ANNO PRIMO

GEORGII IV. REGIS.

Cap. xliv.

An Act to enlarge the Term and Powers of several Acts for repairing and widening the Roads from *Milford*, in the County of *Surrey*, through *Petworth*, to the Top of *Dunckton Hill*, and from *Petworth* to *Stopham Bridge*, in the County of *Sussex*. [30th *June* 1820.]

WHEREAS an Act was made in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in Repair the Roads leading from the Village of* Milford, *in the County of* Surrey, *through* Petworth, *to the Top of* Dunckton Hill, *and from* Petworth *to* Stopham Bridge, *in the County of* Sussex: And whereas another Act was made in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Thirtieth Year of the Reign of His late Majesty, for amending, widening, and keeping in Repair the Roads leading from the Village of* Milford, *in the County of* Surrey, *through* Petworth, *to the Top of* Dunckton Hill, *and from* Petworth *to* Stopham Bridge, *in the County of* Sussex: And whereas another Act was made in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter the Powers of Two Acts, made in the Thirtieth Year of the Reign of His late Majesty, and the Fifth Year of the Reign of His present Majesty, for amending the Roads leading from the Village of* Milford, *in the County of* Surrey, *through* Petworth, *to the Top of* Dunckton

30 G. 2. c. 50.

5 G. 3. c. 57.

39 & 40 G. 3. c. 9.

Dunckton Hill, *and from* Petworth *to* Stopham Bridge, *in the County of* Sussex: And whereas the Trustees appointed under and by virtue of the said several Acts have made considerable Progress in the Repair and Improvement of the said Roads, and have borrowed and taken up at Interest considerable Sums, on the Credit of the Tolls granted by the said several Acts, great Part of which still remains due: And whereas the Road leading from the Top of *Dunckton Hill*, in the Parish of *Dunckton*, to *Sebbage Gate*, at the Boundary of the Parishes of *Eartham* and *Boxgrove*, in the said County of *Sussex*, is very incommodious, and it would be of great public Utility if the same were widened and repaired, and put under the Care and Management of the said Trustees; but such Improvement cannot be effected, nor can the Sums now remaining due on the Credit of the Tolls granted by the said Acts be repaid, unless the Term thereby granted be further extended, the Tolls increased, and additional Powers be granted to the Trustees under the said Acts: 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, and the several Clauses, Powers, Penalties, Forfeitures, Matters and Things therein contained (except such as are varied, altered or repealed), shall, together with this present Act, be put in Execution during the Term herein-after mentioned, as well with respect to the new Road before mentioned, and hereby authorized to be made, as with respect to the said Roads comprized in the said recited Acts, in like Manner and as fully and effectually in all Respects, and to all Intents and Purposes, as if the said several Clauses, Powers, Penalties, Forfeitures, Matters, and Things contained in the said recited Acts were repeated and re-enacted in the Body of this present Act; which said additional Term, and likewise the Tolls hereby granted, shall be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, and also of all further Sums which may be borrowed and become due on the Credit of the said Acts and this Act, and of the Interest due or to grow due for the same respectively.

Acts continued.

Magistrates of Surrey and Sussex to be Trustees.

II. And be it further enacted, That His Majesty's Justices of the Peace acting for the Counties of *Surrey* and *Sussex*, shall be and they are hereby added to and joined with the Trustees for executing the said Acts and this Act, and shall have such and the like Powers and Authorities for carrying the same into Execution, and shall be subject and liable to the like Rules and Regulations as the other Trustees.

Power to appoint Ten additional Trustees.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof at least Fourteen Days Notice shall be given in Manner directed by the said first-recited Act, respecting the Appointment of Trustees on Vacancies), to elect, nominate and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees of the said Roads for the Purposes of the said Acts and this Act, in addition to the Trustees already nominated or appointed.

Repeal of Qualification of Trustees.

IV. And whereas it is by the said first-recited Act enacted, that no Person shall act as a Trustee in the Execution thereof, unless he shall be possessed of Lands, Tenements, or Hereditaments, or of an Annuity issuing out of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate of the yearly Value of Two hundred Pounds, or shall be possessed of or entitled unto a Personal Estate, or Real and Personal Estate together, to the Amount of One thousand Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the same shall be and is hereby repealed.

Qualification of Trustees.

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

Trustees to take an Oath.

