ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xviii.

An Act for more effectually repairing the Road from the Twenty Mile Stone, on *Egham Hill*, in the County of *Surrey*, to a Place called *Basingstone*, near the Town of *Bagshot*, in the Parish of *Windlesham*, in the same County. [11th *April* 1816.]

WHEREAS an Act was made in the First Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from the Powder Mills on* Hounslow Heath, *in the County of* Middlesex, *to a Place called* Basingstone, *near the Town of* Bagshot, *in the Parish of* Windlesham, *in the County of* Surrey: And whereas another Act was passed in the Twelfth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the First Year of His present Majesty, intituled 'An Act for repairing the Road from the Powder Mills on* Hounslow Heath, *in the County of* Middlesex, *to a Place called* Basingstone, *near the Town of* Bagshot, *in the Parish of* Windlesham, *in the County of* Surrey: And whereas another Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of Two Acts passed in the First and Twelfth Years of the Reign of His late Majesty King* George *the Second, for repairing the Road from the Powder Mills on* Hounslow Heath, *in the County of* Middlesex, *to a Place called* Basingstone, *near the Town of* Bagshot, *in the Parish of* Windlesham, *in the County of* Surrey, whereby it was enacted, that the said Road should be divided into Two Districts, and

1 G. 2. c. 6.

12 G. 2. c. 16.

3 G. 3. c. 47.

that ſo much thereof as lies between the Powder Mills on *Hounſlow Heath*, and to the Diſtance of One Mile Weſt of the Nineteen Mileſtone, ſtanding on *Egham Hill*, ſhould be One Diſtrict, and be called the Eaſtern Diſtrict of the ſaid Road, and that the Reſidue of the ſaid Road leading from thence to *Baſingſtone*, near the Town of *Bagſhot*, ſhould be the other Diſtrict, and be called the Weſtern Diſtrict of the ſaid Road: And whereas another Act was paſſed in the Thirty-firſt Year of the Reign of
31 G. 3. c. 134. His preſent Majeſty, intituled *An Act to enlarge the Term and Powers of Three Acts made in the Firſt and Twelfth Years of the Reign of His late Majeſty King* George *the Second, and in the Third Year of His preſent Majeſty, for repairing the Road from the Powder Mills on* Hounſlow Heath, *in the County of* Middleſex, *to a Place called* Baſingſtone, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey, *and for maintaining and repairing* Egham Cauſeway *in the ſaid County of* Surrey, whereby the Cauſeway and Road called *Egham Cauſeway*, leading from *Staines Bridge* to the Town of *Egham*, in the County of *Surrey*, was added to the Eaſtern Diſtrict of the ſaid Road: And whereas the Truſtees appointed to put the ſaid Acts into Execution have, in purſuance of the Powers given them by the ſaid Acts, borrowed a very conſiderable Sum of Money on the Credit of the Tolls ariſing within the ſaid Weſtern Diſtrict, which ſtill remains due and owing, and cannot be repaid, and the ſaid Weſtern Diſtrict of Road cannot be completely amended, widened, and kept in Repair, unleſs additional Tolls and Powers are granted, and the Proviſions neceſſary for that Purpoſe conſolidated in one Act: 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,

Acts repealed.

That all the Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things contained in the ſaid ſeveral Acts of Parliament herein-before referred to, and each and every of them, ſo far as they or any of them relate to or concern the ſaid Weſtern Diſtrict of Road herein-before mentioned, or any Part or Parts thereof, from and after the Day appointed for the Commencement of this Act, be and the ſame are hereby repealed; and that from thenceforth the ſeveral Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things in this preſent Act contained, ſhall be put in Execution, and ſhall continue in force during the Term herein-after mentioned, for the Purpoſe of amending, widening, keeping in Repair, and improving the ſaid Road from the Twenty Mile Stone on *Egham Hill*, in the County of *Surrey*, to a Place called *Baſingſtone*, near the Town of *Bagſhot*, in the Pariſh of *Windleſham*, in the ſame County.

Debts contracted under the former Act ſecured by this Act.

