



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 67.

An Act for amending, widening, altering, and improving the Road leading from the *High Street* in the Town of *Arundel*, to the Junction of the *Petworth* and *Pulborough* Roads, and from thence to join the present Turnpike Road on *Fittleworth* Common, in the County of *Suffex*.

[11th June 1803.]

WHEREAS the Road leading from the *High Street* in the Town of *Arundel*, in the County of *Suffex*, through the several Parishes of *Arundel*, *Houghton*, and *Bury* to the Junction of the *Petworth* and *Pulborough* Roads in the Parish of *Bury*, and from thence towards the Town of *Petworth* to the Turnpike Road on *Fittleworth* Common, is in a ruinous State and Condition, and in many Parts narrow and incommodious for Travellers and Carriages, and cannot be effectually amended, widened, altered, and improved by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Lord *George Henry Lenox*, Sir *Cecil Bishopp* Baronet, Sir *George Thomas* Baronet, Sir *George P.cknell* Knight, the Mayor of *Arundel* for the Time being, *Charles Alcock* Clerk, *Thomas Bushby*, *Robert Bushby*,

Trustees.

[Loc. & Per.]

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John

John Busby, Robert Blake, John Byass, Benjamin Brown, Edward Carleton, Edmund Cartwright Clerk, James Dallaway Clerk, Charles Dunster Clerk, William Fowler, Edward Fuller, James Holmès Goble, William Gratwick, William Groome Clerk, John Cheele Green Clerk, Robert Hurst, Henry Howard of Arundel, John Holmes, William Holmes, Joseph Hinde, John Ibbetson, William Kinlesides, George Lane, John Lane, Jeremiah Lear, William Mitford, George Montague, George Mant, Edward Puttock, William Plowden M. D., John Sargent, Walter Smyth, Byshe Shelly, Timothy Shelly, William Stiles, John Shaft the elder, John Shaft the younger, Edward Staker, Robert Sayers Clerk, Thomas Shaft, John Whyte, Richard Wyatt, and Thomas White, shall be and are hereby appointed Trustees for amending, widening, altering, and improving the Road herein-before described, and for putting this Act into Execution; and that when and as often as any of the Trustees herein-before named, or to be elected in Manner herein-after mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, from Time to Time, to elect some fit Person to be a Trustee in the room of every Trustee dying or refusing to act as aforesaid, (Ten Days publick Notice of the Meeting for every such Election being given in some Newspaper published or circulated in the said County, and also upon the several Turnpikes or Toll Gates which shall be then standing upon or across the said Road); and every Person who shall be so elected a Trustee shall be joined with the surviving or remaining Trustees, and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification
of Trustees.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or other Hereditaments of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such an Estate of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate to the Amount of One thousand Pounds; and if any Person not being so qualified shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information; and every Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any such Person touching the Execution of this Act previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that such of the said Trustees as are or shall be in the Commission of the Peace for the County of *Sussex*, may nevertheless act as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be personally interested; but no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case where

Trustees may
act as Justices.

where he shall be concerned in Interest, or during the Time he shall hold any Place of Profit under this Act.

III. And be it further enacted, That the said Trustees shall meet at the *Norfolk Arms Inn in Arundel* in the said County of *Suffex*, upon the Fourth *Tuesday* next after this Act shall have received the Royal Assent, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and proceed to the Execution of this Act, and shall adjourn themselves, and afterwards meet at the same, or any other Place or Places near the said Road as often as the said Trustees shall think necessary, for putting this Act into Execution; and if it shall at any Time happen that there shall not meet a Number of Trustees sufficient to act, then any Two or more of the said Trustees, (although not assembled at a Meeting), or the Clerk to the said Trustees, shall appoint a Meeting to be held on that Day Three Weeks at the Place where such intended Meeting was appointed to have been held, and shall cause Notice thereof to be advertised in some Newspaper published or circulated in the said County, and to be affixed on all the Turnpikes or Toll Gates then erected upon or across the said Road, at least Seven Days before such Meeting, and that there shall be One General Meeting of the said Trustees on the First *Tuesday* in *August* in every Year at such Place as the said Trustees shall appoint; and the said Trustees at all their Meetings shall defray their own Expences; and that all Acts, Orders, Determinations, Matters, and Things by this Act authorized, directed, mentioned, or expressed to be done, made, or performed by the said Trustees, shall be done, made, or performed at such Meetings to be held in pursuance of this Act, and not otherwise, (except in such Cases as are hereby otherwise expressly mentioned), and the same may be done or performed by the Majority of the Trustees present at their respective Meetings, the whole Number present at any such Meeting not being less than Five, and the same shall be as valid as if done or performed by all the said Trustees: Provided always, that no such Order be revoked or altered at any subsequent Meeting unless the Number of Trustees revoking or altering the same shall be Nine at the least, and unless the Person or Persons applying to revoke or alter such Order shall give Notice thereof to the Clerk to the said Trustees, who shall cause the same to be inserted in some Newspaper published or circulated within the said County, and to be affixed on all the Turnpikes or Toll Gates which shall be then standing upon or across the said Road, at least Fourteen Days previous to any Meeting to be held for that Purpose; any Thing herein-before contained to the contrary notwithstanding.