VI. And be it further enacted, That every Trustee appointed by virtue of the said Acts or to be elected and appointed by virtue of the said Acts and this Act, before he shall act as such (except in administering the Oath herein-after mentioned), shall take and subscribe an Oath before Two or more of the said Trustees, (who are hereby empowered to administer the same), in the Form or to the Effect following; (that is to say),

'I *A. B.* do swear, That I am in my own Right, [*or*, in the Right of my Wife], truly and *bonâ fide* seised or possessed of, or in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am Heir Apparent of a Person truly and *bonâ fide* seised or possessed of, or in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*or*, am truly and *bonâ fide* possessed of a clear Personal Estate, or Real and Personal

Estate

'Estate together, of the Amount or Value of Four thousand Pounds]; 'and that I will truly and faithfully execute the Powers and Trusts 'reposed in me by Four Acts of Parliament, passed in the Thirtieth 'Year of the Reign of His late Majesty King *George* the Second, and 'the Fifth, Thirty-ninth and Fortieth Years of the Reign of His late 'Majesty King *George* the Third, and the First Year of the Reign of 'His Majesty King *George* the Fourth, intituled [*here set forth the Titles 'of the said Acts.*] So help me GOD.'

Trustees holding Places of Profit not to act.

VII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Acts and this Act during the Time he shall hold any Place of Profit, or be interested or concerned in any Contract or Contracts under the said Acts and this Act; but that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by the said Acts and this Act, or receiving Interest thereout for the same, shall be on that Account deemed unqualified to act as a Trustee in the Execution of the said Acts and this Act, or to act as a Justice of the Peace in the Execution of the said Acts and this Act, or in any Matter relating to or concerning the said Roads.

Victuallers not to be Officers, or act as Trustees.

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

Repeal of Provision for alternate Meetings.

IX. And whereas it is by the said first-recited Act enacted, that the Trustees of the said Roads, after their Two First Meetings, shall hold Two Meetings at *Petworth*, and One at *Chiddingfold*, as often as it shall be necessary for the putting the same Act in Execution: And whereas the said Provision hath been found inconvenient, be it therefore enacted, That the same shall be and is hereby repealed.

Three Meetings to be at Petworth and One at Chiddingfold.

X. And be it further enacted, That from and after the passing of this Act, the Trustees of the said Roads shall always hold Three consecutive Meetings at *Petworth*, and afterwards One Meeting at *Chiddingfold*, and so in perpetual Succession.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk to the said Trustees, upon an Order in Writing signed by Two or more of the said Trustees,

to appoint the Time and Place, and to mention the Purpose of an intended earlier Meeting, and to give Notice thereof, (such Meeting not being less than Seven Days after such Notice), by Writing to be affixed on all the Toll Gates then erected upon or across the said Roads, and to be inserted in some one Newspaper circulated in the Counties of *Surrey* and *Sussex*, and such earlier Meeting shall and may be held accordingly, and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees, or the Majority of those present at any Meeting held in pursuance of the said Acts and this Act are hereby empowered to make, do, and execute all necessary Orders, Determinations, and Agreements, Acts, Proceedings, Matters, and Things, in the Execution of the said Acts and this Act; and no such Order, Determination, Agreement, Act, Proceeding, Matter, or Thing shall be made, done, or executed, unless the Majority of the Trustees present at such Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make, do, or execute the same; and no such Order, Determination, Agreement, Act, Proceeding, Matter, or Thing shall be revoked or altered at any subsequent Meeting, unless special Notice shall be given at least Twenty-one Days before, in some public Newspaper usually circulated within the said Counties of *Sussex* and *Surrey*, of the Intention to apply to revoke or alter the same, nor unless a greater Number of Trustees shall concur in the Revocation or Alteration thereof than concurred in the making of the same.

Chairman to have a casting Vote.

XII. Provided always, and be it enacted, That at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting, upon any Question, including the Vote of the Chairman, then and in every such Case it shall and may be lawful for the Chairman to give the decisive or casting Vote, and at all their Meetings the said Trustees shall defray their own Expences.

All Acts may be done by the Majority of Trustees, unless otherwise directed.

XIII. And be it further enacted, That all Orders, Lettings of Tolls, Leases, Agreements, Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Acts and this Act, may be made, done, and executed by the Majority of the Trustees already elected, nominated, or appointed, or who shall hereafter be elected, nominated, or appointed under the said recited Acts and this Act, present at their respective Meetings, the whole Number present not being less than Three; and all Orders, Lettings of Tolls, Leases, Agreements, Acts, Proceedings, Matters, and Things so made, done, or executed by any such Three or more Trustees, shall be as good, valid, and effectual as if the same had been made, done, or executed by all the Trustees of the said Roads, except only in Cases in which the same are by this Act particularly directed to be made, done, or executed by any greater Number; and all Orders, Lettings of Tolls, Leases, Agreements, Acts, and Proceedings under the Hands only of the said Trustees shall be as valid and efficacious as if the same were under their Hands and Seals.