II. And be it further enacted, That all and every Sum and Sums of Money, which on the Day appointed for the Commencement of this Act, ſhall be due and owing on the Credit of the ſaid former Acts, or any of them, or on the Security of the Tolls thereby reſpectively granted within or upon the ſaid Weſtern Diſtrict, together with the Intereſt due thereon, ſhall ſtand and be charged and chargeable on the Tolls by this Act granted, and may be recovered in like Manner as if the ſame had been contracted on the Credit of this Act, or ſecured on the Tolls hereby granted.

III. And

Truſtees.

III. And be it further enacted, That *George Cotes Aſcough*, Sir *William Blackett* Baronet, *Richard Birt*, *Thomas Chaloner Biſſe*, the Reverend *Thomas Biſſe*, the Reverend *John Leigh Bennett*, *Richard Clark*, the Reverend *James Cowe Edgell*, *Wyatt Edgell*, *William Henry Freemantle*, Sir *John Gibbons* Baronet, the Reverend *John Whalley Goſtling*, *Peter Henderſon*, the Reverend *Henry Hammond*, *Walter Irvine*, *Thomas Jones*, *Thomas Jones* the younger, the Reverend *Thomas Jeans*, the Reverend *Charles Jerram*, Sir *Joſeph Mawby* Baronet, *George Parry*, *Robert Porter*, *William Sutton Porter*, *John Rae*, *Henry Revell*, *George Simpſon*, *Culling Charles Smith*, *Auguſtus Schutz*, the Reverend *Thomas Snell*, *Benjamin Torin*, *Samuel Thornton*, *John Vernon*, *John Wightwick*, *Francis Wightwick*, *Thomas Wood* the younger, and the Reverend *Edward William Whitaker*, ſhall be, and they are hereby appointed Truſtees for amending, widening, improving, and keeping in Repair the ſaid Road, and for putting this Act into Execution.

Allowing Truſtees to elect an additional Number.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held in purſuance of this Act, and they are hereby empowered by any Writing under their Hands at any Time or Times to elect any additional Number of Truſtees, not exceeding Twenty in the Whole, who, being qualified in the Manner herein-after directed by this Act, ſhall have the ſame Power and Authority for executing this Act, as if they had been hereby nominated and appointed Truſtees.

Power to appoint new Truſtees.

V. And be it further enacted, That when and as often as any of the Truſtees nominated and appointed by and in purſuance of this Act, or who ſhall be elected and appointed in the Manner herein-after mentioned, ſhall die, or by Writing under their reſpective Hands, refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or continuing Truſtees from Time to Time, at any Meeting to be holden in purſuance of this Act, by Writing under their reſpective Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the Room of every or any Truſtee ſo dying, or refuſing to act as aforeſaid, Ten Days previous Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election being given by the Clerk or Treaſurer to the ſaid Truſtees, by inſerting the ſame in ſome Newſpaper or Newſpapers generally circulated in the ſaid County of *Surrey*; and every Perſon who ſhall be ſo elected or appointed, a Truſtee, ſhall and may act with the ſurviving and continuing Truſtees, in the Execution of this Act to all Intents and Purpoſes, as if he had been named and appointed a Truſtee in and by this Act.

All Acts may be done by Five Truſtees unleſs otherwiſe directed.

VI. And be it further enacted, That all Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the ſaid Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in the Caſes hereby particularly directed or authorized to be done or executed by any greater or leſſer Number of Truſtees.

Qualification of Truſtees.

VII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, ſeized of or entitled to Meſſuages, Lands, or Hereditaments, for ſome Eſtate for Life, or of Inheritance in Poſſeſſion of the clear yearly Value of Eighty Pounds above Repriſes,

Repriſes, or ſhall be Heir Apparent to ſome Perſon or Perſons ſo ſeized of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance of the clear yearly Value of One hundred Pounds above Repriſes, or ſhall be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds above what will be ſufficient to pay all his juſt Debts; and if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every Perſon ſo offending ſhall 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; 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 this Act: Provided always, that all the Acts and Proceedings of any Perſon as a Truſtee in the Execution of this Act previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act: Provided alſo, that every Truſtee before he ſhall act as ſuch, except in adminiſtering the following Oath, ſhall take an Oath before one or more of the ſaid Truſtees, who is and are hereby empowered to adminiſter the ſame in the Form following; that is to ſay,

The Acts of unqualified Perſons previous to conviction ſhall be valid.

Truſtees to be ſworn.

The Oath.

