



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 208.

An Act for amending the Roads from *Hodges* to *Beadles Hill* and *Cuckfield*, and from *Beadles Hill* to *Lindfield*, and from the *Cuckfield* and *Crawley* Road to *Horsham*, and from *Swingate* to *Shover Green*, all in the County of *Sussex*.

[10th July 1813.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of King George the Third, intituled *An Act for repairing and widening the Road from Hodges to Beadles Hill, and from thence to the Town of Cuckfield, and from Beadles Hill aforesaid to the Town of Lindfield, and from the Turnpike Road between Cuckfield and Crawley to the Town of Horsham; and also the Road from Swingate, in the Parish of Burwash, to Shover Green, in the Parish of Ticehurst, all in the County of Sussex:* And whereas another Act was passed in the Thirty-second Year of the Reign of King George the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Eleventh Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from Hodges to Beadles Hill, and from thence to the Town of Cuckfield, and from Beadles Hill aforesaid, to the Town of Lindfield, and from the Turnpike Road between Cuckfield and Crawley, to the Town of Horsham; and also the Road from Swingate, in the Parish of Burwash, to Shover Green, in the Parish of Ticehurst, all in the County of Sussex:* And whereas the Trustees appointed in or by virtue of the laid recited Acts have proceeded to put the same into
[Loc. & Per.] 41 R Execution,

Former Acts
repealed.

Execution, and have for that Purpose, in pursuance of the Powers to them thereby given, borrowed considerable Sums of Money on the Credit of the Tolls thereby granted; which Sums of Money remain undischarged and cannot be paid off, nor can the Road by the said recited Acts directed to be repaired, be properly widened, altered, improved, and maintained in Repair, unless the Tolls are increased: And whereas the Powers and Provisions granted and contained by and in the said recited Acts, have been found in many respects defective and insufficient, and it would be more convenient to the Trustees, and beneficial to the said Roads, if the said recited Acts were to be repealed, and further and more ample Powers and Authorities given in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Eleventh and Thirty-second Years of the Reign of His present Majesty, shall be and the same are hereby declared to be repealed; and that instead thereof, this Act shall, on the passing thereof, commence and take Effect, and shall be put in Execution, for and during the Term herein-after mentioned, for the Purpose of amending, widening, altering, repairing, improving, and keeping in repair the Road leading from *Hodges* in the Parish of *Mayfield*, through the several Parishes of *Buxted*, *Maresfield*, *Fletching*, *Newick*, and *Chailey*, to *Beadles Hill*, in the Parish of *Lindfield*, and from thence to the Town of *Lindfield*, and also the Road from *Beadles Hill* aforesaid, through the Parish of *Wivelsfield*, to the Town of *Cuckfield*; and also the Road from the Turnpike Road between the Towns of *Cuckfield* and *Crawley*, over *Saint Leonard's Forest*, through the several Parishes of *Crawley*, *Slaugham*, and *Beeding* otherwise *Seal*, to a certain Place called the *Gaul Green*, in the said Town of *Horsham*; and also the Road from *Swingate* in the Parish of *Burwash*, through the Parish of *Wadhurst* to *Shover Green*, in the Parish of *Ticehurst*, all in the County of *Sussex*; and that the Term and Tolls by this Act granted shall be and are hereby charged with and made subject to the Payment of all Monies now due and owing upon the Credit or on Account of the said recited Acts, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Trustees
Names.

II. And be it further enacted, That *Henry Chatfield Clerk*, *Joseph Francis Fearon Clerk*, *William Sergison Clerk*, *Samuel Waller*, *John Champion Waller*, *Joseph Baker*, *James Cooke*, *Thomas Cecil Grainger*, *William Tanner*, *Anthony Tanner* of *Wivelsfield*, *Gibbs Crawford*, *Thomas Compton*, *William Francklin Hick*, *John Pilfold*, *Sir John Bridger Knight*, *Sir Henry Poole Baronet*, Clerk, the Honourable *David Montague Erskine*, *Nathaniel Tredcroft*, *Henry Tredcroft*, *Charles Eversfield*, *William Eversfield*, *Robert Hurst*, *Robert Henry Hurst*, *John Hurst*, *William Lamb*, *George Matchem*, *Charles George Beauclerk*, *Peter Ducane*, *Peter Ducane* the younger, *Francis Scawen Blunt* of *Crabbit*, *George Maximilian Bethune Clerk*, Doctor in Divinity, *Edmund Smith*, *James White*, the Bailiffs for the Town of *Horsham* for the Time being, *Timothy Shelley*, *William Cook Knowlys*, *Charles Linfield*, *John Lanham*, *Richard Grinstead*, *Charles Grinstead*,