Meetings of
Trustees.

IV. And be it further enacted, That the said Trustees shall and may from Time to Time appoint a Treasurer and Clerk, and also such Collectors of the Tolls, Surveyors, and other Officers, as they shall think necessary, and may from Time to Time remove any such Officers when they shall see Occasion: Provided nevertheless, that when any Collector of the Tolls to be appointed by virtue of this Act shall die, resign, or become incapable of performing his Duty, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting, by Writing under their Hands, to appoint a Collector of the Tolls in the Stead of such as shall die, resign, or become incapable of performing his Duty as aforesaid; and the Person so appointed shall have the same Authority for the collecting

Trustees may
appoint Officers.

and

and recovering of the Tolls hereby granted as the Person he shall succeed was vested with, until the said Trustees shall at a Meeting appoint a Collector of the Tolls in his Stead.

Officers to
account.

V. And be it further enacted, That all such Officers as shall be appointed by virtue of this Act as aforesaid, shall, as often as required by the said Trustees, render and give to them, or to such Person as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers, of all Monies which they shall respectively to such Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices, and shall verify such Accounts upon Oath, if thereunto required by the said Trustees, (which Oath the said Trustees are hereby empowered to administer); and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the said Trustees, or to such Person as they shall by Writing under their Hands authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or to verify such Account upon Oath as aforesaid, or shall, for the Space of Fourteen Days after being thereunto required by the said Trustees, refuse or neglect to render and give up to them, or to such Person as they shall direct, all Books, Papers, Writings, Matters, and Things in his Hands, Custody, or Power, relating to the Execution of this Act, then any Justice of the Peace for the County, where the Officer so making Default shall be or reside, shall and may, upon Application made to him for that Purpose by or on Behalf of the said Trustees, make Enquiry of and concerning any such Default, in a summary Way, as well by the Confession of the Party, as by the Testimony of any credible Witness upon Oath, which Oath the said Justice is hereby empowered and required to administer without Fee or Reward), and by Warrant under his Hand and Seal, to cause such Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if such sufficient Distress cannot be found, or if it shall appear to any such Justice, in Manner aforesaid, that any such Officer shall have refused or wilfully neglected to give such Account, or to verify the same in Manner as aforesaid, or to deliver up all Books, Papers, and Writings in his Custody or Power, relating to the Execution of his Office, or of this Act as aforesaid, such Justice shall commit him to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, until he shall make and give a true and perfect Account, and verify the same in Manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Trustees, or compounded with the said Trustees for such Money, and paid such Composition according to their Direction, or until he shall deliver up such Books, Papers, and Writings as aforesaid, or have given Satisfaction to the said Trustees concerning the same, which said Composition the said Trustees are hereby empowered to make and receive; but no such Officer who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Six Calendar Months; and the said Trustees shall and may out of the Money arising by virtue of this

this Act, make such Allowance to every such Clerk, Collector, Surveyor, and other Officer, for or in respect of his Care and Pains in the Execution of his Office, and to such other Persons as shall have been employed in the Execution of this Act, as to the said Trustees shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Wine, Ale, Spirituous Liquors, or Provisions by Retail: Provided always, that the said Trustees shall and are hereby required to take such Security from every such Treasurer and other Officer to be appointed for the Purposes of this Act, for the due Execution of his Office, as they shall think proper.

No Victualler to hold any Place of Profit. Officers to Security.

