act, and not otherwise; and the said Trustees, or any Seven or more of them, shall and may, out of the Monies arising out of the said Tolls or Duties, make such Allowance to such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officers of the said Roads, by the said Trustees, or any Seven or more of them so appointed as aforesaid, for and in Consideration of his and their Care and Pains taken in the Execution of his and their respective Office or Offices, or to such other Person or Persons as hath or have been, or shall be assisting in or about amending the said Roads, by advancing or laying out any Money or otherwise relating thereto, as to the said Trustees, or any Seven or more of them, shall seem reasonable; and in case the said respective Receivers, Collectors or other Persons aforesaid, or any of them, shall refuse or neglect to give and make such Account and Payment, then upon Complaint of any Five or more of the said Trustees to any Justice or Justices of the Peace for the said County of *Suffex*, who is and are hereby empowered and required to cause the said Collectors and other Persons aforesaid, or any of them, to appear and be brought before him or them by Warrant or Summons under his or their Hands and Seals; and shall make Inquiry of and concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer); and if any such Collectors, Receivers, or other Persons aforesaid, or any of them, shall be convicted by such Justice or Justices of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Monies due on such Account within Twenty Days next after such Account shall be given in, that then in any such Cases it shall and may be lawful for any One or more of the said Justices to commit the Offender or Offenders to any House of Correction in and for the said County, there to remain without Bail or Mainprize, until he or they shall have given, made, or delivered a true, exact, and perfect Account and
 Payment

Payment as aforesaid, or until he or they shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the Treasurer or Treasurers of the said Roads for the Time being; which Composition the said Trustees or any Five or more of them, at any Meeting assembled, are hereby authorized and empowered to make and receive: Provided always, that no such Officer shall be detained in Prison for Want of sufficient Distress, for any longer Time than Three Calendar Months, by virtue of this Act.

XII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer or Receiver to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they think fit, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

Treasurer to give Security.

XIII. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands to nominate and appoint some other fit Person to be Collector in his or her Place until the next Meeting of the Trustees; which Person so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner, in all Respects, as the Person in whose room or stead he or she shall be so appointed, any Thing herein-before contained to the contrary notwithstanding; but such Appointment shall continue in force no longer than until the Day of the next Meeting of the said Trustees; and that if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings and Appurtenances which he or she enjoyed in Right of his or her Appointment to that Office, within Four Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees, or any Three or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Buildings and Appurtenances within Four Days after Notice of such new Appointment being made as aforesaid shall have been given to him, her or them, or left at such Toll House, signed by any Three or more of the said Trustees; then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, City or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

On the Death of a Gatekeeper, Trustees may nominate another until the next Meeting.

If discharged Gatekeeper refuses to deliver up Toll House, &c. any Justice may cause him to be put out.

XIV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Complaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, prosecuted or defended in pursuance of this Act, the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any One or more of the said Trustees

Actions to be brought in the Name of the Treasurer or Clerk, &c.

Trustees on Behalf of the said Trustees, and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or defended; but no such Treasurer, Clerk or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Power for Trustees to erect Turnpikes and Toll Houses.

Limiting the Number of Turnpikes.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause to be erected any Turnpike or Turnpikes in, upon or across any Part or Parts of the said Roads hereby intended to be made or repaired, as they shall think proper; and also upon the Sides of the said Roads, and at the End, or across or within Twenty Yards from the End of any Lane or Way leading into or out of the same; and may also cause to be erected or provided a Toll House, with suitable Out-buildings, at or near each and every Turnpike, and from Time to Time remove such Turnpike or Turnpikes, Toll House or Toll Houses, and Out-buildings, or alter the same, or any Part or Parts thereof respectively, as they the said Trustees, or any Five or more of them, shall think necessary; so as the Number of Main or Principal Turnpikes to be erected across the said intended Road, leading from the Turnpike Road at or near *Beach Down* afore said, to the Turnpike Road at or near the *Half Moon Inn* afore said, do not exceed Four, and so as the Number of Main or Principal Turnpikes to be erected across that Part of the said intended Road, leading from *Robertsbridge* afore said to *Hood's Corner* afore said, do not exceed Three.

Property of Turnpikes and Toll Houses vested in Trustees.

XVI. And be it further enacted, That the Right and Property of and in all and every the Gates, Turnpikes, Toll Houses, Buildings, Fences, and the Materials of which the same shall consist, and all Materials which shall be provided by the said Trustees, or by their Surveyor or Agent, or Surveyors or Agents, for repairing the said Roads, or for any other of the Purposes of this Act, shall be and they are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to bring, commence, and prosecute, or cause to be brought, commenced and prosecuted, or to defend any Action or Actions in the Name of their Treasurer or Clerk for the Time being, or to prefer and prosecute, or order and direct to be preferred and prosecuted, any Indictment or Indictments against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof, or who shall dig up, break or pull down, steal, take or carry away, spoil, injure or destroy any Gate, Turnpike, Toll House, or Out-building or Fence, which shall be erected by virtue of this Act, on any Part of the said Roads hereby intended to be made, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing the said Roads.

Tolls.

XVII. 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 afore said, 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, or on the Sides of the said Roads by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock

Clock at Night, to Twelve of the Clock in the next succeeding Night); (that is to say),

For every Coach, Berlin, Landau, Chariot, Calash, Hearse, Caravan, Chaise or Chair, or other such like Carriage, by whatsoever Name called, drawn by Three or more Horses, Mares, Geldings, Mules or other Beasts, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, Mules or other Beasts, the Sum of One Shilling; and drawn by One Horse, Mare, Gelding, Mule or other Beast, the Sum of Sixpence:

For every Caravan, Waggon, Wain, Cart, Dray, or other such like Carriage, having Four Wheels, the Fellies whereof are of the Breadth or Gauge of Nine Inches or upwards, and drawn by Seven or Eight Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of Two Shillings:

For every Caravan, Waggon, Wain, Cart, Dray, or other such like Carriage, having Four Wheels, the Fellies of the Wheels whereof are of the Breadth or Gauge of Six Inches or upwards, and drawn by Five or Six Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Four Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, Mules or Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of Sixpence:

For every Caravan, Waggon, Wain, Cart, Dray, or other such like Carriage, having Four Wheels, the Fellies whereof are of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, Mules, or Beasts of Draught, the Sum of Sixpence:

For every Wain, Cart, Dray, or other such like Carriage, having less than Four Wheels, and drawn by Two Horses, Mares, Geldings, Mules, or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, Mare, Gelding, Mule, or Beast of Draught, the Sum of Sixpence:

For every Wain, Cart, Dray, or other such like Carriage, having less than Four Wheels, and drawn by Two Asses, the Sum of Four-pence Half-penny; and drawn by One Ass, the Sum of Three-pence:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows or other Neat Cattle, the Sum of Ten-pence *per* Score; and so in Proportion for every greater or less Number than a Score:

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence *per* Score; and so in Proportion for every greater or less Number than a Score:

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through

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any Turnpike or Toll Gate, or Side Bar or Side Gate to be erected by virtue of this Act, upon or across the said Roads or any Part thereof, or upon or across any Lane or Way leading into the same; and upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required, to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment.