Grinstead, Dewdney Stedman, James Ingram, John Stone, Robert Killick, Thomas Lee, John Stone the younger, William Jameson Clerk, George Clough, George Marshall Clerk, Robert Chester Cooper, George Edward Graham, William Wicker, John Markham, John Newnham, Benjamin Hall, Josias Smith, George Shiffner, Thomas Partington, Charles Cecil Jenkinson, James Powell, Ewan Law, Henry Clutton Clerk, Matthias Doyly Clerk, George Woodward Clerk, William Austen Righton, William Courthope Mabbott, John Attree Fuller, Joseph Richard Moore, Nicholas Nixon, Richard Owen Stone, William Day, Richard Thomas Streatfield, William Verrall, Richard Trill, John Gorring, John Knight, Sir Henry Blackman Knight, Thomas Tourle of Landport, Thomas Tooth, Thomas Woolgar, Henry Bishop Clerk, Benjamin Buss, John Baker, William Baker, William Baker junior, Thomas Blundell, Thomas Buckland, George Courthope, George Courthorpe junior, William Courthorpe Clerk, Whitfield Curties Clerk, John Constable Clerk, William Catt, John Fuller of Rose Hill, John Colville, John Fry, John Fry junior, Robert Fry, Thomas Fry, John Flurry, John Farrance, Richard Hollist, Henry Hare Haviland, John Burrell Hayley Clerk, Thomas Hayley, John Hilder, William Hyland, David Hyland, Joseph Hyland, Thomas Huntley, Joseph Mepham, Joseph Mepham junior, Joseph Newington, Jesse Newington, Charles Newington, John Newington, James Newington, Joel Newington, Thomas Newington, Henry Noakes, William Noakes, Henry Noakes junior, William Noakes junior, John Noakes, Robert Noakes, Henry Playsted, Henry Playsted junior, Samuel Playsted, Alfred Playsted, John Tompssett, Isaac Tompssett, James Tompssett, Henry Tompssett, John Vigor, James Vigor, John Vigor junior, Stephen White and Daniel Watson, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for making, maintaining, amending, widening, improving, and keeping in repair the said Roads, and for putting this Act into Execution.

III. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five 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 to
appoint addi-
tional Trust-
tees.

IV. And be it further enacted, That when and so often as any of the Trustees hereby appointed or to be appointed by virtue of this Act, shall die, or become disqualified, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect and appoint some other Person in the Room of every Trustee so dying, or becoming disqualified, or refusing to act; and Notice of the Time and Place of Meeting for every such Election, shall be given by the Clerk to the said Trustees, by affixing the same in Writing on all the Turnpike Gates, which by virtue of this Act shall be then erected or set up on the said Road, at least Ten Days before every such Meeting; and all and every Person and Persons who shall be so elected and appointed, shall immediately upon such

On Death or
Refusal to
act other
Trustees to
be chosen.

Election and Appointment be a Trustee for the Purposes of this Act, and having taken the Oath hereby prescribed, shall be vested with the same Powers and Authorities for putting this Act in Execution, as any Trustee hereby nominated and appointed is or are vested with.

Qualification
of Trustees.

V. 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 at the Time of his acting, be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments of the clear Yearly Value of Forty Pounds above Reprizes, or shall be Heir Apparent of a Person seised of a Real Estate, in Lands, Tenements or Hereditaments, of the clear Yearly Value of Eighty Pounds; or be possessed of a Personal Estate to the Amount of Eight hundred Pounds; nor until he shall have taken and subscribed before any Two or more of the said Trustees an Oath or Affirmation, in the following Form of Words; and which Oath the said Trustees, or any of them, at any of their Meetings held in pursuance of this Act, are hereby authorized to administer; (that is to say),

‘ I do swear, *or*, being one of the People called
‘ *Quakers*, do solemnly affirm, That I truly and *bonâ fide* am, in my
‘ own Right [*or*, in the Right of my Wife], in the actual Possession and
‘ Enjoyment or Receipt of the Rents and Profits of Lands, Tenements,
‘ or Hereditaments, of the clear Yearly Value of Forty Pounds above
‘ Reprizes; *or*, am possessed of or entitled to a Personal Estate of the
‘ Value of Eight hundred Pounds; *or*, am Heir Apparent of
‘ who, to the best of my Know-
‘ ledge, is seised of a Real Estate of Lands, Tenements, or Hereditaments,
‘ of the clear Yearly Value of Eighty Pounds, [*as the Case may happen*].
‘ So help me GOD.’