Repeal of Provision for verifying Ac-

XIV. And be it further enacted, That so much of the said Act passed in the Thirtieth Year of the Reign of His late Majesty King *George* the

counts on Oath.

the Second, as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Acts or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Orders to be entered in a Book.

XV. And be it further enacted, That all Orders and Proceedings made and signed by the Trustees at any Meeting shall be afterwards 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 the Chairman of such Meeting, and shall then be deemed original Orders and Proceedings; which Book or Books, and also the Book or Books by the first-recited Act directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted in all Courts whatever, as full and sufficient Evidence and Proof of the Orders, Proceedings, Instruments and Transactions therein entered or registered, and every of them.

Accounts to be kept of Receipts and Disbursements.

XVI. 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 the said Acts and 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 any 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 granted by the said Acts and this Act, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or 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 said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner by this Act directed.

Trustees may appoint temporary Collectors, &c. in certain Cases.

XVII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence, Removal, or Discharge of any Collector or Receiver of Tolls, at any Toll Gate, or in case a Collector or Receiver of Tolls at any Toll Gate shall not have been appointed, it shall be lawful for any Three or more of the said Trustees, though not assembled at any General Meeting, by Writing under their respective Hands, to nominate and appoint a proper Person to be Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as if such Person had been duly appointed at a General Meeting of the said Trustees; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees or otherwise, or the Wife or Widow, or any of the Children, Family, or Representatives, or any Servant or Agent of any Collector or

Receiver who shall die, become incapable, abscond, absent himself, or be removed or discharged, or any other Person having the Possession of any Toll Gate, Toll House or Buildings, erected or set up, or to be erected or set up by virtue of the said Acts or this Act, shall refuse or neglect to deliver up the full and entire Possession of the same, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, or by their Clerk or Treasurer; or shall refuse or neglect, immediately on such Demand made and Notice in Writing given, to deliver up such Toll Gate unto, and to admit into such Toll House any Person who may be appointed to receive the said Tolls; then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County in which such Toll Gate, Toll House or Buildings shall be situate, 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 Toll Gate, Toll House, or Buildings, in the Day-time, and to remove the Person or Persons who shall be found therein or in Possession of the same, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any one or more of them, or any one or more of their Officers, into the Possession thereof.

Clerk restrained from acting as Treasurer, and vice versâ.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any of them, or if any Person being the 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 Acts and this Act, or any of them, 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, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

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

XIX. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Matter or Thing regarding or relating to the said Acts or this Act, or the said Roads or any of them, in the Name of any one of the said Trustees, or in the Name of their Clerk or Treasurer for the Time being; and that no Action or Suit, brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of any one of the said Trustees or their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Trustee, Clerk, or Treasurer, or by the Act of any such Trustee, Clerk, or Treasurer, without the Consent of the said Trustees, but that one of the said Trustees, or the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed to be

Plaintiff

How Expences of Suits to be paid.

Plaintiff or Defendant as the Case may be, in every such Action: Provided always, that every such Trustee, Clerk, or Treasurer in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by reason or in consequence of any such Action or Suit he shall pay, bear, expend, incur, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to erect Toll Gates on new Road.

XX. And be it enacted, That the said Trustees shall and may erect or cause to be erected such and so many Turnpikes or Toll Gates, in, upon, or across that Part of the said Roads which extends from *Petworth* to *Sebbage Gate* aforesaid, or on the Sides thereof, and in, upon, or across any Street, Lane, or Bye Way that shall lead into or out of the same, as they the said Trustees shall think proper and expedient, and also shall and may erect or otherwise provide a Toll House to every or any of such Turnpikes or Toll Gates, with suitable Buildings and other Conveniences thereto, and inclose, from the Sides of the said Roads, convenient Gardens for the same.

Toll Houses, &c. vested in Trustees.

XXI. And be it further enacted, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Mile Posts, Mile Plates, Posts, Rails, and Fences, which have been or shall be erected and provided in pursuance of the said Acts and this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and the Materials of which the same shall consist, and all Materials which shall be provided for repairing the said Roads, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute, or order and direct the preferring and prosecuting of any Informations or Indictments, or other Proceedings, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, cast or throw away, spoil, destroy, injure, or damage any of the Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Mile Posts, Mile Plates, Posts, Rails, or Fences, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials aforesaid, stating the Property therein to be in their Clerk or Treasurer.