A Pair of Oxen to be deemed as One Horse.

XVIII. And be it further enacted, That in computing the Tolls hereby made payable, One Pair of Oxen drawing any Carriage shall be deemed as One Horse.

Double Tolls.

XIX. And be it further enacted, That all Waggon, Wains, Carts, or other such like Carriages (except Tax, Carts) being laden and passing through either or any of the said Turnpikes between the Twenty-ninth Day *September*, and the Twenty-fifth Day of *March* in any Year, shall be subject and liable to double the Tolls herein-before made payable for the same respectively (except such Waggon, Wains, Carts or other such like Carriages shall be laden with Corn, and have the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards; in which last-mentioned Case such Waggon, Wains, Carts, or other such like Carriages so laden with Corn, shall pay only the single Tolls herein-before mentioned and made payable for the same respectively.)

Sunday Tolls.

XX. And be it further enacted, That every Coach, Berlin, Landau, Chariot, Calash, Hearse, Caravan, Chaise, Chair, Waggon, Cart or other Carriage, and every Horse, Mare, Gelding, Mule, Ass or other Beast of Burden, laden or unladen and not drawing, and every Drove of Oxen, Cows, or other Neat Cattle, Calves, Hogs, Sheep or Lambs, which shall respectively pass through either or any of the said Turnpikes on a *Sunday*, shall be subject and liable to double the Tolls herein-before made payable for the same respectively.

Power of Distress for Recovery of Tolls.

XXI. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls hereby made payable, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect the same Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast or other Cattle or Live Stock, together with their Bridles, Gears, Harness or Accoutrements, (except the Bridles or Reins of any Horses or other Beast, separate from such Horse or other Beast) or their Loading, or any Goods or Carriage upon which such Toll is hereby imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of Seizure and Distress shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels or Things so seized and distrained, returning the Overplus (if any be) on Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted.

XXII. Provided

XXII. Provided always, and be it further enacted, That every Person or Persons having paid the Tolls or Duties by this Act granted, at either of the said Turnpikes through which such Person or Persons shall have passed with any Horse, Mare, Gelding, Mule, Afs, Cattle or Carriage as aforesaid, shall have and receive of the Collector a Note or Ticket denoting such Payment, (and which Note or Ticket the said Collector is hereby required to give) and such Person or Persons, on producing such Note or Ticket to the said Collector, shall be at Liberty to pass and repass Toll free, through the same Turnpike, at any Time or Times before Twelve of the Clock at Night of the said Day, with the same Horse, Mare, Gelding, Mule, Afs, Cattle or Carriage, unless such Carriage shall be laden with Cordwood, Faggots or Hop Poles; in which Case every Carriage, so laden with Cordwood, Faggots or Hop Poles shall be subject and liable to the Payment of Toll every Time such Carriage shall pass through either of the said Turnpikes with such Lading as aforesaid; but if any Person or Persons shall pass the same Day through the same Turnpike or Turnpikes a Third Time with any Horse or Horses, or other Beast or Carriage whatsoever, then such Person or Persons shall again be subject and liable to pay the said Tolls or Duties hereby imposed on such respective Horses or other Beasts or Carriages, and to receive another Note or Ticket, which the Collector is hereby required to deliver as aforesaid, and which shall entitle him, her, or them to return through the same Turnpike, with the same Horse or Horses or other Beasts or Carriage (unless the same shall be laden as aforesaid) upon the same Day Toll free; and so *toties quoties* for every Third Time the said Person or Persons shall pass and repass the same Day through the same Turnpike with the same Carriage or Carriages.

Tolls to be paid but once the same Day.

Carriages laden with Cordwood, &c. to pay every Time, &c.

XXIII. Provided also, and be it further enacted, That the Payment of Toll by any Person or Persons, at any Turnpike or Turnpikes to be erected in pursuance of this Act, upon the Sides of the said Roads, or at the End or across or within Twenty Yards from any Lane or Way leading into or out of the same, shall not extend to a Double Charge upon the Person or Persons so paying Toll and passing through any other of the Turnpikes to be erected by virtue of this Act.

Side Gates not to extend to a Double Charge.

XXIV. Provided also, and be it further enacted, That no more than Four Tolls in the whole shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any One Day, for passing or repassing through all or any of the Toll Gates or Side Gates to be erected on the said Road between *Beach Down* aforesaid and the *Half Moon Inn* in *Heathfield* aforesaid; nor more than Three such Tolls between *Robertsbridge* aforesaid, and *Hood's Corner* aforesaid; such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Limiting the Number of Tolls.

XXV. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or the Charges of keeping or selling any Distress, it shall be lawful for the Collector or Person distraining to retain the same, or the Money arising by the Sale thereof, as the Case may happen, until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the said County of *Suffex*, who, upon

Disputes concerning Tolls to be settled by a Justice.

upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties or other Witnesses or WITNESSES (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due; and shall also assess the Charges of such Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice; all which Sums so determined or assessed, shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Penalty on
Persons
evading Tolls.