Penalty on
Trustees
acting not
being qua-
lified.

Nor shall any Person be capable of acting as a Trustee in the Execution of this Act, in any Case wherein he shall be personally interested, other than as a Creditor; nor while he holds any Place of Profit under this Act; or who shall sell any Wine, Cyder, Ale, Beer or Spirituous Liquors by Retail; and if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, 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, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon

upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act: Provided also, that such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the County of *Suffex*, may nevertheless act as Justices of the Peace in the Execution of this Act, except only in such Cases where they shall be individually interested.

Trustees being Justices may act as such.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *King's Head*, on *Chailey Common*, on the Second *Wednesday* after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act; and shall then and from Time to Time after adjourn, to meet at such Time, and at such Place or Places, in or near the said Road, as they shall think proper; and that Two Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time assembled shall omit to adjourn, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held, or was held (as the Case may be), and to such Time as he shall think fit, not exceeding Twenty-one Days, nor less than Fourteen Days from the Time of the last Default, and shall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees, to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place, in or near the said Road, as they the said Five Trustees shall think proper, not exceeding Twenty-one nor less than Fourteen Days from the Time of affixing such Notice; and the Trustees shall at all their several Meetings, pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings consisting of not less than Five Trustees, to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid, unless the major Part of the Trustees present at such Meeting shall concur therein; and in all Cases where the said Trustees, or any Justice or Justices of the Peace, are by this Act authorized or required to examine any Person or Persons on Oath, it shall be lawful for such Trustees or any Two or more of them, or for such Justice or Justices, to administer such Oath; and that no Order made by Five or more Trustees, shall be revoked or altered at any Meeting where less than Eight Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than the Number by whom such original Order was made, nor unless Ten Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and also affixed on all the Turnpikes which by virtue of this Act shall be then erected, Ten Days at least before such Meeting.

Meetings of Trustees:

No Act valid unless at a Meeting, and fixing the Quorum.

Meetings on
Emergencies.

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

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

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

Appointment
of Officers.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary; and from Time to Time to remove any such Officer or Officers; and on the Death or Removal of any such Officer or Officers may appoint others in their Stead; and Ten Days Notice of the Intention of such Appointment, shall be given in Writing affixed on all the Turnpikes then erected by virtue of this Act, of every Meeting where any such Appointment shall be made, after the First Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the said Roads, or any Part thereof, or otherwise in putting this Act into Execution, as they the said Trustees, or any Five or more of them, shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Trustees to
appoint tem-
porary Col-
lectors.

X. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees; which Person so nominated and appointed shall have the like Power and Authority,

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

XI. And be it further enacted, That all such Officers and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath (which Oath any Two or more of the said Trustees, or any Justice of the Peace for the County where such Officer or Person shall reside, are hereby empowered to administer); and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in his or their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live and reside, by any Five or more of the said Trustees,

Officers to
account on
Oath.

tees, or by any Person or Persons by them authorized on their Behalf, such Justice may and he is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shewn for such Non-appearance,) to issue his Warrant or Warrants for his or their Apprehension; and upon his or their appearing upon such Summons, or being apprehended and brought before him by such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same; or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County where he or they shall live and reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made; or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XII. And

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take sufficient Security from the Treasurer or Treasurers and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices.

Treasurer to give Security.

XIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or against the said Trustees or any of them by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that every such Clerk shall be reimbursed, out of the Monies to be received by virtue of this Act, all such Costs, Charges, or Expences, as he shall be put unto or become chargeable with by reason of his being so made a Plaintiff or Defendant.

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

XIV. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Road, and to erect and set up and build, or cause to be erected, set up and built, upon, in or across any Part or Parts of the said Roads, or across any Road or Lane that doth or shall lead into or out of the said Road, One or more Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, and also One or more Toll House or Toll Houses with Out-buildings suitable thereto, and take in and inclose on the Sides of the said Road, suitable Garden Spots, not exceeding One Quarter of an Acre each, and from Time to Time pull down and remove such Turnpikes and Toll Houses, as they the said Trustees, or any Five or more of them, shall think proper and direct or appoint: Provided always, that no more than Five Gates shall be erected between *Hodges* aforesaid and *Cuckfield* aforesaid; and *Beadles Hill* aforesaid, and *Lindfield* aforesaid; and that no more than Two Gates shall be erected on the Road leading from the Turnpike Road between the Towns of *Cuckfield* and *Crawley* aforesaid, to *Horsham* aforesaid; and that no more than Two Gates shall be erected between *Swingate* aforesaid and *Shover Green* aforesaid: Provided also, that no Turnpike or Toll Gate shall be erected on the said Road within the Parish of *Horsham*, nor nearer to the said Town of *Horsham* than a certain Gate or Fence situate on the North-East Side of certain Land called *Roughhey*, otherwise *Roffey Park*.