VI. And be it further enacted, That the said Trustees shall and are hereby authorized and required, as soon after that Part of the Road called *Bury Hill* shall be sufficiently amended and altered, to cause to be erected such Turnpike or Toll Gate in, upon, or across such Part of the said Road in the said Parish of *Bury*, between the Foot of *Bury Hill* opposite the Barn and Farm Yard belonging to *Bury Farm* called *East Oar Barn*, and the Junction of the said Road leading to *Petworth* and *Pulborough*, as they shall think proper; and the said Trustees are hereby required and empowered to cause any other Turnpikes or Toll Gates, Turnpike or Toll Gate, to be erected or set up at or near the Side or Sides of the said Road, and within the Limit where the principal Turnpike or Toll Gate is hereby authorized to be erected across any Roads, Lanes, or Ways leading into the same, and also such Toll Houses adjoining or near to the said respective Turnpikes or Toll Gates, Turnpike or Toll Gate, or any of them, as to the said Trustees shall seem requisite and expedient, and may, if they think proper, take in and inclose from the said Road convenient Garden Spots to such respective Toll Houses, or any of them; and the Tolls following shall be demanded, and taken at each of the said respective Turnpikes or Toll Gates, Turnpike or Toll Gate, or any Turnpike or Toll Gate which shall be erected upon or across any Part of the said Road, before any Horse or other Beast or Cattle shall be permitted to pass through the same; (that is to say),

Trustees may erect Turnpikes.

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Calash, or other such like Carriage, the Sum of Four-pence:

Tolls.

For every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, Wain, Cart, or other Carriage of the like Nature, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches and upwards from Side to Side, the Sum of Two-pence:

For every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, Wain, Cart, or other Carriage of the like Nature, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches from Side to Side, the Sum of Three-pence; and for every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, or other Carriage, not having the Fellies of the Wheels of the Breadth or Gauge of Six Inches from Side to Side, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule, or Afs, 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 any lesser Number:

[*Loc. & Per.*]

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And

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, the Sum of Five-pence *per* Score, and so in Proportion for any lesser Number.

Double Toll
on *Sundays*.

VII. And be it further enacted, That it shall and may be lawful to and for the respective Toll Gatherers or Collectors on the said Road, and they are hereby authorized and required on each and every *Sunday* (to be computed from Twelve of the Clock on the *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, to demand and take for every Horse, Mare, Gelding, Mule, Ass, Ox, Steer, Gale, and Bull, drawing or not drawing, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Hogs, Sheep, and Lambs, Double the Toll or Sum which may be demanded or taken for the same respectively on any other Day by virtue of this Act.

Tolls vested in
the Trustees,
and Manner
of Recovery.

VIII. And be it further enacted, That the said respective Tolls shall be and are hereby vested in the said Trustees; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for such Collector to seize and distrain any Horse or other Beast or Cattle upon which any such Tolls are by this Act imposed, belonging to any Person or Persons so neglecting or refusing or liable to pay the Tolls as aforesaid, (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or other Beast so seized and distrained, rendering the Overplus (if any) on Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls to be
paid but Once
a Day.

IX. Provided always, and be it further enacted, That every Person who shall have paid the Tolls hereby granted at any Turnpike or Toll Gate to be erected by virtue of this Act upon or across any Part of the said Road, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) be permitted to pass and repass any Time or Times, as often as he shall think proper, with the same Horse or other Beast or Cattle for or in respect of which such Tolls shall have been paid, through the same Turnpike or Toll Gate at which such Tolls shall have been paid, and also through any of the Turnpikes or Toll Gates to be erected or set up at or near the Sides of the said Road across any Roads, Lanes, or Ways leading into the same, next or near to the said Turnpikes or Toll Gates at which such Tolls shall have been so paid, without being subject to the Payment of any further Toll; and that every Person who shall have paid the Tolls hereby granted at any Turnpike or Toll Gate to be erected by virtue of this Act at or near the Side of the said Road, across any Road, Lane, or Way leading into the same, shall on the same Day (to be computed as aforesaid) be permitted to pass and repass at any Time or Times, as often as he shall think proper, with the same Horse or other Beast or Cattle for or in respect of which such Tolls shall have been paid, through the same Turnpike or Toll Gate, and also through such of the Turnpikes or Toll
Gates

Gates to be erected upon or across the said Road next or near to the said Turnpike or Toll Gate to be erected near the Side of the said Road, at which such Toll shall have been so paid, and at which such Horse or other Beast or Cattle shall first pass through, after such Tolls shall have been so paid, without being subject to the Payment of any further Toll, such Persons respectively producing Notes or Tickets denoting such respective Payments, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* upon Receipt of the Tolls: Provided always, that nothing herein contained shall extend or be deemed to extend to charge any Person or Persons who shall have paid the said Toll at any One of the said Turnpikes or Toll Gates, with the Payment of any more or further Toll for the same Horse or other Beast or Cattle in any One Day, (to be computed as aforesaid), on producing a Note or Ticket for that Purpose, to be had in Manner before directed.

X. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Farms, Parishes, Hamlets, or Places near to or through which the said Road hereby directed to be repaired do lead, for the passing of their Horses, Carriages, and other Beasts or Cattle through all or any of the Turnpikes or Toll Gates to be erected by virtue of this Act, which Composition Money shall be paid in advance; and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall be void.

Tolls may be compounded for.

XI. Provided always, and be it further enacted and declared, That no Person shall be charged with or subject to the Payment of any of the said Tolls, for or in respect of any Horses or other Beasts or Cattle employed in drawing or conveying any Stones, Gravel, or other Materials for repairing the said Road, or any Roads or Highways within any of the Parishes or Townships through which the said Road leads, or employed in carrying or conveying any Dung, Mould, Compost, Lime, or other Manure, for manuring and improving of Land, or carrying or conveying any Hay, or any Corn in the Straw to be laid up or placed in the Houses or Barns, or upon the Lands of the respective Inhabitants of the said Parishes or Townships; or for any Horses or Beasts of Draught going to or returning from, or in conveying any Ploughs, Harrows, or other Implements of Husbandry belonging to or employed by any such Inhabitants in the Management of any Farm or Lands; or for or in respect of any Horses, Cattle, or Sheep, going to or returning from Pasture or Watering Places, or Horses going to or returning from being shod; or for any Horses, or other Beasts, employed in conveying from one Part of the Kingdom to another the Mail or Packet which shall be made up under the Authority or Direction of His Majesty's Postmaster General, or his Deputy or Deputies; or for or in respect of any Horses belonging to any of the said Inhabitants going to or returning from any Church, Chapel, or other Place of Religious Worship, to which they usually resort on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried within any of the said Parishes or Townships, or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Horses belonging to Officers or Soldiers

Exemptions from Toll.

upon

upon their March, or upon Duty, or for any Horses or other Beasts or Cattle employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horses carrying or conveying Vagrants sent by legal Passes; or for the Horses of any Person or Persons going to or returning from any Election of a Knight of the Shire to serve in Parliament for the County of *Suffex* during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings for every such Offence.

Penalty on
evading Tolls.

XII. Provided always, and be it further enacted, That if any Person or Persons shall with any Horse or other Beast or Cattle whatsoever pass through any Land or Ground adjoining to or lying near any Turnpike to be erected by virtue of this Act, the same not being a publick Highway, or if the Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse or other Beast or Cattle to pass through the same, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall give to or receive from any Person, other than the said Collectors of the said Tolls, any Ticket by this Act directed to be given by the said Collectors, or shall forge or counterfeit any such Ticket, or make use of any such forged or counterfeited Ticket knowing the same to be forged or counterfeited, with the Intent that the Payment of any of the said Tolls shall be avoided; or if any Person shall forcibly pass through any of the said Turnpikes or Toll Gates with any Horse or other Beast or Cattle, without Payment of the Tolls for the same; or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, or shall leave or cause to be left upon or near any Part of the said Road any Horse or other Beast or Cattle, or any Goods, with Intent to avoid the Payment of the said Tolls, or any Part thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings, whereof One Moiety shall be paid to the Informer.

Tolls may
be let.

XIII. And be it further enacted, That the said Trustees shall and may, and they are hereby empowered, by Writing under their Hands and Seals, at any Time or Times, to set, demise, and to farm let the Tolls by this Act granted; or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Term not exceeding Three Years at any One Time (Twenty Days Notice of the Intention of such letting or setting being given in some Newspaper published or circulated within the said County, and also upon the Turnpikes or Toll Gates which shall be standing upon or across the said Road), for the best Rent they can get for such Tolls, to be payable quarterly in advance to the said Trustees, or to their Treasurer, with such Covenants therein to be contained as the said Trustees shall think proper and requisite.

For shutting
up Part of
old Road after
the new Road
shall be made.

XIV. And whereas a certain Part of the present Line of Road leading out of the *High Street* of the said Town of *Arundel* to the said Village of *Bury*, is in some Parts narrow, incommodious, and dangerous, and the Most Noble *Charles Duke of Norfolk* is now making at his own Expence
anew

a new Road leading through his own Grounds from the said *High Street*, of *Arundel* towards the said Village of *Bury*, which will be more commodious and convenient to the Publick; be it therefore further enacted, That as soon as the said Duke of *Norfolk* shall at his own Expence have completed the said new Road, and made it fit for the Passage of Travellers and Carriages to the Satisfaction of the said Trustees, or any Five or more of them, Two of them being Justices of the Peace, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to authorize and enable the said Duke of *Norfolk* to shut up and stop the said old Road in Manner directed by an Act made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the Publick Highways within that Part of Great Britain called England, and for other Purposes*; and that the same shall from and after be deemed as private Property, and vested in the said Duke of *Norfolk*, his Heirs and Assigns; and that from and immediately after the stopping and shutting up the said old Road as aforesaid, such new Road shall for ever thereafter be deemed and taken as a publick Road, and shall be vested in the said Trustees.