Power to remove Toll Gates.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, as they shall think proper, to cause any of the Turnpikes or Toll Gates which now are or hereafter shall be erected, in, upon, or across or on the Side or Sides of the said Roads, to be removed and placed upon such other Part or Parts of the said Roads, or on the Side or Sides thereof, as the said Trustees, or any Five or more of them, shall from Time to Time order or direct; provided that none of the said Turnpikes or Toll Gates shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same shall have been given in one or more of the Newspapers published within the Counties of *Surrey* and *Sussex*, and also

also affixed in Writing upon all the Toll Gates then standing upon the said Roads; any thing in the said recited Acts, or either of them, contained, to the contrary notwithstanding.

Former Tolls repealed and others granted.

XXIII. And whereas the Tolls granted by the said first-recited Act have been found inadequate to keep the said Roads in Repair, be it therefore enacted, That from and after the Twenty-fifth Day of *March* One thousand eight hundred and twenty-one, the said Tolls, and likewise all Exemptions therefrom, under the said recited Acts, shall be and the same are hereby repealed; and that instead of the Tolls aforesaid, the Tolls following shall and may be demanded and taken, upon and from and after the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-one, at each and every of the Turnpikes or Toll Gates erected or to be erected on the said Roads, or on the Sides thereof, before any Horse or other Beast, Cattle, or Carriage whatsoever, or other Animal or Thing upon which any Toll is by this Act imposed, shall be permitted to pass through the same, except as herein-after provided; (that is to say),

Tolls.

For each and every Horse, Mule, Ass, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Hearse, Chaise, Chair, Curricle, Gig, Waggon, Wain, Timber Frame, Cart, Frame, Dray, or other Carriage or Vehicle of whatsoever Description, with Wheels of any and every Breadth, when drawn by more than One Horse, Mule, Ass, or other Beast, the Sum of Four-pence Halfpenny; and when drawn by One Horse, Mule, Ass, or other Beast, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

Provided, that Two Oxen drawing shall be considered as One Horse drawing, and shall pay Toll accordingly; and so in Proportion for any greater or less Number.

Which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be collected, paid, applied, assigned, and disposed of in such and the like Manner, to all Intents and Purposes, as by the said recited Acts is prescribed with respect to the Tolls thereby granted and continued; and which said respective Tolls hereby granted shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time authorize or appoint to receive the same; and if any Person or Persons subject to the Payment of such Tolls, or any of them, shall after Demand thereof made by any Collector or Collectors, or other Person or Persons authorized to receive the same, neglect or refuse to pay the said Tolls or any of them, or any Part thereof, it shall be lawful for the said Collector or Collectors, or other Person or Persons so authorized, with such Assistance as may be deemed necessary, to seise and distrain any Horse or Beast upon which any Toll is by this Act imposed, or any Carriage or Vehicle drawn by any such Horse or Beast, with any of the Loading, Harness, or Accoutrements thereof respectively, except the Bridle or Reins of any Horse or Beast separate from such Horse or Beast; and if such Tolls, and the reasonable Costs of such Distress and

keeping the same, shall not be paid within the Space of Four Days after the Day of taking such Distress, the Person or Persons distraining shall and may at any Time or Times thereafter sell the Horse or Beast, Carriage, or Vehicle, Loading, Harness or Accoutrements so distrained, or a sufficient Part thereof, and out of the Money which shall arise by such Sale, pay and retain such Tolls, and all reasonable Charges of taking, distraining, keeping, and selling such Distress, returning the Overplus (if any) of the said Money, and what shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

Tickets to be provided.

XXIV. And be it further enacted, That upon Payment of the Tolls by this Act granted, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees, or under their Authority, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

No Toll to be paid again within a certain Distance.

XXV. Provided always, and be it enacted, That in case any Toll shall have been paid for or in respect of any Horse or Beast, at any Two Toll Gates erected or to be erected on the said Roads, between *Petworth* Church Yard and *Milford*, then and in such Case no Toll shall be demanded or taken for the same Horse or Beast for once passing or returning on the same Day through the same or any other Toll Gate upon the said Roads between *Petworth* Church Yard and *Milford*; and that in case any Toll shall have been paid for or in respect of any Horse or Beast at any Two Toll Gates erected or to be erected on the said Roads between *Petworth* Church Yard and *Sebbage Gate*, then and in such case no Toll shall be demanded or taken for the same Horse or Beast for once passing or returning on the same Day through the same or any other Toll Gate upon the said Roads between *Petworth* Church Yard and *Sebbage Gate*; and that in case any Toll shall have been paid for or in respect of any Horse or Beast at any one Toll Gate erected or to be erected on the said Roads between *Petworth* and *Stopham Bridge*, then and in such case no Toll shall be demanded or taken for the same Horse or Beast for once passing or returning on the same Day through the same or any other Toll Gate upon the said Roads between *Petworth* and *Stopham Bridge*, so that a Ticket or Tickets denoting such respective Payments be produced at every Toll Gate where such Exemption shall be claimed; and each Day shall be computed from Twelve of the Clock in one Night unto Twelve of the Clock in the succeeding Night.

