



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xxxix.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from the North End of *Farnhurst Lane*, to the City of *Chichester*, and from *Chichester* aforesaid to *Delkey*, in the County of *Suffex*. [8th May 1818.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty King George the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of Two Acts of Parliament, passed in the Twenty-second Year of the Reign of King George the Second, and in the Tenth Year of His present Majesty, for repairing and widening several Roads in the County of Suffex, so far as the said Acts relate to the Road leading from the Bridge at the North End of Farnhurst Lane, through Midhurst, to the City of Chichester, and from Chichester aforesaid to Delkey, all in the said County of Suffex:* And whereas considerable Sums of Money have been borrowed upon the Credit of the Tolls authorized by the said recited Act to be taken upon the said Roads, which still remain due thereupon, and the same cannot be paid, nor can the said Roads be effectually amended and kept in Repair, unless the said recited Act be continued for a further Term; and it is expedient that the Tolls thereby granted should be increased, and several of the Powers therein contained altered and enlarged: 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 Act of the Thirty-seventh Year of the Reign of His present Majesty, and all and every the Powers, Authorities, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, 37G.3.c.148.

[Local.] 10 L Act further continued;

subject to
existing
Debts.

contained, and now in force (except such of them as are varied, altered, or repealed, or are repugnant to any of the Clauses or Provisions herein contained), shall be and continue in full Force and Effect, and be exercised and put in Execution, for and during the Term hereinafter mentioned, for repairing, improving, and keeping in Repair the said Roads, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to such Alterations and Amendments as are herein contained; and this Act and the Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Security or on the Credit or Account of the said former Act, and all Interest due and to grow due for the same respectively, except as to the Application of the additional Tolls.

New
Trustees.

II. And be it further enacted, That Sir George Hilary Barlow Baronet, Charles Baker, Sir James Brisbane K. C. B. Burnet M. D. Thomas Nixon Blagden Clerk, Stephen Barbut Clerk, George Bliss Clerk, Charles Cook Dendy, Walter Calhoun, Henry Comper the younger, Richard Fuller the younger, Thomas Fitzherbert, William Gruggen the younger, William Gadd, Charles Gatehouse, the Right Honourable William Huskisson, Edward Humphry, John Heather Hussey, the Right Honourable Charles Lennox commonly called Charles Earl of March, the Right Honourable John George Lennox commonly called Lord John George Lennox, the Right Honourable Sussex Lennox commonly called Lord Sussex Lennox, James Lucas, Charles Mitford, Henry Middleton Clerk, Richard Merricks the younger, Thomas Mills, John Murrough, Richard Bingham Newland, John Newman, Arthur Peskett, Thomas Peerman, John Price, Richard Brazier Pope, William Phillipson, John Pinnix the younger, Edward Pinnix, Atwic Pinnix, the Honourable and Reverend John William Peachey, James Powell, William Cobden Rhoades, Edward Rhoades, Harry Read, Schomberg Captain in His Majesty's Royal Navy, James Street, James Berkshire Street, William Souter of Selsey, John Souter of Selsey, Thomas Souter of Selsey, William Stubington, John Sadler, Edmund Sadler, Edmund Sadler the younger, John Scardewill, Thomas Scardewill, William Souten the younger, Henry Teesdale, Jolliffe Tufnell Clerk, William Titchenor, Alfred Gibson Utterson Clerk, William Watkins Clerk, Colonel George Wyndham, Robert Wills, Onslow Wakeford, Stephen Wise, William Woodman, Edward Wills, and James Young, shall be and they are hereby added to and joined with the surviving and continuing Trustees of the said recited Act; and the said Trustees hereinbefore named shall have the same Powers and Authorities to act in the Execution of the said recited Act and this Act, in all respects whatsoever, as the Trustees named and appointed in and by virtue of the said recited Act.

Power to ap-
point ad-
ditional
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of the said recited Act and this Act, to elect, nominate, and appoint any additional Number of Persons not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Act and this Act, and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act, as if they had been nominated and appointed such Trustees in and by this Act.

IV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Clerk shall refuse to permit or shall not permit any such Trustee or Creditor to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Trustees and Creditors.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the said recited Act and this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or if any Person being Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Act and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed.

Same Person not to be Clerk and Treasurer.

VI. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls as aforesaid, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed from Toll by such Payment.

Collectors to deliver Tickets specifying Gates freed thereby.