XXVI. And be it further enacted, That if any Person or Persons whomsoever, owning or occupying any Tenements, Lands, or Grounds near to the said Roads, shall knowingly or wilfully permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, Bridge or private Way, with any Coach, Chaise, Waggon, Cart, Carriage, Horse, Mare, Gelding, Mule, Oxen, Afs or any Sort of Cattle whatsoever, whereby the Payment of any of the Tolls or Duties hereby made payable shall be evaded; or if any Person or Persons owning, riding in, or driving any Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding on, driving or leading any Horse, Mare, Gelding, Afs, Mule, or other Cattle, shall pass therewith through any such Grounds, Gate, Passage, Bridge or private Way, whereby the Payment of any of the said Tolls or Duties shall be evaded; or if any Person or Persons shall leave or cause to be left upon or near any Part of the said Roads, any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart or other Carriage, or any Horse, Mare, Gelding, Cattle or other Beast, with Intent to evade the said Tolls or any Part thereof, every Person so offending in each of the said Cases shall, for every such Offence, forfeit and pay a Sum not exceeding Fifty Shillings; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety thereof shall be applied towards repairing the said Roads: Provided always, that nothing herein contained shall extend, or be construed to extend, to subject to any Penalty any Person for passing through any such Tenements, Lands, or Premises of which he or she shall be the Owner or Occupier, notwithstanding the Tolls may be thereby evaded, nor any of his or her Family or Servants.

Collectors of
Tolls com-
petent Wit-
nesses.

XXVII. 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 by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Exemptions
from Toll.

XXVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships or Parishes in which any Part of the said Road lies; or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, or Beans, Pease, Flax or Hemp

Hemp in the Pod or Hawm, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out-houses or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or Manure, (Chalk and Lime only excepted) employed in Husbandry for manuring or improving Land, or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering-place, or going to be or returning from being shod or farried, rode or led with Halter only; or any Cow going to or returning from milking; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts or Waggon, travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, 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 the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid

[*Loc. & Per.*]

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to

to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXIX. 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 or 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 Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 the 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 or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Penalty on Persons disposing of Tickets to defraud Turnpikes.

XXX. And be it further enacted, That if any Person or Persons, having paid any Toll or Duty by this Act laid, and having a Note or Ticket, or Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons whomsoever, in order that the Payment of any of the said Tolls or Duties may be avoided, every Person offending by disposing of such Note or Ticket, Notes or Tickets, or by receiving and making use of the same, shall respectively forfeit and pay a Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied towards the repairing the said Roads.

Power for Trustees to take Composition Money from any Person in lieu of Tolls.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to compound or agree with any of the Inhabitants of any Parish wherein the Roads hereby directed to be made do lie, by the Year or for a less Time, for passing through any Turnpike or Turnpikes to be erected by virtue of this Act; provided such Person or Persons shall not carry Goods for Hire, and shall always pay down the Whole of the Composition Money agreed on at the Time of making such Agreement, which Composition Money shall be applied for the Purposes of this Act.

Power to lessen Tolls.

XXXII. Provided always, and be it further enacted, That the said Trustees; or any Seven or more of them, at a General Meeting to be held for that Purpose, whereof Notice shall be given in Manner aforesaid, at least Twenty Days before such Meeting, are hereby authorized and empowered from Time to Time, in case it shall appear requisite and expedient, to lessen and reduce, and again to raise and advance the Tolls and Duties hereby granted and made payable, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit; so as the respective Tolls so varied never exceed the Tolls granted by this Act, nor ever be lessened until all the Money to be borrowed on the Credit thereof, together with the Interest, be repaid, unless the Persons to whom Five-sixth Parts of such Money and Interest is due consent thereto; and such Tolls and Duties so varied, or any of them, shall be collected,

collected, recovered, laid out, and applied in the same Manner as the Tolls and Duties hereby granted are directed to be collected, recovered, and applied.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting to be held in pursuance of this Act, to borrow and take up at Interest upon the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money, as they, or any Seven or more of them, shall think proper, and may and are hereby empowered to assign over or mortgage the said Tolls, or any Part or Parts thereof, by any Writing or Instrument under the Hands and Seals of the said Trustees, or any Seven or more of them, (the Costs and Charges of which Assignment or Mortgage to be borne and paid out of the said Tolls or Duties) for the Term for which the same are hereby made payable, or for any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds *per Centum per Annum*; which said Money, so to be borrowed, shall be applied and disposed of as the said Tolls are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and Copies of all such Mortgages or Assignments shall be entered at Length in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after their First Meeting, unless Notice for that Purpose be fixed, in Writing, under the Hand of the Clerk to such Trustees, upon all the Turnpike Gates to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money: Provided always, that nothing herein contained shall extend, or be construed to extend, to charge or subject or personally make liable any of the said Trustees, or Persons appointed to receive the said Monies, or any Part thereof, so to be borrowed as aforesaid, to any Payment of the same by reason of their or any of their signing any such Mortgage or Assignment, or other Securities to be made in pursuance of this Act, or any or either of them.

Trustees to raise Money for the Purposes of this Act, &c.

XXXIV. And be it further enacted, That all and every the Person and Persons to whom such Mortgage or Assignment shall be made as aforesaid, or his, her, or their Executors or Administrators, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured to any Person or Persons whomsoever; which Transfer or Assignment shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the Book or Books to be kept for entering the said original Mortgages or Assignments, for which Entry the said Clerk shall be paid the Sum of Five Shillings; and after such Entry made, and not till then, every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns to the Benefit thereof, and to all Monies due and to grow due thereon; and every such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall have made such Assignment respectively, to make void, release, or discharge the same, or any Monies thereby

Power for Mortgagees to assign.

due or to grow due, or any Part thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such Tolls on the Credit whereof such Sum or Sums are advanced, in an equal Degree one with another, and shall have no Preference in respect of any Priority of advancing or lending any such Monies.

Application
of Tolls.

XXXV. And be it further enacted, That all the Tolls collected and levied by virtue of this Act, and also the Monies to be borrowed in pursuance hereof, shall be and the same are hereby vested in the said Trustees, and shall 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, to pay and discharge all the Expences and Costs preparatory to, and in and about procuring and passing this Act; in the Second Place, in paying the Interest to accrue upon the several Principal Sums of Money which shall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act, at the Rate of Five Pounds *per Centum per Annum*, or at such lower Rate of Interest as shall be agreed on between the said Trustees, or any Five or more of them, and the several Persons for the Time being intitled to such Principal Sums; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, Outbuildings, and Fences, and in amending the said Roads, and other necessary Expences attending the Execution of this Act; and in the last Place, in redeeming, paying off, and discharging such Principal Sums as aforesaid, and to no other Use or Purpose whatsoever.

Trustees to
make and
complete
Roads.