Power to erect Turnpikes.

XV. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails, and Fences, Toll Houses and Buildings now standing or being on the said Road, or which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing and repairing the said Road, and all such Materials made use of for the Purposes of this Act, or collected to be made use of, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper,

Turnpike vested in the Trustees.

and to bring or cause to be brought any Action or Actions, in the Name of their Clerk for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb the said Trustees or their Agents or Servants in the Possession thereof.

Power to take
Tolls.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, or Side Bar or Side Gate, which are or is or shall be standing or continued or erected in, upon, 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 at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, or Calash, drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by One Horse, Mare, Gelding or Mule, the Sum of Sixpence:

For the First Horse, Mare, Gelding, Mule, or Pair of Neat Cattle, drawing any Waggon, Wain, Cart or other such Carriage, the Sum of Sixpence; and for every other Horse, Mare, Gelding, or Pair of Neat Cattle, drawing any such Carriages, the Sum of Four-pence:

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

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

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

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

Double Toll
in certain
Cases.

For every Carriage laden with Timber, Plank, Wood, Faggots, Hop-poles, Chalk, Lime, Marl, Bricks, and Tiles, Mine Coal, Charcoal, Sea-coal, Iron Guns, or other Iron passing through any of the said Gates or Turnpikes between the Tenth Day of *October* and the Fifth Day of *April* following, Double the Tolls herein-before mentioned: And,

Double Toll
on Sunday.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, or Calash, Waggon, Wain, Cart, or other such Carriage, and for every Horse, Mare, Gelding, Mule, or Pair of Neat Cattle, Ass, or other Beast and for every Drove of Calves, Hogs, Sheep or Lambs, which shall pass through any of the said Gates on a *Sunday*, Double the Tolls herein-before mentioned for the passing of every such Carriage, Horse, Mare, Gelding, Mule, Ass or other Beast or Cattle, Calves, Hogs, Sheep or Lambs.

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 any Turnpike or Toll Gate, or Side Bar or Side Gate already erected and continued, or to be erected by virtue of this Act, upon or across the said
Roads

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; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, as hereinafter is directed: And if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls by himself, herself, or themselves, or taking such Assistance, as he, she, or they shall think necessary, to seize and distrain any such Horses or other Cattle or Beasts, or the Bridles, Saddles, Gears, Harness, Accoutrements, or a sufficient Part thereof (except the Bridles or Reins apart from any Horse or Beast); and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle or other Things so distrained, or a sufficient Part thereof, returning the Overplus (if any be), and what shall remain unsold, upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress, and keeping and selling the same, shall be deducted and paid; to be ascertained, in case of Dispute concerning the same, by some Justice of the Peace for the County of *Suffex*, as herein-after mentioned.

Penalty on refusing to pay Toll.

XVII. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for passing and repassing Once the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through any one of the said Gates or Turnpikes; and that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*), shall be allowed to repass Once on the same Day, with the same Horses, Cattle, Beasts and Carriages, Toll-free, through the Turnpike or Toll Gate at which Tolls shall have been so paid; but if any Person or Persons shall pass through such Gate or Turnpike a Third Time on the same Day, with the same Horses, Cattle, Beasts or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Tolls for such Third Time of passing with the same Horses, Cattle, Beasts, or Carriages, and so (*toties quoties*) for every Third Time he or they shall pass such Gate or Turnpike on the same Day with the same Horses, Cattle, Beasts, or Carriages as aforesaid: Provided also, that nothing in this Act contained shall authorize the said Trustees or the Collectors of the said Tolls to demand or take from any Person or Persons passing or repassing with the same Horse, Mare, Gelding, Mule, Ass or other Cattle, and not drawing in any Carriage upon the said Road, more than One Toll in any One Day to be computed as aforesaid; and that no Person shall be liable to any Payment of Toll, or increased Charge, by reason of his passing through any Side Gate or Side Bars to be erected by virtue of this Act, upon or across any Lane or Road leading into or out of the said Roads, through any other of the Turnpikes to be erected by virtue of this Act, across such Road, beyond what he would be liable to pay if he had passed through

One Toll only to be paid for passing and repassing on the same Day.

Persons not liable to increased Charge for passing through any Side Gate.

through either of the said Gates only; any Thing herein contained to the contrary notwithstanding.