Gate clearing another.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, at any Time to order or direct that the Notes or Tickets which shall be delivered on Payment of Toll at any Toll Gate or Toll Gates then standing on the said Roads, shall enable the Person receiving the same to pass Toll-free on the same Day, with the same Horse or Beast, through any other Gate or Gates on the said Roads; and the said Trustees shall and may revoke or alter any such Order or Direction, and renew the same as often as they shall think proper.

XXVII. And

For settling Disputes concerning Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen respecting the Amount of the Tolls due at any Toll Gate, or whether any Toll shall be due or not, or respecting the Charges of taking, detaining, keeping, or selling any Distress for Toll, then and in every such Case the Amount of the Tolls due (if any), and of the Charges of taking, detaining, keeping, or selling the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County where such Toll Gate shall be situate, and any such Justice, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due (if any), or that no Tolls are due (as the Case may be) and other Matters in Dispute between the Parties, and shall award such Costs and Charges to be paid by either Party to the other as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party adjudged to pay the same, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, and the Overplus (if any), after deducting the Costs of making such Distress and Sale, shall be rendered on Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

To prevent Evasion of Tolls.

XXVIII. And be it further enacted, That if any Person or Persons shall with any Horse or other Beast, drawing or not drawing, in order to avoid Payment of the said Tolls or any of them, or any Part or Parts thereof, pass through any Land or Ground adjoining to or lying near any Turnpike or Toll Gate erected or to be erected by virtue of the said Acts or of this Act (except the Owner or Occupier of any such Land or Ground, or any of his, her, or their Family or Servants); or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (except as aforesaid) with any Horse or other Beast to pass through the same with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person other than the Collector of such Tolls, or forge or counterfeit any Ticket by this Act directed or authorized to be given by the Collectors of the said Tolls; or shall pass through any Turnpike or Toll Gate with any Horse or other Beast liable to Toll, without Payment of Toll; or shall take off any Horse or other Beast from any Carriage, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof; or shall leave or cause to be left upon or near to any Part of the said Roads, any Carriage, or any Horse or other Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Exemption for Royal Family.

XXIX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family.

Exemptions from Toll.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horse or other Beast drawing any Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the

the Sides of the said Roads, carrying or conveying only Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be used on or about the said Roads, or for repairing any of the Highways in the Parishes, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Roads, or in their Way to or on their Return after having been so employed; nor for any Horse or other Beast drawing any Carriage employed in carrying or conveying only Hay not having been stacked, or only Straw or Corn in the Straw, not sold or disposed of, or passing to be sold or disposed of, going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or drawing, carrying or conveying only Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands carried from one Part to another of Lands occupied by the same Person or Persons, or in carrying or conveying only Mould, Dung, Ashes, Soil, Lime or Compost (except Chalk) for the manuring of Lands, or on their Way to or on their Return after having been so employed; nor of or from any Rector, Vicar, or Curate going to or returning from performing his Duty at any Church or Chapel, or to or from visiting any of his sick Parishioners; nor of or from any other Person or Persons passing through any of the said Turnpikes or Toll Gates to or from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Districts or Places; nor for any Horse or other Beast kept within such Parishes, Districts, or Places going to or returning from Work in cultivating Lands therein; nor for any Horse or other Beast going to or returning from Water or Pasture, or going to or returning from being shoed or farried; nor for any Horse, Beast, or Carriage, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor for the Horses of Officers and Soldiers on their March or on Duty; nor for Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any wounded or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, or any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all 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, and not otherwise; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle or Beasts drawing the same, which shall be employed in conveying any Ordnance or Barrack or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse, Beast, or Carriage going to or returning from any Election of a Knight of the Shire to serve in Parliament for either of the said

said Counties of *Surrey* and *Sussex*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of the Exemptions aforesaid, or any of them, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt any Carriages or Horses or other Beasts from Toll, which shall be drawing or carrying any Lime or Limestone, not made or gotten in any of the Parishes, Townships, or Places on the said Roads, in which the same shall be used, unless the said Trustees, or any Three or more of them, by Writing under their Hands, shall order such Exemption, and for so long Time only as they shall order the same.

Carriages employed in His Majesty's Service not to be subject to the Regulations for Overweight.