VII. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, shall, and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her beginning to collect such Toll, or coming on Duty, each of the Letters of such Names to be at least One Inch in Length, and of a Breadth in proportion, and shall continue the same so placed during the whole of the Time he or she shall collect such Toll, or be upon such Duty; and if any Collector of such Tolls shall not place such Board as aforesaid, and keep the same there

Regulations as to Toll Collectors.

there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment; or shall unnecessarily detain any Passenger or Passengers, or Traveller or Travellers, or shall make use of scurrilous or abusive Language to any Passenger or Traveller; then and in every such Case such Toll Collector shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed by virtue, or in execution of this Act in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

New Tolls to
be taken in
lieu of the
former.

VIII. And be it further enacted, That until some Order or Direction to the contrary shall be made or given by the said Trustees, at a Meeting to be holden under or by virtue of this Act, the Tolls and Duties granted and made payable by the said recited Act shall continue to be collected; and that, after such Order shall be made or given, the same shall cease and determine, and from thenceforth in lieu thereof the several Tolls herein-after mentioned shall be demanded and taken at each of the respective Toll Gates, Turnpikes, and Side Gates continued or erected by virtue of this Act, by such Person or Persons as the said Trustees or their Lessees for the Time being shall from Time to Time appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Chaise, Hearse, Curricule, Gig, or other Carriage, the Sum of Nine-pence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Ass laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Cows, Calves, or other Neat Cattle, the Sum of One Shilling and Eight-pence; and so in proportion for a greater or less Number:

For every Score of Sheep, Lambs, Hogs, or Swine, the Sum of Ten-pence; and so in proportion for a greater or less Number:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than an Inch from a flat Surface, the Sum of Five-pence; and for every Ass drawing any such Carriage, the Sum of Two-pence Halfpenny:

For

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such Surface as aforesaid, the Sum of Sixpence; and for every Ass drawing any such Carriage, the Sum of Three-pence:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, the Sum of Eight-pence; and for every Ass drawing any such Carriage, the Sum of Four-pence;

Which said respective Tolls or any of them shall not be increased in respect of narrow Wheels by the Provisions of any former Act or Acts of Parliament now in force.

And the said Tolls or Duties by this Act granted and made payable as aforesaid, shall be and are hereby vested in the said Trustees for the Time being for carrying the said recited Act and this Act into Execution, and shall be received and taken at such Toll Gates, Turnpikes or Side Gates, as the said Trustees shall from Time to Time think proper, and shall order and direct; and shall be recovered, levied, paid, leased, mortgaged, altered, applied, disposed of, and assigned, in such Manner, and with and under such Limitations and Restrictions, as the Tolls and Duties granted by the said recited Act are thereby authorized and directed to be received, paid, levied, leased, mortgaged, altered, applied, disposed of, and assigned, except as by this Act is otherwise particularly directed; provided, that Waggon and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privilege and Exemption granted thereby: Provided always, that no more than Two full Tolls shall be demanded or taken from any Person or Persons passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates or Turnpikes to be continued, erected, or provided by virtue of this Act, in the whole Length of the said Road from the Bridge at the North End of *Farnhurst Lane* to the City of *Chichester* aforesaid; and that no more than One full Toll shall be demanded or taken from any Person or Persons passing and repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates or Turnpikes to be continued, erected, or provided by virtue of this Act, in the whole Length of the said Road from *Chichester* to *Delkey* aforesaid; but that all and every Person and Persons having paid the said Two Tolls or One Toll (according to the Circumstances), and producing a Ticket or Tickets denoting the Payment thereof (which Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of such Tolls), shall pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, Once on such Day, through all the Toll Gates or Turnpikes to be continued, erected, or provided in such several Parts or Divisions of the said Roads as last aforesaid.

IX. Provided always, and be it further enacted, That no Person or Persons who shall have paid the Toll or Duty for passing through any of the said Turnpikes or Toll Gates, shall be liable to pay any Toll or Duty

[Local.]

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Tolls to be paid only once for passing and repassing on the same Day.

for repassing through the same Turnpike or Toll Gate with the same Horses, Cattle, Beasts, and Carriages, the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, such Person producing a Ticket denoting the Payment of such Toll, which Ticket the Collectors of the Tolls are hereby required to give *gratis* upon the Payment of such Toll; but that all and every Person or Persons who shall have passed and repassed once in the same Day through the same Turnpikes or Toll Gates as aforesaid, shall remain and be subject and liable to the Payment of the same Toll or Duty for every Time such Horses, Cattle, Beasts, or Carriages, shall afterwards pass and repass through the same Turnpike or Toll Gate during the same Day; any Thing herein contained to the contrary notwithstanding.

Exemptions
from Toll in
former Act
repealed, and
others given.