Number of
Tolls.

XVIII. Provided also, and be it further enacted, That no more than Three Tolls in the Whole shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the same Horses, Beasts, Cattle and Carriages, for passing or repassing through all the Gates erected or to be erected on the said Road between *Hodges* aforesaid and *Cuckfield* aforesaid; nor more than One Toll in the Whole between *Cuckfield* aforesaid and *Horsbam* aforesaid; nor more than Two Tolls in the Whole between *Swingate* aforesaid and *Shover Green* aforesaid.

Disputes con-
cerning Tolls
to be settled
by a Justice.

XIX. And be it further enacted, That in case any Dispute shall happen about the Amount of Toll due, or the Charges of keeping 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 Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Tolls due; and also assess the Charges of such Distress, 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.

To prevent
Evasion of
Toll.

XX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land, Ground, or Place, or any of his or their Family or Servants), or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast or Carriage, through or over the same, whereby the Payment of the said Tolls or any Part thereof shall be evaded; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof; every such Person so offending in any of the Cases aforesaid, shall for each Offence forfeit any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

A Gate may
be erected at
the End of
Old Lane, to

XXI. And whereas by the said Act passed in the Thirty-second Year of the Reign of His present Majesty, after reciting that the Intention of the said Act and the former Act, as applied to that Part of the said Road
between

between *Cuckfield* and *Horsbam*, might be rendered ineffectual and the Tolls evaded, if a certain Road called *The Old Lane*, leading from a Part of *Saint Leonard's Forest* called *Plumer's Plain*, through a Farm called *Saint Leonard's*, to *Manning's Heath*, in the Parish of *Nuthurst*, was not shut up and disused by all Travellers and Passengers; it was enacted, that it should be lawful for the Tenants and Occupiers of the several Lands and Grounds through which the said Road passed, by the Direction of the said Trustees, or any Five or more of them, in Writing, to cause the said Road called *The Old Lane* to be shut up, by affixing a Gate or Gates, Fence or Fences in, upon, or across the said Road, and by affixing a Lock or Locks upon such Gate or Gates, to prevent Travellers and Passengers passing through the same: And whereas the said Lane hath not yet been stopped up, or any Gate or Fence placed or affixed in, upon, or across the same; be it therefore further enacted, That it shall and may be lawful for the Tenants and Occupiers of the several Lands and Grounds through which the said Road passes, by the Direction of the said Trustees or any Five or more of them, in Writing, to cause the said Road called *The Old Lane*, to be shut up, by placing a Gate or Gates, Fence or Fences in, upon, or across the same and by affixing a Lock or Locks upon such Gate or Gates, to prevent Travellers and Passengers passing through the same; and if any Person or Persons shall damage or destroy any such Gate or Gates, Fence or Fences, or shall open a Passage through the same; or any of them, every such Person shall forfeit and pay to the said Trustees, or any Five or more of them, or to the Treasurer for the Time being, the Expence of repairing and restoring such Gate or Gates, Fence or Fences, and shall also for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied and applied in the same Manner as the Penalties and Forfeitures in and by this Act are directed to be recovered, levied and applied: Provided always, that nothing herein contained shall extend, by means of shutting up the said Lane, to prevent the Owners or Occupiers of any Houses, Lands or Tenements adjoining the said Lane, or their Servants, Cattle or Carriages, going to or returning from their respective Houses, Lands or Tenements.

prevent Evasion of Toll.

XXII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting 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.

Collectors of Tolls competent Witnesses.

XXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse, Cattle, Beast, or Carriage, which shall not go more than One hundred Yards upon the said Roads; or 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

Exemptions from Toll.

[Loc. & Per.]

41 U

the

the said Road lies; or with Seed for seeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses 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; 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 Roads lie; 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

Passengers on Election Days for Knights of the Shire exempted.

Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXIV. 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 or the said recited Acts contained to the contrary notwithstanding.

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

XXV. And whereas the Owners and Occupiers of Land, and Inhabitants of the Vill or Tithing of *Bewbush*, in the Parish of *Beeding*, otherwise *Seal*, travelling from thence to the Town of *Horsham*, or returning, would be subject and liable to the Payment of a Toll in case a Gate or Turnpike should be erected or set up at the Entrance of the said Town, although they travel or pass along or over no Part of the Road intended to be repaired by virtue of this Act; be it therefore further enacted, That no Toll or Tolls shall be demanded or taken at any Gate or Turnpike which shall or may be erected at or near the Entrance of the said Town of *Horsham*, for any Horses, Cattle or Carriages, belonging to any of the Owners or Occupiers of Land, Inhabitants of the said Vill or Tithing of *Bewbush*, going or passing between the said Tithing and the said Town of *Horsham*.