XXXVI. 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, and they or any Five or more of them are hereby fully authorized and empowered by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Turnpike Road from *Beach Down* aforesaid, in the Parish of *Battle* aforesaid (to join the present Turnpike Road there from *Battle* to *Laughton* aforesaid) into, through, and along the several Parishes of *Battle*, *Dallington*, *Warbleton*, *Brightling*, and *Heathfield*, in the said County of *Suffex*, to extend to and unite with the present Turnpike Road leading from *Burwash* to *Lewes*, in the said County of *Suffex*, at or near the *Half Moon Inn* aforesaid, in the Parish of *Heathfield* aforesaid; and also to make, complete, and maintain, a Turnpike Road from the Town of *Robertbridge* aforesaid, in the Parish of *Salehurst* aforesaid, to join the said Road from *Battle* to *Heathfield*, at *Hood's Corner* aforesaid, in the Parish of *Dallington* aforesaid; and also to dig up, grub up, cut down, remove, take, carry away, lay and spread Trees, Hedges, Woods, Earth, Stones, Soil, Rubbish, Roots of Trees or Woods, or any other Matters or Things whatsoever, which may be proper, requisite, and necessary for making, carrying on, maintaining, improving, or repairing the said intended Roads, or which may prevent, obstruct, or impede the making, completing, maintaining, repairing, or using the same respectively, or in erecting, building, constructing, and setting up any Toll Gates, Turnpikes, Toll Houses, Posts, Rails, and Fences, Sewers, Drains, and other Works which the said Trustees, or any Five or more of them, shall consider to be requisite for the Purposes of this Act; and it shall be lawful for the said Trustees, and they are hereby authorized and empowered to widen, turn, alter, and make the Course or Path of any Part or Parts of the

the said Roads within the Limits herein-after mentioned, through or over any Commons or Waste Grounds, and also 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 a Sum not exceeding Five Pounds.

XXXVII. And whereas a Map or Plan describing the Lines of the said intended Roads, and the Lands through which the same are intended to be carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Suffex*; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain with the Clerk of the Peace of the said County of *Suffex*, and all Persons shall at any seasonable Times have Liberty to inspect and peruse, and to examine and take Extracts from, or Copies of the same, at their Will and Pleasure, paying to the said Clerk the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Plan or Book of Reference so deposited, or true Copies or Extracts of or from the same, or either of them, signed by such Clerk of the Peace aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law, or elsewhere, where their Production may be necessary; and the said Trustees acting in the Execution of this Act, in making the said intended Roads, shall not deviate more than One hundred Yards from the respective Lines thereof, so described in the said Map or Plan, and Book of Reference as aforesaid, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Estates, Lands, or Grounds which may be affected by any such Devia-

Plan deposited with the Clerk of the Peace, &c.

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tion respectively : Provided always, that no Advantage shall be taken of or against the said Trustees acting in the Execution of this Act, or any Interruption be given to the making of the said intended Roads, or either of them, on Account of any Error or Omission in the said Book of Reference in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Suffex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make Roads through Lands of any Person whose Names were omitted by Mistake.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to make the said intended Roads in, through, across, or over any Estates, Lands, or Grounds within the Limits herein-before prescribed, of any Person or Persons whose Name or Names shall appear, to the Satisfaction of any Two such Justices as aforesaid, and be by them certified under their Hands, to have been by Mistake omitted in the said Book of Reference, or that, instead thereof, the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein, notwithstanding such Omission or Mistake.

Lands taken for Roads. not to exceed Twenty Yards in Breadth.

XXXIX. And be it further enacted, That the Lands and Grounds (not being Part of any Common or Waste Lands) to be taken or used for the said intended Roads, or either of them, and the Drains, Ditches, and Fences to separate such Roads from the adjoining Lands or Grounds, shall not exceed Twenty Yards in Breadth, measured horizontally.

Not to authorize any Buildings to be pulled down or damaged.

XI. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any other Person or Persons, to take, use, injure, or damage, any House or other Building set apart and used as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House, without the Consent in Writing of the respective Owners thereof, other than and except such as are mentioned, described, and enumerated in the said Map or Plan or Book of Reference.

Incapacitated Persons empowered to sell Land, &c.

XLI. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments, shall be set out and ascertained for making the said intended Roads, or either of them, or any Part or Parts of them, or either of them, or any other Matters or Things relating thereto, or in case the said Trustees, or any Seven or more of them, shall at any Time or Times think proper to widen, divert, turn, vary, or alter the Course of the said intended Turnpike Roads or either of them, or of any Part or Parts of them or either of them, for the better Accommodation of Passengers, that then and in either of those Cases, and as often as it shall so happen, it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust for Charitable and other Purposes, Mortgagees and their Assigns (whether in Possession of the Premises mortgaged or not) Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seized and possessed of or interested in their

their own Right, or entitled to Dower or other Interest therein; and for every other Person and Persons whomsoever who is, are, or shall be seised, possessed, of, or otherwise interested, in, or entitled unto, any Lands, Grounds, Tenements, or Hereditaments, which shall be so set out and ascertained as aforesaid, or which shall be taken or purchased by the said Trustees, or any Seven or more of them, for any of the Purposes aforesaid; to contract for, sell, and convey the same Lands, Grounds, Tenements, or Hereditaments, with their Appurtenances, and every or any Part or Parts thereof respectively, to the said Trustees and their Successors, or to such Person or Persons as they shall nominate or appoint for the Purposes of this Act, either in Consideration of a Sum of Money to be paid at once for the same, or of an annual Rent or Payment to be charged, as herein-after mentioned; and all such Bodies Politic, Corporate or Collegiate, and other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale, as he, she, they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Trustees out of the Monies to arise by virtue of this Act.