XV. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest such Sum or Sums of Money, not exceeding the Sum of Three thousand Pounds, as they shall think fit, upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof; and by Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), to any Person or Persons, for any Term during the Continuance of this Act, as a Security or Securities for the Re-payment of the several Sums that shall be so borrowed, with the Interest thereof; which Assignments shall be according to the Form following; (*videlicet*),

For borrow-
ing Money.

‘ BY virtue of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of the Act*] We, _____ or more of the Trustees for carrying the said Act into Execution, in Consideration of the Sum of _____ to the Treasurer of the Road by the said Act directed to be amended in Hand paid by _____ do hereby grant, bargain, sell, and demise unto the said _____ Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls, to be had and holden from this _____ Day of _____ for and during the Continuance of the said Act, unless the said Sum of _____ with the Interest thereof, shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day of _____

Form of
Assignment.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said County, and also upon the Turnpikes or Toll Gates which shall be then standing in, upon, or across the said Road, at least Fourteen Days before the borrowing thereof;

[*Loc. & Per.*]

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thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Security in the Presence of One credible Witness; which Transfer shall be according to the Form following; (*videlicet*),

Form of
Transfer.

‘ I DO transfer this Mortgage, and all the Principal and Interest now
‘ due thereupon, unto Executors, Administrators, and
‘ Assigns. Witness my Hand and Seal this Day
‘ of

All which Transfers 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, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and it shall not be in the Power of any Person making any such Transfer to make void, release, or discharge the same, or any Monies thereby due on any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be in Proportion to the Sums therein respectively mentioned Creditors on such Tolls in equal Degree One with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Assignments.

Application
of Money.

XVI. And be it further enacted, That out of the First Monies arising by the Tolls which shall be collected by virtue of this Act, or out of the First Monies which shall be borrowed upon the Credit thereof, the said Trustees shall in the First Place pay and discharge all the Charges and Expences incident to and attending the obtaining and passing of this Act, and after Payment, Satisfaction, and Discharge thereof, all the Money which shall arise by virtue of this Act, shall from Time to Time be applied in erecting Turnpikes or Toll Gates, and Toll Houses, and in amending, widening, altering, and improving the said Road, and in defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Materials.

XVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, or for any other Person or Persons by him or them, or by the said Trustees for that Purpose employed, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing the said Road, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook in any Parish or Place in, adjoining to, or lying near the said Road, or in any neighbouring Parish or Place, to be used in repairing the said Road, without paying any Thing for the same, such Surveyor or Surveyors or other Person or Persons filling up the Pits and
levelling

levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said Trustees to cut, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, and from or over the private Lands or Grounds of any Person or Persons to be used in or towards the repairing of the said Road, (such private Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground now planted as an Avenue, or Nursery for Trees), paying or tendering Payment of such Rates or Sums of Money for such Materials, and for the Damage which shall be done to the Owners or Occupiers of the private Lands and Grounds where and from whence the same shall be digged, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Ground, Common, River, or Brook, shall be conveyed; as the said Trustees shall adjudge reasonable; and in case of any Difference between any such Owners and Occupiers as aforesaid and the said Trustees, touching the Damage aforesaid, the Justices of the Peace at the General Quarter Sessions to be holden for the said County, on Eight Days Notice thereof being given in Writing by either Party to the other, shall upon Application for that Purpose by or on Behalf of either Party, hear, settle, and determine the Matter of such Payment and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to the Parties: Provided nevertheless, that it shall not be lawful for any Person under the Authority of this Act, to dig, gather, take, and carry away Materials for the Purpose aforesaid from any inclosed Lands, until Notice in Writing under the Hands of any Five or more of the said Trustees, shall have been given to the Occupier of such Lands or Grounds, or left for him at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or Two Justices of the Peace for the said County, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials at such Time or Times as the said Trustees or such Justices shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, in like Manner, and the same shall be as effectual as if such Occupier or his Agent had attended.

XVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said Trustees, from Time to Time to remove, take, and carry away all Annoyances by Filth, Dung, Ashes, Rubbish, or otherwise, and also all Obstructions by Gates, or otherwise, upon any Part of the said Road, (except the Turnpikes or Toll Gates to be erected by virtue of this Act), and to cut down, lop, or top any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, in case the Owners or Occupiers shall neglect to cut down, lop, or top such Trees or Bushes, or to remove such Annoyances for the Space of Twenty-one Days after Notice in Writing, given for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof

Annoyances
to be re-
moved.

whereof to be settled by the said Trustees by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to cut down, lop, or top the said Trees or Bushes, or to remove such Annoyances as aforesaid; and in Default of Payment thereof upon Demand, the same shall be levied and recovered in such Manner as any Penalty or Forfeiture for Offences against this Act is herein-after directed to be levied and recovered; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, or if any Person or Persons shall set or place any Waggon, Wain, Cart, or Carriage, so as anyways to obstruct the free Passage on any Part of the said Road, every such Person shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings for every such Offence.

Ditches, etc.
to be cleansed.

XIX. And be it further enacted, That if any Person or Persons who of Right ought to widen, deepen, scour, or cleanse any Ditch, Drain, or Watercourse, lying in or over, or leading into or out of the said Road, shall not in a proper Manner widen, deepen, scour, or cleanse such Ditch, Drain, or Watercourse, or cause the same to be done within the Space of Twenty-one Days after Notice in Writing under the Hand of any such Surveyor as aforesaid shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their Place or Places of Abode by Order of the said Trustees, the said Surveyor may and is hereby authorized and empowered to cause such Ditch, Drain, or Watercourse to be widened, deepened, scoured, and cleansed, and to pay for the scouring and cleansing the same; and if such Person or Persons shall not repay the Money so paid by such Surveyor upon Demand thereof upon him, her, or them made, either in Person or by Writing to be left at his, her, or their Place or Places of Abode, such Money shall and may be levied and recovered in the like Manner as any Penalty or Forfeiture for Offences against this Act is herein-after directed to be levied and recovered.

Causeways,
etc. may be
made.

XX. And be it further enacted, That it shall be lawful for such Surveyor or Surveyors as aforesaid, and such Person or Persons as shall or may be appointed by Order of the said Trustees, to make or cause to be made Causeways in or along the Sides of the said Road, and to cut and make Drains or Watercourses through any Grounds lying contiguous to the said Road, and to erect and keep in Repair Arches of Brick or other Materials; and also to cause Ditches or Trenches to be made in such Places and in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, shall adjudge necessary for the better amending the said Road, and keeping the same in good Repair; and also to make a temporary Way or Passage through, over, and along the Roads adjoining to any narrow or ruinous Part or Parts of the said Road, (such Ground not being a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees), to be made use of by all Passengers with Horses, Carriages, or otherwise, as a Road, whilst the old or ruinous Road is repairing or widening, and until the same shall be made convenient and safe for Passengers and Carriages, making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Drain or Watercourse, or on which any such Arch or Bridge, or through, over, and along which any such temporary Way or Passage shall be made, for the Damage which he or she shall or may thereby sustain, as shall be agreed upon between the said Trustees and such Owner or Occupier, or (in case
of

of any Difference concerning the same) as shall be assessed and adjudged by the Justices of the Peace at the then next General Quarter Sessions of the Peace which shall be holden for the County in which such Ground shall lie.

XXI. And be it further enacted, That the said Trustees may and are hereby authorized and empowered to widen, turn, and alter the Course of any Part or Parts of the said Road through or over any Commons or Waste Grounds, without making any Satisfaction for the same, and also through or over any private Lands or Grounds, first making Satisfaction to the Owners of and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any such Lands or Grounds for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested therein, or any of them, shall and may anywise sustain by such widening, turning, or altering the Course of any Part of the said Road; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees for or on Behalf of any Infants, Femes Covert, or *Cestuique* Trusts, and for all and every Person and Persons who are or shall be seized, possessed of, or interested in any such Lands or Grounds, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees all or any of such Lands or Grounds as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing to the contrary notwithstanding; and all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Power to widen or alter the Course of the Road.

XXII. And be it further enacted, That if any such Body Politick or Corporate, or other Owners of or Person or Persons interested in any such Lands or Grounds as aforesaid, or any such Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, shall refuse to treat, or shall not agree for the Sale of any such Lands or Grounds, or for their Interest therein, or by reason of Absence shall be prevented from treating, the said Trustees shall, within Ten Days at the least before any General or Quarter Sessions of the Peace to be holden for the said County, cause Notice in Writing to be given to such Owners or Persons interested, Feoffees, Executors, Administrators, Guardians, or other Trustees respectively, or to the principal Officer of any such Body Politick or Corporate, or to be left at the House of the Tenant in Possession of the Lands or Grounds intended to be purchased, purporting that the Value thereof will be adjusted and settled by a Jury at the said Sessions, then and in every such Case the Justices at such Sessions, upon Proof made to them of such Notice having been given or left as aforesaid, are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest Men to be there impannelled and returned by the Sheriff of the said County without Fee or Reward, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Lands or Grounds

Value of Land to be ascertained by a Jury.