Exemption for Inhabitants of Bewbush in certain Cases.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, upon Fourteen Days Notice to be given thereof, upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon public Bidding, to the highest Bidder, and for the best Price such Trustees can get for the same, payable Monthly in Advance, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

Trustees may lease the Tolls.

XXVII. And be it further enacted, That during such Times as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or

Lessees or Persons appointed by them may collect Tolls.

Lessees,

Leffees, Farmer or Farmers thereof, or fuch other Person or Persons as he or they fhall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the faid Tolls fo leafed, demifed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpofes whatfoever, as any Collector of the faid Tolls appointed by the faid Trustees, is hereby authorized and empowered to demand, take, and recover the fame; and fuch Leffee or Leffees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforefaid, fhall be fubject to the Regulations of this Act, and to the like Pains, Penalties and Forfeitures, and fhall be liable to the like Actions and Profecutions as any Collector of the faid Tolls, appointed by the Trustees, is fubject or liable to.

Tolls to be
leffened or
altered by
order of Seven
Trustees.

XXVIII. And be it further enacted, That the faid Trustees, or any Seven or more of them, may and they are hereby authorized and empowered, from Time to Time as they fhall think proper, to leffen and reduce, all or any Part or Parts of fuch Tolls, at all, any, or either of the faid Turnpikes, and to raife the fame again to any Sum not exceeding the Tolls by this Act granted; but no fuch Reduction fhall be made unlefs Notice in Writing be given for that Purpofe, by affixing the fame upon all the Turnpikes erected by virtue of this Act, at leaft Ten Days before the Meeting for making fuch Reduction; and fuch Tolls fo leffened or reduced fhall be collected, recovered, and applied in the fame Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money charged and borrowed on the Credit of this Act, and of the faid recited Acts fhall have been paid off or difcharged, the Tolls hereby granted fhall not be leffened or reduced without the Confent of the Person or Persons entitled to Five Sixths of the Money remaining due upon the Credit of the faid Tolls or this Act.

Tolls not to
be reduced
but with
Confent of
Five Sixths in
Value of the
Creditors.

Trustees may
compound
for Tolls.

XXIX. And be it further enacted, That it fhall be lawful for the faid Trustees or any Five or more of them, from Time to Time, to compound and agree with any Person or Persons for the paffing of any Carriage, Horses, Beasts, or other Cattle travelling on the faid Road, for all or any of the Tolls to be paid in refpect thereof, for any Term not exceeding Twelve Months at any One Time; which Composition Money fhall be paid in Advance Quarterly or otherwife, as the faid Trustees or any Five or more of them fhall appoint, and in Default of fuch Payment the Composition or Agreement with the Person or Persons making fuch Default, fhall from thenceforth be void; and all fuch Composition Money fhall be applied in fuch Manner as the Tolls are hereby directed to be applied.

For borrow-
ing Money.

XXX. And be it further enacted, That it fhall be lawful for the faid Trustees, or any Seven or more of them, to borrow and take up at Interest, upon the Credit of the Tolls payable by virtue of this Act, fuch Sum or Sums of Money as they fhall think proper, and to mortgage and affign the faid Tolls or any Part or Parts thereof, and any of the Turnpikes and Toll Houfes for collecting the fame, (the Cofts and Charges of fuch Mortgages to be paid out of fuch Tolls) to any Person or Persons, his, her, or their Executors, Administrators, or Affigns, who fhall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the
feveral

several Sums of Money that shall be so borrowed, and the Interest thereof; which Mortgages shall be signed and sealed by the said Trustees, or any Seven or more of them, and be in the following Words, or in any other Words to the like Effect; (that is to say),

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

Form of Assignment.

And that Copies of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed upon the Credit of the Tolls, after the First Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes then erected by virtue of this Act, at least Fourteen Days before the borrowing thereof, and the Intention thereof be also advertised Twice at least in some Newspaper usually circulated in the Neighbourhood of the said Road; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, is and are hereby empowered from Time to Time to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, or by an Indorsement on the same, in the following Words, or Words to the like Effect; (that is to say),

I _____ being entitled to the Sum of _____ secured to _____ Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment bearing Date the _____ Day of _____ in the Year of our Lord _____ under the Hands and Seals of _____ of the Trustees acting in Execution of an Act, made in the Fifty-third Year of the Reign of King George the Third, intituled *An Act* [*here insert the Title of this Act*] upon the Credit of the said Act, do hereby transfer, assign, and set over all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto _____ Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

Form of Transfer.