XLII. And be it further enacted, That in case any such Price or Value, Damage or Recompence respectively cannot be settled, adjusted, and agreed on, by and between the said Trustees or their Agents, and such Proprietors of or Persons interested in such Lands, Tenements, or Hereditaments as aforesaid, or if any such Bodies Politic, Corporate or Collegiate, Trustees or other Persons so entitled or interested as aforesaid, shall refuse to accept and receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be offered to be paid by the said Trustees, or any Seven or more of them, or shall for the Space of Three Calendar Months next after Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or (in case such principal Officer or Officers, or other Person or Persons, cannot be met with, or his, her, or their Place or Places of Abode cannot be discovered) with the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments respectively, neglect or refuse to treat, or shall not agree with the said Trustees concerning the same, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as may be expedient or necessary for the Purposes of this Act, or shall not within the Space of Thirty Days produce and fully disclose the State of the Title to the Lands, Tenements, or Hereditaments which they are or shall be in Possession of, or to the Interest they claim therein; then and in every such Case the said Trustees, or any Seven or more of them, or the said Bodies Politic, Corporate or Collegiate, Trustees, or other Persons so entitled or interested as aforesaid, shall be and they are hereby respectively empowered and required to make Application to the Sheriff of the County of *Suffex* aforesaid, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Trustees, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to one of the Coroners of the same County, who shall not be so interested as aforesaid; and in case all the Coroners of the

If the Parties are dissatisfied, a Jury to decide the Matter.

the said County of *Suffex* shall be so interested, then to the last uninterested Person who filled the Office of Sheriff of such County, commanding such Sheriff, Coroner, or other Person, forthwith to impanel, summon, and return a Jury; and the said Sheriff, Coroner, or other Person is hereby accordingly required to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men qualified, according to the Laws of this Realm, to be returned for the Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-one Days after such Warrant shall be served upon such Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so appointed as aforesaid, the said Sheriff, Coroner, or other Person shall and he is hereby required to return other honest and indifferent Men of the Standers-by, or that may be speedily procured to attend that Service (being qualified as aforesaid) to make up the said Jury to the Number of Twelve, and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if they and he had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner are hereby empowered and required, by a Summons or Notice to be signed by either of them, either previously to or at the Time of any such Meeting or Meetings, to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in Question, and to hear and examine such Witness or Witnesses on Oath, and the said Sheriff, Under Sheriff, or Coroner shall and may order, direct, and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in Controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to be administered to the Person or Persons called on to give Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money or Annual Rent to be paid or rendered for the Purchase or Use of such Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff, Under Sheriff, or Coroner shall give Judgment for such Purchase Money, Rent, or Recompence, so to be assessed by such Jury accordingly; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, Under Sheriff, or Coroner, and shall be binding and conclusive against all Bodies Politic, Corporate or Collegiate, Mortgagees, Trustees, *Cestuique* Trusts, and all other Persons affected thereby, and shall not be removed by *Certiorari* or other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary notwithstanding; and that all and every Persons and Person who in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof, shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Witnesses
may be sum-
moned.

Punishment
of Persons
guilty of
Perjury.

XLIII. And

XLIII. And be it further enacted, That all and every Persons and Person making Complaint, and requesting a Jury to be summoned, shall (before the said Sheriff, Under Sheriff or Coroner shall issue a Warrant for that Purpose) enter into a Bond with Two sufficient Sureties to the Treasurer of the said Trustees, in a Penalty of One hundred Pounds at the least, with Condition to prosecute such his, her or their Complaint, and to bear, pay and discharge the Costs and Expences of summoning such Jury and taking such Verdict, in case the same shall be given for no greater, or for a less Sum or Rent than had been offered by or on Behalf of the said Trustees, before the summoning or returning the said Jury or Juries, for the purchasing of or as a Recompence for any Lands or Hereditaments, or as a Compensation for any Damages; or in case no Verdict shall be found for Damages, when the whole Dispute was, whether any Damage was or was not done as aforesaid.

Persons requesting a Jury to enter into a Bond to prosecute, before the Sheriff, &c. shall issue for a Jury.

XLIV. And be it further enacted, That the said Trustees shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on Behalf of such Person or Persons to the said Trustees, or any Five or more of them, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given, before Appeal to a Jury.

XLV. And be it further enacted, That if the Sheriff, Coroner, or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing, shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence, after having been paid or tendered a reasonable Sum for his, her, or their Attendance, shall neglect to appear, or appearing, shall refuse to be sworn or examined, or to give Evidence, every Person so offending (having no reasonable Excuse to be allowed by the said Sheriff, Under Sheriff, or Coroner) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Suffex*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering unto him the Overplus, after such Penalty and the Charges of Distress and Sale shall be deducted; and every such Penalty as shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid and applied to or among the Person or Persons who shall appear to the said Justices to have been injured or inconvenienced by such Neglect, Refusal, or Default, in such Way and Manner as the said Justices shall in their Judgment consider to be just and equitable; and such Penalties as shall or may be incurred by, and recovered of or from any Sheriff, Coroner, or other Person, by reason of his having made Default in summoning or returning

Penalty on Sheriffs, Jurymen, or Witnesses making Default.

Application of Penalties.

[*Loc. & Per.*]

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a Jury,

a Jury, in pursuance of any Warrant to be issued for that Purpose, or by any such Juryman, in consequence of his neglecting to obey such Summons, or having appeared, refusing to be sworn or return a Verdict, shall be applied in such Manner and for such Purposes as the said Justices shall order and direct.

Determinations of Jury, &c. respecting Damages, to be distinct from the Value of Lands.

XLVI. And be it further enacted, That the said Jury shall award all Determinations, Judgments, and Verdicts which they shall make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained, or to be sustained, by any Person or Persons, in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Tenants at Will, &c. to quit on having Notice.

XLVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year or Years, or any other Person or Persons in Possession of such Lands, Tenements, or other Hereditaments, or any Part thereof, as shall be taken or used for the Purposes of this Act, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year or otherwise, shall deliver up the Possession of such Premises to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to take Possession of the same, upon having Six Months Notice to quit such Possession, from the said Trustees, or any Five or more of them, or from their Clerk for the Time being; and such Person or Persons in Possession shall, at the End of the said Six Months, whether such Notice be given with reference to the Time or Times of such Tenant or Tenants holding or not, or so soon after as he, she, or they shall be required so to do, peaceably and quietly deliver up Possession of the said Premises to the said Trustees, or the Person or Persons authorized by them, or any Five or more of them, to take Possession thereof; and in case such Person or Persons so in Possession, shall refuse to relinquish such Possession as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, or their Clerk, by their Direction, to issue their Precepts or Precept to the Sheriff of the said County of *Suffex*, to enter upon and deliver Possession of the same Lands, Tenements, or other Hereditaments, to such Person or Persons as shall in such Precepts or Precept be nominated and appointed to receive the same; and the said Sheriff is hereby required immediately to enter upon and deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue in consequence of the Issuing and Execution of such Precepts or Precept, on the Person or Persons so refusing to relinquish and give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels: Provided always, that where any such last-mentioned Tenant shall be required to quit, or deliver up the Possession of the Premises held by him or her, before the Expiration of the then current Year, of his or her holding the same, then and in every such Case the said Trustees shall pay to each such Tenant, so much Money as shall be sufficient to make full Satisfaction to him or her for the Loss or Damage which he or she shall sustain by reason of such quitting, as last aforesaid, the Quantum or Amount of such Satisfaction (in case of any Difference respecting the same) to be assessed by a Jury in the Manner herein-before mentioned.