[*Loc. & Per.*]

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mentioned

mentioned or described in the said Notice, and the Damages and Recompence to be given for the same, or such Part or Parts thereof as shall be intended to be taken or used for the Purposes of this Act, to the respective Owners and Persons interested according to their respective Interests therein; and the said Trustees and all Persons interested shall have their lawful Challenges against any of the said Jury when they come to be sworn; and the said Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given (which Oath, and also the Oath to the said Jury, the said Justices are hereby authorized and required to administer) concerning the Nature, Quantity, and Value of such Lands or Grounds, or such Part or Parts thereof as aforesaid; and also after having viewed the Place in question (if judged necessary by the said Justices in Sessions assembled, on the Application of the said Trustees, or any of the Parties interested) shall by their Verdict assess, declare, and ascertain the *Quantum* of the Damages and Recompence to be given for the same to such respective Owners and Persons according to their respective Interests therein; and such Verdict of the said Jury shall be final, binding, and conclusive to the said Trustees, and to all Persons and Parties interested in the said Lands or Grounds; and the said Justices shall and may award Costs to either Party, as in their Discretion shall seem meet.

On Payment
of Purchase
Money, Land
may be made
use of.

XXIII. And be it further enacted, That all Sums of Money so assessed as aforesaid shall be and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer, to the Persons respectively entitled thereto, or to their Agents, and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, such Lands or Grounds as aforesaid shall be laid into and made Part of the said Road, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Publick and Common Highway, and be from thenceforth Part of the said Road for ever, and shall be repaired and kept in Repair by such Ways, Means, and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair, and all Parties and Persons shall for ever thereafter be divested of all Right and Title to such Lands or Grounds; and after any such new Road shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place, to which such new Road doth not lead) shall be vested in and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the Road hereby intended to be repaired; and the Person or Persons over whose Lands or Grounds such new Road shall be made, shall have the Preference in the Purchase of the old Road so to be sold as aforesaid; and the Conveyance to be made of such Ground, being executed by any Five or more of the said Trustees, and enrolled with the Clerk of the Peace for the said County, shall be good and effectual in the Law to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of or entitled to in the former Road, in lieu whereof such new Road shall be made: Provided always, that in widening, turning, or altering the Course of any
Part

Part of the said Road, nothing shall be done which shall or may in any wise damage or injure any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Plantation, or Nursery planted with Trees on or before the First Day of January One thousand eight hundred and four, unless the Owner or Proprietor thereof shall consent in Writing thereto: Provided always, that in case the ancient or former Way over any Common or Waste Ground shall by virtue or in pursuance of this Act be turned or diverted, the Inhabitants of the Township, Hamlet, or Parish wherein the old or former Road shall lie, shall not be obliged to repair such old or former Road, unless the same leads to some Village, Town, or Place with which the new Road doth not communicate.

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

Application of
Compensation
where
amounting to
200 l.

XXV. Provided

Application where the Compensation shall be less than 200^l. and above 20^l.

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees 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 any Manner herein before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

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

Property of Turnpikes, &c. vested in Trustees.

XXVII. And be it further enacted, That the Right and Property of and in all the Turnpikes or Toll Gates, and Toll Houses which shall be erected and provided in pursuance of this Act, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads as aforesaid, shall be and are hereby vested in the said Trustees, and they are hereby authorized and empowered to dispose of the same as they shall think fit; and to bring or cause to be brought any Action in the Name of any One or more of them, or of their Treasurer or Clerk, or to prefer and prosecute, or order and direct the preferring and prosecuting of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said Turnpikes or Toll Gates, or Toll Houses, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct any Person employed by the said Trustees in the Execution of this Act.

Persons liable to repair the Roads to continue so.