XXXI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart or other Carriage while so employed be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Cattle; 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, Oxen, or other Beasts to such Waggon, Wain, Cart or other Carriage; any thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXXII. Provided always, and be it further enacted, That every Waggon, Wain, Cart or other such Carriage, having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to, and have and enjoy the Privileges and Exemptions granted by the same Act.

Tolls may be lessened.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time when and as often as they shall think proper, to lessen or reduce all or any of the Tolls which shall be payable at all or any of the Toll Gates erected or to be erected by virtue of the said Acts and this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof shall be affixed in Writing against all the Toll Gates then erected across the said Roads, and also inserted in one or more of the Newspapers published or generally circulated in the Counties of *Surrey* and *Sussex*.

Punishing Collectors misbehaving.

XXXIV. And be it further enacted, That every Toll Collector, whether appointed by the said Trustees, or by any Lessee or Lessees under them, shall

shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of this Act, 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, after having paid the Tolls legally due, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

Collectors declared not to be incompetent Witnesses.

XXXV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent, on account of his being appointed to collect such Tolls, or on account of his acting under such Authority, to give Evidence in any such Dispute, Suit, or Litigation.

Interest on Money borrowed to be increased.

XXXVI. And whereas by the said first-recited Act the Rate of Interest on Money to be borrowed for the Purposes of the said Acts is limited to Four Pounds *per Centum per Annum*: And whereas there is a considerable Arrear of Interest due to the Persons who have lent Money on the Credit of the Tolls thereby granted; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, as soon as all Arrears of Interest now due are paid off and discharged, to order and direct that as well all and every Sum and Sums of Money already borrowed as all and every Sum and Sums of Money to be borrowed on the Credit of the said Acts and this Act, shall from the passing of this Act bear Interest at any Rate not exceeding Five Pounds *per Centum per Annum*, and the same shall thereafter bear Interest accordingly, any thing in the said first-recited Act to the contrary notwithstanding.

Allowing an Action of Ejectment to

XXXVII. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said Act of the Thirtieth Year of the Reign of His late Majesty King *George* the Second, or this Act, shall seek

to obtain the Possession of the Toll Gates, Toll Houses, or Buildings erected or to be erected on the said Roads, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Toll Houses, Buildings, and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

be supported by one Mortgagee.

XXXVIII. And be it further enacted, That it shall and may be lawful for the Trustees appointed in or by virtue of the said recited Acts or this Act, and they are hereby authorized and empowered to make, widen, and repair the before-mentioned new Road, from the Top of *Dunckton Hill* to *Sebbage Gate* aforesaid, in the Course and Direction particularly described in the Plan herein-after mentioned; and that the Lands and Hereditaments which shall be taken by the said Trustees for the Purpose of making, widening, and repairing the same, (Satisfaction being first made to the respective Owners of such Lands and Hereditaments, and Persons interested therein), shall be for ever thereafter deemed a common Highway, to all Intents and Purposes, and be repaired and kept in Repair by the Parishes, Townships, or Districts through which the same shall pass, in like Manner as the Highways in general within such Parishes, Townships, or Districts respectively are required by Law or legal Prescription to be repaired and kept in Repair.

Power to make the new Road.

XXXIX. And whereas a Map or Plan, describing the Line of the new Road intended to be made, and the Lands through which such Line is to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, hath been deposited with the Clerk of the Peace for the County of *Sussex*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making such new Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

New Road to be made according to Plan.

XL. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road into, through, across, or over the Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners of Lands, Hereditaments, or Premises over which the same or any Part thereof is or are set out and described

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

described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Sussex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees not to widen or alter Roads beyond One hundred Yards.

XLI. And be it further enacted, That it shall not be lawful for the said Trustees to widen, divert, turn, or alter any Part or Parts of the Roads authorized to be made by the said recited Acts, beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Surveyor may enter upon Lands to make Road.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages, Horses, Cattle, and other Beasts, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said new Road hereby authorized to be made is intended to psas, and also upon any adjoining Lands or Grounds, and to stake out the said new Road, and to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, not being a Garden, Yard, Orchard, Park, Paddock, planted Walk or Avenue to a House, to be made use of as a public Highway whilst the narrow or ruinous Parts of the said new Road are being widened or altered, and until the said new Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased, taken, or used by virtue of the said Acts and this Act is directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such new Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Not to take Houses, &c.

XLIII. Provided always, and be it enacted, That the Powers and Authorities granted by the said recited Acts or any of them, or this Act, shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained,

obtained, other than and except such as are marked or described in the said Map or Plan and Book of Reference; any thing in the said Acts or this Act contained to the contrary in anywise notwithstanding.

Upon Payment of the Purchase Money, the Land to be taken for the Road.

XLIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act for the Purposes thereof, shall be paid by the said Trustees out of the Money to be borrowed upon the Credit of the said Tolls, or to be collected as Tolls by virtue of the said Acts and this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon such Payment thereof, or on depositing the same in the Bank of *England*, in Manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so purchased, taken, or used as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees shall direct; and shall, where necessary, be sufficiently ditched and fenced and set out as Part of the said Roads.

First Offer of Land to be sold to whom to be made.

XLV. 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 the said Acts and this Act, or being the Site of any old Road to be stopped up or discontinued by virtue or in consequence of the Execution of the said Acts and this Act, it shall be lawful for them to sell and dispose of the same accordingly; but they shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons 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 any of His Majesty's Justices of the Peace for the County in which the said Piece or Pieces of Ground shall lie, (who are hereby respectively empowered to take such Affidavit), by some Person or Persons not 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 to whom such Offer shall be made, shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner directed with respect to the disputed Value of Premises to be purchased or taken by the said Trustees, in pursuance of the said recited Acts and this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of the said

Acts and this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Money awarded above 200l.

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any 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 the said recited Acts and 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 or on behalf of 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 Incumbrances, 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, than 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 same 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 meantime 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 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 said Lands, Tenements, and Hereditaments so to be purchased and settled under the Authority of this Act, in case such Purchase or Settlement were made.

Where less than 200l. and above 20l.

XLVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 the said Trustees for executing the said Acts and 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 not more than 20*l*.

XLVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the Trustees of the said Roads 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 a good Title, &c.

XLIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used as aforesaid by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the 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 any Sum or Sums of Money under or in pursuance of this Act, is and are hereby required

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.

In case of a disputed Title.

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

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

LI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, 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.

Getting Materials.

LII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, or such Person or Persons as he or they shall appoint, to dig, get, gather, and carry away any Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials, out of any common River or Brook, or out of or from any Waste or Common, proper and convenient for repairing and amending the Roads aforesaid, without paying any thing for the same, such Surveyor or Surveyors or other Persons levelling or causing to be levelled all such Holes and Pits where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient

sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from any such Rivers, Brooks, Wastes, or Commons, for repairing and amending the said Roads, it shall and may be lawful for such Surveyor or Surveyors, or other Person or Persons as aforesaid, by Order of any Justice or Justices of the Peace for the County in which such Materials are to be gotten, to be made upon the Application of the said Trustees, or of any Person acting on their Behalf, to dig, get, and gather such Materials in and carry the same out of and from the Lands and Grounds of any Person or Persons, (not being the Ground whereon any House stands, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees), where such Materials are or may be found in any Township, Parish or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Township, Parish, or Place, and from Time to Time to carry away the same, or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads, paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gotten, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds, over which such Materials gotten in any River, Brook, Waste, or Common shall be carried or conveyed, as the said Trustees shall judge reasonable; and in case of Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace acting in and for the said County, shall and may adjudge, assess, and determine the same.

Notice to be given of taking Materials.

LIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, get, gather, or carry away any such Materials for repairing the said Roads out of or from any inclosed Land or Ground, until Fourteen Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials ought not to be had and taken from such Land or Ground; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for such Justice or Justices, by his or their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather and carry away such Materials, at such Time or Times as to the said Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Justice or Justices may make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

Punishing Persons taking away Materials.

LIV. And be it further enacted, That if any Person or Persons shall take or carry away, or cast or throw away any Materials which shall have been laid upon the said Roads, or which shall have been dug or gathered for

for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall be made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, and any Person or Persons authorized by such Owner or Occupier to get Materials therein for the private Use only of such Owner or Occupier, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyors may make Causeways.

LV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees to make Causeways or Footpaths in or along the Sides of the said Roads, or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Roads, and to erect and keep in Repair any Bridges and Arches thereupon, and also to make Ditches or Fences in such Places, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, and in such Manner as such Surveyor or Surveyors shall judge necessary, and make sufficient Fences and Barriers and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon, for the Damage which they or any of them shall sustain thereby as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damage, the same shall be settled by any Two or more Justices of the Peace for the County in which such Lands shall be situate.

Erecting Guide Posts, and preventing Annoyances on the Road.

LVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be erected Direction Posts upon such Parts of the said Roads where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or any Mile Stone, Mile Post or Mile Plate, denoting or intended to denote any Distance thereon, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed on any such Direction Post, Mile Stone, Mile Post, or Mile Plate; or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors, upon or on the Side of or adjoining the said Roads, or shall drive any Horse, Beast, Cattle, Sheep or Swine, or any Carriage upon, or cause any Damage to be done to any such Causeway or Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep or Swine to graze or be and remain loose on the said Roads, or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Roads any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone or other Thing which shall be carried upon wheeled Carriages to drag upon any Part of the said Roads to the Prejudice thereof; or shall suffer any Wheel of any Carriage to drag upon any Part of the said Roads, except in descending steep Hills, or shall suffer any Wheel of any Carriage to drag on any Occasion whatever, so as to cut or plough any

Part of the said Roads more than shall be absolutely necessary; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root or dig up and damage any Part of the said Roads, or any Fence on either Side thereof; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately remove from off the said Roads the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or if any Person driving any Carriage upon the said Roads shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games, on any Part of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or in case such Carriage shall not during such Time be drawn up to the Side of the said Roads as near as conveniently may be; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, between the said Roads and the Fences erected or to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or for any other Purpose, or otherwise shall scrape off any Soil or other Thing from the said Roads or from the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Roads, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as by this Act is directed.

Gates to Fields, &c. to open inwards.

LVII. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Roads, shall be so made, hung, and constructed as to open inward towards such Field, Ground, Yard or other Place, and not outward towards the said Roads, except the respective Hanging Posts thereof shall be so far removed from the Centre of the said Roads, that no Part of such Gates respectively shall open or swing over or upon any Part of the said Roads, or except the same shall be a Swing Gate leading to a Dwelling House or Yard; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, Ground, Yard, or other Place, again alter

alter the same so as to open outward towards the said Roads, every such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Roads to be altered and made to open inward towards such Field, Ground, Yard, or other Place, in Manner hereby directed, as they the said Trustees shall think proper.

No Windmill to be erected within 200 Yards of the Road.

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

Statute Labour and Composition Money how to be performed and apportioned.

LIX. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Roads shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work on the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the County or Place where the said Roads are situate, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by the Treasurer, Clerk, or Surveyor, or by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads or any Part thereof lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Parish, Township, or Place, in lieu or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto 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 Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force or effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for such Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such

such respective Parishes, Townships, or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his 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 or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to in case of like Default 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 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 dismiss 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 Pains, Penalties, and Forfeitures aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been set 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 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, or to collect or pay over such Composition or any Part thereof in Manner 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.

Trustees to compound for Statute Work.

LX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be done by all or any of the said Person or Persons, Bodies Politic or Corporate, Inhabitants and Occupiers on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways or other Officers of the Parish, Township or Place, or by the Person or Persons, Bodies Politic or Corporate, so compounding, to the Treasurer to the said Trustees in advance, on or before the First Day of *February* in each and every Year; and all which Composition Money shall and may be levied and recovered by such and the same Means as any Composition Money may be levied and recovered under or by virtue of the said first-recited Act.

For securing transient Offenders.

LXI. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall and may be lawful for the said Trustees, or any of them, or any Collector, Surveyor, or other Officer of the said Trustees, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or District near to the Place where the Offence or Offences shall be committed, or where such Offender or Offenders shall be seized and apprehended, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

For Recovery of Penalties and Forfeitures.

LXII. 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 *Sussex* or *Surrey* respectively, or the County wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of one or more 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 of the said Trustees, and applied for the Purposes of the said Acts and this Act; and in case such Penalties and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for 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 such respective County, or to any House of Correction within the same, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid or satisfied.

To compel Payment of

LXIII. And be it further enacted, That the Persons respectively who have subscribed any Money for or towards defraying the Expences of

executing this Act, shall and he and they is and are hereby required to pay such Money within such Time, and to such Persons as the said Trustees or any Three or more of them shall order or direct; and in default of such Payment, such Money shall be recovered by Action of Debt or on the Case, to be brought in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record at *Westminster*. Subscriptions.

LXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of the said recited Acts or 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. Limitation of Actions.

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. Public Act.

LXVI. And be it further enacted, That the Term granted by the said recited Acts shall, upon the Third *Monday* next after the passing of this Act, cease and determine; and that the said recited Acts (subject to the Alterations and Amendments herein contained) and this Act, shall from thenceforth continue and be in force and effect and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; save and except that the existing legal Tolls (subject to the existing Exemptions from Toll) shall continue to be received and taken at the Turnpikes or Toll Gates already erected on the said Roads, until the Twenty-fifth Day of *March* next after the passing of this Act; and that the Tolls and Exemptions from Toll granted by this Act shall commence and take effect upon and from the said Twenty-fifth Day of *March* next, and not sooner; and also save and except that no Tolls shall be taken until the said Twenty-fifth Day of *March* next at any new Turnpike or Toll Gate hereafter to be erected on the said Roads. Commencement and Continuance.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1820.