X. And be it further enacted, That from and after the Commencement of this Act all Exemptions from Toll granted and allowed by the said recited Act shall cease and be no longer allowed, and in lieu thereof the several Exemptions from Toll hereinafter mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the said Roads, when employed in carrying or conveying Stone, Bricks, Timber, Wood, Heath, Gravel, or other Materials, to be used in or about the said Roads, or any of the Highways in the Parishes, Townships, Districts, or Places, which are liable to perform Statute Duty upon the said Roads, or returning empty when so employed, or when employed in carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, nor going to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns, and Yards, or on the Lands of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands, or any Dung, Compost, or other Manure, (except as next hereinafter is provided) to be used or laid upon Lands, or returning empty when so employed: Provided that Horses and Carriages employed in the Conveyance of Lime, Limestone, Chalk, and Marl, to be used as Manure, shall be subject to Toll between the First Day of *October* and the First Day of *May*, but shall be exempt from Toll between the First Day of *May* and the First Day of *October* in every Year; nor for any Horses, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes, Townships, Districts, or Places, or any of them; nor for any Horses, Mules, Asses, Cattle, Sheep, Lambs, or Hogs going to or returning from Pasture in the Commons or other Grazing Grounds, or Watering-places, or Blacksmiths Shops to be shod or farried, or having been shod or farried; nor for any Horse or other Beast of Draught or Carriage, employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty having been so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other Parochial or Ministerial Duty, or by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places, who shall pass through the said Turnpikes or Toll Gates to or from his, her, or their proper Parochial Church or Chapel, or any other

other Place of Religious Worship tolerated by Law, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or on returning from conveying the same; or for the Horses of Soldiers on the March or on Duty; or Carriages, or Horses or other Beasts employed in carrying the Arms or Baggage of any such Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or for the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; nor for any Horse, Cattle, Beast, or Carriage going with any Elector or Electors to vote, or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Suffex*, on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever whereby the Payment of any of the said Tolls or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied for the Purposes of the said recited Act and this Act.

XI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, 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 Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, 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 Act contained, to the contrary notwithstanding.

Carriages on His Majesty's Service not to be subject to Regulation for Overweight.

XII. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping

For settling Disputes concerning Tolls.

keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Power for
Surveyor to
get Materials,
repealed.

XIII. And be it further enacted, That so much of the said recited Act as authorizes the Surveyor to be appointed as in the said Act mentioned, and such other Person or Persons as shall be employed by such Surveyor, to cut, gather, dig, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper or convenient for repairing the said Roads, in, upon, out of, and from any Lands or Grounds therein mentioned, and as respects the making of Compensation and Satisfaction for the Damages occasioned thereby, shall be and the same is hereby repealed and declared void.

Power for
Surveyor to
get Materials.

XIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for the repairing of the said Roads, out of or from any Common or Waste Grounds, common Rivers and Brooks, in any Parish, Township, or Place in or through which the said Roads lie or pass, or any adjoining Parish or Township; such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can conveniently be had in such Commons or Waste Grounds, common Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away such Materials as aforesaid in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township, or Place in or through which the said Roads lie or pass, or any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Paddock, or a Plantation, or a Nursery for Trees; making such Satisfaction for such Materials, and for the Damage done to the Owners and Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, Commons, Rivers or Brooks, or private Grounds, shall be conveyed, as any Two Justices of the Peace within their respective Jurisdictions shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

But not from
inclosed
Grounds,
without an
Order of
Two Justices.

XV. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons, under Authority of the said recited Act or this Act, to dig, gather, take, and carry away any Materials for repairing and mending the said Roads, in or from any inclosed or private Grounds or Quarries, without the Consent of the Owners of such Grounds

Grounds or Quarries, until after Ten Days previous Notice in Writing, signed by the Surveyor or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before Two or more Justices of the Peace acting for the County or District wherein such Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away any such Materials, at such Time or Times, and in such Manner, as to such Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

XVI. And be it further enacted, That so much of the said recited Act as provides that no Alteration shall be made in the said Roads, by which the same shall be made to deviate from the present Line thereof, for more than One Mile in Length, without the previous Consent and Approbation in Writing of at least One Third Part in Number of all the Trustees for the Time being who have acted in the Execution of the same Act, shall be and the same is hereby repealed.

Restriction against altering the Road without Consent of One-third of the Trustees, repealed.