All which Transfers shall be produced or notified to the Clerk or Clerks to the said Trustees within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof, in the before-mentioned Book or Books, specifying the Dates and Names, Additions and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more, by the Person or Persons to whom such respective Transfers shall be made; which said Book or Books shall and may be inspected at all reasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer, to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

No Creditor to have Preference of another.

XXXI. And be it further enacted, That no Preference shall be given to any Person or Persons who have heretofore advanced any Sum or Sums of Money on the Credit of the said recited Acts, or who shall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgages or Assignments have already been made, as those to whom the same shall hereafter be made, his, her, and their Assignee and Assigns, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors in this Act, and in equal Degree one with another.

For paying Creditors by Lot.

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

Application of Monies.

XXXIII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Two Acts of the Eleventh and Thirty-second Years of the Reign of His said present Majesty, or either of them, and shall be undisposed of on the Day of the Commencement of this Act; and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof; and all other

Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say) in the first Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act; in the Second Place, in paying the Interest in Arrear and accruing upon the several Principal Sums of Money which at the Time of the Commencement of this Act, and from Time to Time thereafter, shall 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 upon between the said Trustees, or any Five or more of them, and the several Persons for the Time being entitled to such Principal Sums; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of altering, widening, turning, repairing, and improving the said Roads, and of executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging such Principal Sums as aforesaid.

Costs of the Act to be first paid.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at any Time or Times during the Continuance of this Act, to repair, widen, divert, alter, turn, or make the Course or Path of any Part or Parts of the said Roads, upon or over any Commons or Waste Lands, without making any Satisfaction for the same, and also upon, over, or through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Alterations, 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 such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall empower the said Trustees, their Surveyors or Surveyor or Workmen, to enter upon or to take or use for the Purposes of this Act, any House or Building or any Lands or Premises, being a Garden, Orchard, inclosed Pleasure Ground, or Court Yard to any Dwelling House, without the Consent in Writing of the Owners and Occupiers thereof.

Trustees may widen, turn, or alter the Road.

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

The Purchase of Lands.

Corporations and incapacitated Persons.

empowered
to sell, &c.

porations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infant, Feme Covert, *Cestuique* Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds, or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees all or any of such Lands and Grounds, and Hereditaments as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties
cannot agree,
a Jury to
settle the
Value.

XXXVI. And be it further enacted, That in case the said Trustees and any Owner or Owners, or other Person or Persons interested as aforesaid cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased, then the said Trustees, or any Five or more of them, may and are hereby authorized and empowered, Six clear Days before any General or Quarter Sessions of the Peace to be holden for the County of *Suffex*, to give or cause to be given to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at the last Place of Abode of such Owners or Persons respectively, with some or one of their respective Families or Agents, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Roads, and the Places where the same shall lie, and purporting that the Value and Values of such Lands and Hereditaments respectively shall be adjusted and settled by a Jury at the said Sessions; and it shall be lawful for the Justices in Sessions assembled, upon Proof on Oath (and which Oath they are hereby empowered to administer) to them, then and there made, of such Notice or Notices having been so given, and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impanelled 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 Hereditaments comprized in the said Notices, and the Damages and Recompence to be given to the respective Owner or Owners thereof, or other Person or Persons, according to their respective Interests therein (which Oath the said Justices are hereby empowered to administer to the said Jurors), and to which said Jurors or any of them the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after proper Evidence on Oath (and which Oath it shall be lawful for the said Court to administer) to them given, concerning the Nature, Quantity, and Value of the said Lands and Hereditaments,

ditaments, shall by their Verdict assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, or other Person or Persons, according to their respective Interests; which Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall finally bind and be conclusive to and upon the said Trustees, and all Persons and Parties interested in such Lands and Hereditaments.

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

Expences of
Jury how to
be defrayed.

XXXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed or awarded to be paid for any Lands or Hereditaments to be purchased, taken, or used for the Purposes of this Act, or made for any Loss or Damages as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her or their Agent or Agents, and upon Payment thereof, or in case of incapacitated Persons, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery,

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

[*Loc. & Per.*]

41 X

in

Trustees to
fence off the
new Road.

in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be formed and completed, then the Land (not being Common or Waste 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, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by the said Trustees, and enrolled with the Clerk of the Peace for the County of *Suffex*, shall be good and effectual to all Intents and Purposes; 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 or through any Common or Waste Land), or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five 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 husbandlike 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 Nine Years from the first making thereof.