XLVIII. And

XLVIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Purchase, or for the Use or Enjoyment of any Lands or Hereditaments to any Person or Persons whomsoever, or as a Compensation for any Injury or Damages done or to be done to such Lands or other Hereditaments or Property, than had previously been offered or tendered by or on Behalf of the said Trustees, before the summoning of such Jury, or where a Verdict shall be found for any Damages, however inconsiderable, if the Dispute be for Damages only; and in case no Compensation had been previously offered or tendered in respect thereof, by or on Behalf of the said Trustees, or where by reason of Absence in Foreign Countries, or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally, by virtue of the Powers of this Act or otherwise, capacitated to enter into a Contract with, and make Conveyances to and receive Compensations from the said Trustees as herein-before mentioned, then and in all such Cases the Costs and Expences incurred in summoning such Jury and taking such Inquest shall be settled by the said Sheriff, Under Sheriff, or Coroner, and defrayed by the said Trustees; but if a Verdict be given for the same, or a less Sum or Rent than had been previously offered or tendered by or on Behalf of the said Trustees, or a Verdict found for the same, or in case no Damages shall be adjudged, assessed or given, if the Dispute be for Damages only, or in case of a Refusal or Neglect to enter into Treaty with, or make Conveyances to or receive Compensation from the said Trustees, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except when, by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury, and taking such Verdict shall be settled in like Manner by the said Sheriff, Under Sheriff or Coroner, and be borne and paid by the Person or Persons with whom the said Trustees shall have had such Concerns, Controversies or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Monies so assessed or 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 Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed or adjudged, in case such Costs and Expences shall not exceed the Amount thereof; but if such Costs and Expences shall happen to exceed the same, then the Balance may be sued for and recovered by the said Trustees, or any Seven or more of them, against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and in all Cases where the Owners cannot be found, or by reason of Absence are prevented from treating, such Costs and Expences shall be paid by the said Trustees out of the Money to arise by virtue of this Act.

Respecting the Expences of the Jury and Witnesses, and how such Expences are to be paid.

XLIX. And be it further enacted, That all the Verdicts of the said Juries, and the Judgments thereon, being first signed by such Sheriff, Under Sheriff or Coroner, shall be transmitted to and kept by the Clerk

Verdicts of Jury to be recorded by the Clerk of the Peace.

of the Peace or other Person having the Custody of the Records of the Quarter Sessions of the said County of *Suffex*, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good and sufficient Evidence in all Courts whatever; and all Persons shall have Liberty to inspect the same, paying for such Inspection One Shilling, and to have Copies thereof, paying for every Copy after the rate of Sixpence for every One hundred Words therein contained.

Lands, &c.
to vest in
Trustees, on
Payment of
Purchase
Money or
Compensa-
tion for
Damages.

L. And be it further enacted, That on Payment or legal Tender of such Sum or Sums of Money as shall have been contracted and agreed between the Parties, or assessed by such Jury in Manner aforesaid, for the Purchase of any such Lands, Tenements or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements or other Hereditaments, or to such other Person or Persons as shall appear to be interested therein, or entitled to receive such Money, Rent or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined or assessed, or on paying or depositing such Sum or Sums of Money into the Bank of *England* in Manner as by this Act is directed, as the Case may be, all Parties and Persons whomsoever shall be from thenceforth divested of all Right and Title to such Lands, Tenements or other Hereditaments; and such Payment or Tender or Security given shall not only bar all the Estate, Right, Title, Interest, Claim and Demand whatsoever of the Person or Persons to whose Use the same shall be or ought to have been made or granted, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estate Tail, and all other Estates in Reversion or Remainder, of his, her, or their Issue, and of every other Person whomsoever therein; and after Ten 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, 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 after such new Road shall be formed and completed, then the Land comprised 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 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, 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; and that in all Places where the Course of any Part of the present Road shall be diverted by virtue of this Act from the old Line of Road, or a new Road shall be made (except over and through any Common Field Land, or Common or Waste Ground) or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees,

Trustees to
fence off the
new Road.

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

LI. 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 Two 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 the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Ten Days clear Notice thereof to be given by the said Trustees, to such Owner or Owners, Occupier or Occupiers, or be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same; whose Judgement and Order therein shall be final and conclusive to all Parties; 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 Mis-application or Non-application of such Money.

First Offer to whom to be made.

Justices may determine Differences.

LII. Provided always, and be it further enacted, That when and so soon as the said intended Roads shall be made and completed, it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and empowered, with the Consent and Approbation of Two Justices of the Peace acting in and for the said County of *Suffex*, to stop up a certain Highway or Bridle Road, called *Ibrook Lane*, and leading from *Netherfeld Gun*, in the Parish of *Battle* aforesaid, in the County of *Suffex* aforesaid, to a certain Place called *Darvill Hole*,

Power to stop up a certain Highway or Bridle Road.

[*Loc. & Per.*]

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in the Parish of *Brightling* aforesaid, in the County of *Suffex* aforesaid; containing in Length about One hundred and fifty Rods, and in Breadth about Six Feet; and from and after the said Highway or Bridle Road shall be so stopped up as aforesaid, it shall not be lawful for any Person or Persons whomsoever to make use of the same as a Public Highway or Bridle Road, upon pain of forfeiting for every Time he, she, or they shall so make use of the same, any Sum not exceeding the Sum of Forty Shillings.

When stop-
ped up, to be
a Tenant
Road only.

LIII. Provided always, and be it further enacted, That from and after the said Highway or Bridle Road shall be so stopped up as aforesaid, the same shall continue, remain and be a Tenant Road only, for the exclusive Use of the Owners and Occupiers for the Time being of the Lands, Grounds and Hereditaments adjoining thereto.

Application
of Compensa-
tion Money
if amounting
to 200l.