XXVIII. And be it further enacted, That in case any Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Trustees, or any other Person or Persons who
now

now are, or at any Time have been liable or chargeable towards repairing any Bridge or Bridges built across or adjoining to the said Road, or any Part thereof, shall still remain liable and chargeable to such Repairs in such Manner as they would have been if this Act had not been made; and in case any Lands; Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands; Tenements, or Hereditaments, now are or shall hereafter be liable and chargeable towards the amending any Part or Parts of the said Road, such Lands, Tenements, Hereditaments, Rents, and Profits shall still remain so liable and chargeable, and the Possessors and Occupiers thereof are hereby required and directed to pay such Rents and Profits as ought to be applied towards the Repairs of the said Road to the said Trustees, or to their Treasurer, and upon Default of Payment thereof, the same shall and may be levied and recovered in like Manner as any Penalties or Forfeitures for Offences against this Act are herein-after directed to be levied and recovered.

XXIX. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, altered, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace of the said County of *Suffex*; and they are hereby required and empowered, upon Application made to them by the said Trustees, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and 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 so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and on such Times, (not being Hay Time or Harvest), and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and

Persons
chargeable
to Statute
Work to con-
tinue so

[*Loc. & Per.*]

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may

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

Trustees may
compound
for Statute
Work.

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

XXXI. And

XXXI. And be it further enacted, That the said Trustees are hereby empowered to cause the said Road to be measured, and Stones or Posts to be set up on the Sides thereof; with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and may also, if they think fit, erect Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, and may also cause the Name of every Town and Village, upon the said Road, to be painted in White Letters upon a Black Ground on some conspicuous Part of some House or other Building, at each End of every such Town and Village; and if any Person or Persons shall wilfully break, pull down, dig up, injure, or destroy any such Stones or Posts, or erase, obliterate, or deface any of the Inscriptions thereon, or any Inscription upon any such House or other Building as aforesaid, or cause or procure the same to be done, every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding the Sum of Forty Shillings for every such Offence, One Moiety whereof shall be paid to the Informer.

Road to be measured.

XXXII. And be it further enacted, That if any Person shall cause to be haled, or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof, every such Person shall forfeit and pay any Sum not exceeding the Sum of Twenty Shillings for every such Offence.

Penalty on dragging Timber, etc.

XXXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees in the Execution of this Act, shall from Time to Time be entered in a Book to be kept for that Purpose, and such Orders and Proceedings so entered, being signed by the Clerk to the said Trustees, shall be taken and deemed to be Originals; and the said Book, and also the Book directed to be kept for registering the said Mortgages, Assignments, and Transfers shall and may be produced and read in Evidence in all Courts whatsoever.

Proceedings of the Trustees to be entered.

XXXIV. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the said County, or where the Offenders shall be or reside, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby authorized and required to grant for those Purposes, and also to administer such Oath *gratis*), and the Overplus, after such Penalties and Forfeitures are recovered, and the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties and Forfeitures (where not otherwise directed to be applied by this Act), shall from Time to Time be paid to the Treasurer to the said Trustees,

Recovery of Penalties.

Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges shall be sooner paid and satisfied.

XXXV. And be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form of Words; (*videlicet*),

Form of
Conviction.

County of { **B**E it remembered, That on the Day
of in the Year of our Lord
is convicted before of His Majesty's
Justices of the Peace for the said County, by virtue of an Act, passed
in the Forty-third Year of the Reign of King George the Third, in-
titled, [*set forth the Title of the Act, and specify the Offence, and when
and where committed.*] Given under our Hands and Seals [*or, my
Hand and Seal*] the Day and Year first above written.

Appeal.

XXXVI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person or Persons may, within the Space of Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County, every such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Seven Days next after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties, conditioned to try such Appeal, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the Justices at their said Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Distress not to
be deemed
unlawful for
want of Form.

XXXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Notice, War-
rant

rant 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 distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

XXXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or removed or removeable by *Certiorari*, or any other Writ or Process into any of His Majesty's Courts of Record at *Westminster*. Proceedings not to be quashed for want of Form.

XXXIX. And be it further enacted, That the several Persons who have subscribed or shall subscribe Money towards the amending and repairing the said Road, or for or towards defraying the Expences of obtaining and passing this Act, shall and are hereby required to pay the respective Sums so subscribed, to the Treasurer to the said Trustees within such Time or Times, and in such Parts and Proportions as the said Trustees shall order and direct; and in Default thereof, it shall be lawful for the said Trustees to sue for and recover the same in the Name of their Treasurer or Clerk in any of His Majesty's Courts of Record by Action of Debt or on the Case. Payment of Subscriptions to be enforced.

XL. 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, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every 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 the same shall appear to be so done, or if such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid in any other County or Place than as aforesaid, then the said Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in any Case by Law. Limitation of Actions.

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

XLII. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the Day on which the Trustees shall hold their First Meeting, and shall be put in Execution Commencement and Term of the Act.

[Loc. & Per.]

14 G

Execution

Execution and continue in Force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1803.