XVII. Provided always, and it is hereby enacted, That nothing in the said recited Act or this Act contained shall authorize the said Trustees or any of them to alter the Line or Direction of the Roads comprized in the said recited Act and this Act, so as to deviate more than One hundred Yards from the present Line or Direction of such Roads, without the previous Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall for the Time being be seised or possessed of the Lands or Tenements through which such Deviation shall be made.

Trustees not to deviate more than One hundred Yards from the present Road.

XVIII. And be it further enacted, That the principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of the said recited Act and this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances

Application of Money if amounting to 200l.

[Local.]

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or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner, as the Lands and Hereditaments which shall be so purchased; taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

Where less
than 200l.
and above
20l.

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, or 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 or Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising therefrom may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less
than 20l.

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees

shall

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.

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

Purchase Money to be paid into the Bank of *England* in certain Cases.

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

Where any Question shall arise as to the Title to Money.

XXIII. Pro-

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

XXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or as much of such Expences as to the said Court shall seem reasonable, together with all necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute
Work.

XXIV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads shall be and the same is hereby repealed, and from and after the Commencement of this Act all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing or amending the said Roads or any Part or Parts thereof, shall still remain liable thereto; and it shall be lawful for Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered (upon Application made to them for that Purpose by the said Trustees or their Clerk or Surveyor, or by the respective Surveyors of the Highways of any Parish, Township, or Hamlet through which the said Roads pass), yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Parish, Township, or Place respectively, in lieu of or as a Composition for such Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Twenty Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for 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 for the Repair of the Public Highways; and out of such Lists such Justices shall and 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 a Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject or liable to the
Payment

Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, or Place, to be by him or them paid 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 and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited 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 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 for the Repair of Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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 Ten Pounds.

XXV. And be it further enacted, That if any Person or Persons shall take or carry away any of the Scrapings collected from the said Roads by the Surveyor or any Person employed by him, or shall scrape the said Roads or any Part thereof, and carry away such Scrapings, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay any Sum not exceeding Twenty Shillings; and if any Person or Persons shall offend again in like Manner, every Person so offending again, and being lawfully convicted thereof, shall for every such Second or subsequent Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on taking away Scrapings collected by Surveyors.

XXVI. And be it further enacted, That if any Person or Persons shall ride upon any Footway adjoining the Roads by this Act authorized to be repaired, or shall lead or drive any Horse, Ass, Cattle, Sheep or Swine, or any Carriage, on such Footway, or shall cause any Damage to be done thereto, or shall put or turn any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind into or upon the said Roads or the Sides thereof; or if any Horse, Ass, or Sheep, Swine, Beast or other Cattle, shall be found trespassing on the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, Plough, or other Instrument

Penalty on damaging Footways, or causing Nuisances or Obstructions on the Road.

[Local.]

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ment of Husbandry, in or upon the said Roads or the Sides thereof, either with or without any Horse or Beast of Draught harnessed or yoked thereto (except in case of Accidents), or for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to one Side of the Road as conveniently may be; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, or Firework whatsoever on any Part or Parts of the said Roads, or play at Football thereon; every Person so offending, or the Owner of such Cattle so found trespassing, shall forfeit and pay for the First Offence a Sum not exceeding Forty Shillings, and for the Second and every subsequent Offence a Sum not exceeding Five Pounds.

Windmills.

XXVII. And be it further enacted, That no Windmill shall be erected within the Distance of Two hundred Yards from any Part of the said Roads.

Gates not to swing into the Road.

XXVIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads shall be made and hung to open inwards toward such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, or may hereafter be erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inwards, as the said Trustees shall think proper; and if any Occupier or Occupiers of Land upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For securing transient Offenders.

XXIX. And whereas Offences may be committed against the said recited Act or this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they, any or either of them, shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County where such Offence or Offences shall be committed.

Power to compound for Penalties.

XXX. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for Breach or Non-performance of any Contract or Contracts entered into, it shall and may be lawful for the said Trustees from Time to Time to compound or agree for the same, for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of the Penalty or Penalties; but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach

Breach or Non-performance of any Contract, and all the Coſts, Charges, and Expences which ſhall be occaſioned thereby.

XXXI. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, with lawful Intereſt upon any Sum or Sums of Money which ſhall be borrowed or advanced for the Payment thereof, ſhall be paid out of the Money already collected or received, or to be collected or received by virtue of the ſaid recited Act and this Act upon the ſaid Roads, in preference to all other Payments whatſoever. Expences of this Act.

XXXII. 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. Public Act.

XXXIII. And be it further enacted, That this Act ſhall commence and take Effect upon the Day the ſame ſhall receive the Royal Aſſent, and ſhall be and continue from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

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