LIV. And be it further enacted, That all Sums of Money to be paid to any Body Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees or Trustees, for or on Behalf of any Infants, Lunatics, Idiots, Femes Covert, or *Cestuique* Trusts, or to any other Person or Persons whomsoever, whose Lands or Estates are limited in strict or other Settlement, or to any other Person under any other Disability, for the Purchase of or by Way of Compensation for Damage done or to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, shall be paid and applied in Manner following; (that is to say) in case the same shall amount to or exceed the Sum of Two hundred Pounds, the same shall 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 paid, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments in the Purchase or Redemption of the Land Tax, or 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 Messuages, 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 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

LV. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any 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 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 Five 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 shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 200l. and exceeding 20l.

LVI. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as herein-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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively, and the Receipt or Receipts of the Person or Persons to whom the said Trustees, or any Five or more of them, shall direct the same to be paid, shall be sufficient Discharges for the same.

Where less than 20l.

LVII. 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 any Five or more of them, 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,

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank,

ditaments,

subject to the Order of Chancery on Motion or Petition.

ditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the Sum or Sums of Money so awarded or assessed as aforesaid to 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, 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, Control, 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 same Court shall seem meet, to order the same 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c.

LVIII. 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 thereof, 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 any such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons shall be deemed 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 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.

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

LIX. 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 Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by

by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LX. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they, or the said Trustees, or any Five or more of them, shall appoint, to dig, gather, take and carry away any Gravel, Furze, Heath, Sand, Stones or other Materials, for repairing the said Roads, out of or from any Common, River or Brook, Waste or Common Grounds, in any Parish or Place wherein the said Roads or any Part of them do lie, or in any adjoining Parish or Place within the said County of *Sussex*, without paying any Thing for the same; such Surveyor or Surveyors, or other Persons filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if there is not a sufficient Quantity of such Materials in such common Rivers, Brooks, Commons or Waste Grounds, it shall and may be lawful for the said Surveyor or Surveyors, or other Persons as aforesaid, (such Surveyor or Surveyors first having an Order of the said Trustees, or any Five or more of them, for that Purpose) to dig, gather and take away such Materials in the Ground of any Person or Persons whomsoever (not being a Garden, Orchard, Yard, Park, Paddock, Nursery or planted Walk or Avenue to a House), paying or tendering Payment for such Materials, and for the Damage done to such private Grounds, over which any Materials shall be conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference concerning the same between the Parties concerned and the said Trustees, the Justices of the Peace, at the next General Quarter Sessions to be holden for the said County of *Sussex*, shall and may examine Witnesses upon Oath relating thereto, and shall adjudge and finally determine the same, and order the Damages to be paid by the Treasurer or Treasurers for the Time being of the said Roads, out of the Money arising by the said Tolls.

For getting
Materials.

LXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take and carry away Materials for making or repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing 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 or her usual Place of Residence, to appear before the said Trustees, or any Two or more Justices of the Peace acting for the said County of *Sussex*, 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, the said Trustees, or such Justices shall (if they think proper) authorize such Surveyor, or other Person or Persons, to dig, gather, take and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or such Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, or his or her Agent, had attended.

Notice to be
given to Oc-
cupiers of
Lands, be-
fore Mate-
rials are
taken for
repairing
Roads.

[*Loc. & Per.*]

§ 5

LXII. And

For removing
Annoyances.

LXII. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from Time to Time to remove and prevent all Encroachments, and also Annoyances on or in any Part of the said Roads, by Timber, Wood, Hop Poles, Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks or Drains running into, along or out of the said Roads, to the Prejudice thereof; and to cut down, lop or top any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners and Occupiers of the Premises respectively neglect to remove such Annoyances, or to cut, fell, or take away such Trees, Loppings, Boughs or Bushes, for the Space of Four Days next after Notice in Writing given for that Purpose under the Hand of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, lop or top such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if after the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person or Persons so offending, and being thereof convicted upon Oath before any One or more of the said Justices, shall for every such Offence forfeit and pay unto the said Trustees, or to their Treasurer or Treasurers for the Time being, any Sum not exceeding Twenty Shillings; which Penalty, and also the before-mentioned Charges, if not paid on Demand, shall be recovered and levied in Manner as by this Act is hereafter directed.

For making
Causeways.

LXIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to make and erect Arches or Bridges of Brick, Timber or Stone, upon the said Roads; and also to cause Ditches or Trenches to be made, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary for the better making, amending, and keeping the said Roads in good Repair; and also to make or cause to be made a Way through, over and along the adjoining Grounds, to any narrow or ruinous Part or Parts of the Roads hereby intended to be made and maintained (such Grounds respectively not being the Ground whereon any House stands, nor any Yard, Garden, Orchard, Park, Paddock, planted Walk, Nursery, or Avenue to a House), to be made use of by all Passengers with Horses, Coaches, Carriages or otherwise, as a public Highway, whilst the old narrow or ruinous Roads are repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to go along the said Roads intended to be made and maintained; making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, as shall be so used, or through which any such Drain or Drains, Ditches or Trenches shall be cut, or on which any such Arch or Arches, Bridge or Bridges shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occu-
piers

piers and the said Trustees, touching such Damage, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions of the Peace to be holden for the said County of *Suffex*, to hear, settle, adjudge and finally determine the same, on Eight Days Notice being given by the Party applying, of the Intention of applying to the Quarter Sessions, to the other Party.

LXIV. And be it further enacted, That if any Person or Persons who of Right ought to scour or cleanse any Ditch, Drain or Watercourse which shall lead into or out of any Part or Parts of the said Roads, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her or them respectively, or left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains and Watercourses to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons, who of Right ought to have done the same, shall not repay the Money so paid by such Surveyor or Surveyors, upon Demand thereof, upon him, her, or them respectively made, either in Person or by Writing to be left at his, her or their respective Place or Places of Abode, it shall and may be lawful for such Surveyor and Surveyors, upon Proof of the cleansing and scouring the said Ditches, Drains or Watercourses, and Payment of the said Money and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace for the said County of *Suffex*, by a Warrant or Warrants under the Hand and Seal of such Justice, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus, (if any be) unto the Owner or Owners thereof, upon Demand, after all Charges paid.

Scouring
Ditches.