First Offer to
whom to be
made.

XXXIX. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground, not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County, (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made; shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of

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 Judgment 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.

Justices to
determine
Differences,

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

Application
of Money
above 200^l.

the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less than 200l. and not less than 20l.

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

Where under 20l.

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

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

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery,

Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments, [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest of the Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery on Motion or Petition.

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

Respecting disputed Titles.

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

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

[*Loc. & Per.*]

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XLVI. And

For getting
Materials to
repair the
Road.

XLVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, get, and take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials for amending, altering, improving or repairing the said Road, out of any Waste or Common, or out of any Common River or Brook in any Parish, Hamlet, Township or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, within the said County of *Suffex*, without paying any Thing for the same, they the said Surveyor or Surveyors or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such Common, River, or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the said County of *Suffex*, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered and carried away, or over which the same or any other Materials for amending, altering, improving or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for the said County of *Suffex*, shall and may adjudge and determine to be reasonable; which Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Notice to be
given before
Materials
taken.

XLVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take or carry away, any Materials for repairing such Roads out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting in and for the said County of *Suffex*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, the said Trustees

or such Justices may (upon Proof on Oath of the Service of such Notice and which Oath they or any of them 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 Agent had attended.

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

Penalties on taking away Materials.

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

For removing Annoyances.

L. And

Against
drawing
Timber, &c.
except on
Wheel Car-
riages.

L. And be it further enacted, That if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Dung, &c.
not to be laid
on the Sides
of the Road.

LI. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing for the Purpose of Manure, shall be unloaded or laid down from any Carriage upon any Open or Common Land lying within Twenty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Road within Two hundred Feet of the Centre of such Road, upon Pain that the Owner or Owners of every such Carriage so employed, or the Driver or Drivers thereof, shall forfeit for each and every Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

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

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

at which such Order to build, erect, or repair any such Bridge shall be made.

LIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles and Distances of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage or pull up any of the Mile Stones or Posts erected upon or near any Part of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the said County of *Suffex*, by the Confession of the Party or by the Oath of any credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds, together with all reasonable Costs and Charges of such Information for every such Offence, One Moiety of which Penalty shall be paid to the Informer, and the other Moiety applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted shall not be able or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the said County of *Suffex*, by Warrant under his Hand and Seal to commit such Person or Persons to the Common Gaol for the said County, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month unless such Penalty, Costs, and Charges shall be sooner recovered and paid.

Mile Stones
and Direction
Posts.

LIV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees and Committees of any Lands, Tenements, Rents and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge or Bridges thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent as they would have been liable and chargeable in case this Act had not been passed.

Persons liable
to repair the
Road or
maintain
Bridges to
continue so.

LV. 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 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 Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, 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

Statute
Labour.

Justices to
determine
Differences
touching
Statute
Work.

[*Loc. & Per.*]

42 A

do

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 Haytime or Harvest) and on such Parts of the said Roads, as the said Trustees 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 Proportions 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 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 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 Part of the said Roads; 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 such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound
for Statute
Work.

LVI. 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, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or 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 of the Parishes or Places in which

which the said Road lies, 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 or 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 or Treasurers 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.

LVII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the amending, widening, improving, and keeping in repair the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing entered into, pursuant to an Order made at any Meeting by such Trustees, or any Five or more of them, shall be binding on the said Trustees, and other Parties who shall sign the same, his, her, or their Successors, Executors, and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Road.

LVIII. 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 Road, or topping, lopping, or cutting any Tree, Top, Lop, 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.

For punishing Persons obstructing Surveyor in his Duty.

LIX. 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

Punishing Collectors misbehaving.

Majesty's Justices of the Peace for the said County of *Suffex*, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in default of Payment thereof shall be committed to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month.

Recovery of Penalties and Forfeitures;

and Application thereof.

LX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying and recovering whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Suffex*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said County of *Suffex*, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied.

LXI. And, for the more easy and speedy Conviction of Offenders against this Act, 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 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),

Form of Conviction.

‘ **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 County of *Suffex*, [*specifying the Offence, Time, and Place, when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal the Day and
 ‘ Year first above-mentioned.’

Proceedings not to be quashed for Want of Form.

LXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any

any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXIV. And be it further enacted, That no Action or Suit shall be commenced for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Twelve Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County of *Suffex*, and not elsewhere; and the Defendant or

Limitation of Actions.

Defendants in every such Action or Suit shall and may, at his and their Election, plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

Public Act.

LXV. 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 this Act.

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

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