LXV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby required and empowered to cause the said Roads, and each of them, to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile each from the other, denoting the Distance of every such Stone or Post from *London*, or any other Place, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully and maliciously break or pull up any of the Stones or Posts, or any Part thereof which shall be erected and set up, or shall obliterate or deface any of the Words, Letters, Figures or Marks which shall be inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace for the said County of *Suffex*, (which said Oath the said Justice or Justices is and are hereby required and empowered to administer) every such Person so offending and being thereof convicted as aforesaid, shall respectively forfeit and pay any Sum not exceeding Forty Shillings for each Stone or Post so broken or pulled up, obliterated or defaced, to be levied and recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and recovered, One Moiety of such Forfeitures to be paid to and for the Use of the Informer, and the Residue thereof to be applied in repairing the Stones or Posts so broken or defaced, or in supplying new ones in their stead; and if there shall be any Overplus thereof, the same shall be laid out in repairing the said Roads; but in case no sufficient Distress can be found whereby to levy the same, then it shall

Roads to be
measured and
Milestones
erected.

and may be lawful for any One or more of such Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit the Person or Persons so offending, to the House of Correction within the said County of *Suffex*, to be there kept and detained, for any Time not exceeding Three Calendar Months, or until he, she or they shall have fully paid the Money which he, she or they shall forfeit, or be liable to pay, on such Conviction, as aforesaid.

Statute
Work.

Justices to
determine
Differences
touching
Statute
Work.

LXVI. 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 for the said County of *Suffex*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their 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 Roads by the Inhabitants of the respective Parishes or Places in which the said Roads 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 shall be by him or them paid to the said Trustees, or to their Treasurer; 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 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 of 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 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

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 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.

LXVII. 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 Twenty-fifth Day of *March* 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.

Statute Work may be compounded for.

LXVIII. And be it further enacted, That if any Person or Persons whomsoever shall hale or draw, or cause to be haled or drawn in or along the Roads by this Act intended to be made and maintained, or any Part thereof, any Tree or Trees, Piece or Pieces of Timber, otherwise than and except upon Wheel Carriages, or shall suffer any Tree or Piece of Timber to drag or trail on the said Roads, or any Part thereof, to the Prejudice thereof, such Person or Persons, for every such Offence, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Penalty for drawing Timber otherwise than on Wheels.

LXIX. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Surveyor, or any other Person or Persons by him or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, getting, or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving or repairing the said Roads, or topping, lopping or cutting any Tree, Top, Lop,

Penalty on Persons obstructing Surveyor in his Duty.

[*Loc. & Per.*]

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or

or Overhangings, or in digging, cleansing, or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act in the Execution of this Act, by virtue of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Punishing
Collectors
misbehaving.

LXX. And in order to prevent Misconduct of the Persons employed as Collectors of the said Tolls, be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable, shall affix his Christian and Surname on a Board, on some conspicuous Part of the Toll House, at which he shall be appointed to collect the said Tolls, on each and every Day that he shall continue in such Collection, under the Penalty of any Sum not exceeding Five Pounds for every Neglect thereof; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, or shall make use of any opprobrious or abusive Language to any Person or Persons passing or claiming to pass through 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 any credible Witness 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.

Power to
Collectors,
&c. to detain
unknown
Persons
guilty of
Offences.

LXXI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors or other Officers under this Act; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors or other Officers respectively, to seize and detain any such unknown Person or Persons, guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice or Justices of the Peace of the County or Place where any such Offence or Offences shall be committed, without any further Warrant or Authority than this Act for so doing.

Recovery and
Application
of Penalties
and Forfeitures.

LXXII. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is hereby made) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of Two or more of the Justices of the Peace for the County of *Suffex*, which Warrant or Warrants the said Justices are hereby empowered and required to grant upon Information of One or more credible Witness or Witnesses upon Oath (which Oath any such Justice or Justices is and are hereby required and empowered to administer without Fee or Reward); and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold, (the Charges of such Distress and Sale being first deducted) shall go and be applied and laid out, if not otherwise directed to be applied and disposed of by this Act, for and towards amending the said Roads; but in case no sufficient Distress can be found whereby to levy the same, then it shall and may be lawful for any such Two Justices, by Warrant under their Hands and Seals, to commit the Person or Persons so offending to such House of Correction in Manner aforesaid.

LXXIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justices or Justice

rice of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; as the Case shall happen; (that is to say),

Suffex } ' BE it remembered, That on the Day of
to wit. } ' in the Year of our Lord A. B. is convicted
' before me [or, us] of His Majesty's Justices of the Peace for
' the County of *Suffex*, [or, as the Case may be, *specifying the Offence,*
' *and the Time and Place when and where the same was committed,* as the
' Case shall be.] Given under my Hand and Seal [or, our Hands and
' Seals] the Day and Year first above written.'

Form of
Conviction.

LXXIV. And be it further enacted, That where any Distress shall be made for any Sum 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 Information, 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 done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not
unlawful for
Want of
Form.

LXXV. And be it further enacted, That no Order, Verdict, Assessment, Judgment or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or emovable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings
not to be
quashed for
Want of
Form, or re-
moveable by
Certiorari.

LXXVI. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards the amending, widening, and repairing the said Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times and in such Parts and Proportions as the said Trustees or any Five or more of them shall order and direct; and the same shall be paid to such Person or Persons as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees for the Purposes of this Act.

Subscribers
to pay their
Subscrip-
tions.

LXXVII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be held for the said

Persons
aggrieved
may appeal.

said County of *Suffex*, and within Three Calendar Months after the cause of such Complaint shall have arisen, such Appellant first giving Six Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for the County aforesaid, conditioned to try such Appeal at, and abide by the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions, and the said Justices at such Sessions, upon due Proof of such Notice being given, and such Recognizance entered into, shall hear and determine the Causes and Matters of Complaint in a summary Way; and if they see Cause may by Order of such Sessions mitigate at their Discretion all or any of the Penalties aforesaid, or vacate or set aside the Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgements in regard to the Premises as they shall think right and proper; and the Determination of such Sessions shall be binding and conclusive on all Parties: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, if sufficient Tender of Amends hath been made to him, her or them, by or on Behalf of the Defendant or Defendants before such Action be brought.

No Person to
recover if
Amends
tendered.

Limitation
of Actions.

LXXVIII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Suffex*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit shall not be commenced within the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon a Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

Public Act.

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

Commence-
ment and
Continuance
of the Act.

LXXX. And be it further enacted, That this Act shall commence on the passing thereof, and shall continue in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.