'I *A. B.* do ſwear, that I am truly and *bonâ fide* in my own Right, or in Right of my Wife, ſeized of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance in Poſſeſſion of the clear yearly Value of Eighty Pounds above Repriſes; (and in caſe of an Heir Apparent), I *A. B.* do ſwear, that I am Heir Apparent to *C. D.* who, to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeized of or entitled to Meſſuages, Lands, or Hereditaments for ſome Eſtate for Life, or of Inheritance, of the clear yearly Value of One hundred Pounds above Repriſes; (and in caſe of Perſonal Eſtate alone, or Real and Perſonal Eſtate together), I *A. B.* do ſwear, that I am truly and *bonâ fide* ſeized of a Perſonal Eſtate, or of a Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds above what will be ſufficient to pay all my juſt Debts, and that I will truly and impartially, according to the beſt of my Judgment, execute and perform the ſeveral Powers, Authorities, and Truſts repoſed in me as a Truſtee by virtue of an Act paſſed in the Fifty-ſixth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Meetings of the Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Wheat Sheaf* Inn, *Virginia Water*, or at the *King's Head* Inn, in *Egham*, or at ſome other convenient Houſe in the ſame Town, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees, or any Five or more of them, ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the ſame Place, or at ſuch other Place or Places near ſome Part of the ſaid Road, and at ſuch Times as they ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be holden by virtue of this Act, there ſhall not

not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk or Treaſurer of the ſaid Road ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed upon all the Turnpike Gates then erected or acroſs the ſaid Road, at leaſt Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been holden, or at any other Place near any Part of the ſaid Road on the Day Four Weeks after the Day on which ſuch laſt Meeting was appointed.

Meetings on Emergencies.

IX. Provided always, and be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Treaſurer of the ſaid Road, upon an Order in Writing ſigned by any Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſe mentioned in ſuch Order in the Manner laſt herein-before directed, ſuch Time not being leſs than Ten Days after ſuch Notice, and ſuch earlier Meeting ſhall and may be held accordingly; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to defray their own Expences.

Accounts of Treaſurers under the former Acts to be paſſed at Firſt or Second Meeting, and brought to a new Account.

X. And be it further enacted, That at the Firſt or Second Meeting of the ſaid Truſtees for carrying this Act into Execution, or as ſoon after as conveniently may be, the Accounts of the Treaſurer or Treaſurers of the ſaid Diſtrict of Road herein-before mentioned ſhall be produced, examined, and ſettled, and the Balance of each Account ſhall be carried over to a new Account with the Truſtees acting in the Execution of this Act, who ſhall make ſuch Orders for the Diſpoſal of any Money that may appear to be in the Hands of ſuch Treaſurer or Treaſurers agreeable to the true Intent and Meaning of this Act, or for reimburſing him or them out of the Monies hereby authorized to be raiſed, any Money that may appear to be due to him or them, with lawful Intereſt during the Forbearance thereof, as they the ſaid Truſtees may think proper.

Truſtees not to hold any Place of Profit.

XI. And be it further enacted, That if any Perſon or Perſons appointed, or to be appointed a Truſtee or Truſtees for putting this Act into Execution, ſhall have or accept of any Place of Profit ariſing out of or by Reaſon of the ſame Act, or the Tolls or Duties hereby impoſed, ſuch Perſon or Perſons ſhall from the Time of accepting ſuch Place, be incapable of acting as a Truſtee or Truſtees, during his or their Enjoyment of ſuch Place of Profit as aforeſaid.

Truſtees in the Commiſſion of the Peace may act as Juſtices.

XII. And be it further enacted, That ſuch of the ſaid Truſtees for the Time being, as ſhall or may be in the Commiſſion of the Peace for the County of *Surrey*, ſhall and may act within their reſpective Juriſdictions and Diſtricts as Juſtices of the Peace, in the Execution of this Act, notwithſtanding ſuch Juſtices being Truſtees as aforeſaid; and that any Mortgagee or Aſſignees of ſuch Mortgage, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall not on that Account, be deemed unqualified to act as a Truſtee.

Victuallers not to be Trustees.

XIII. And be it further enacted, That no Person shall be capable of acting as a Trustee, or of holding any Place of Profit under this Act, during the Time he shall sell Wine, Ale, Beer or Spirituous Liquors by Retail.

Appointing Officers.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, by Writing under their respective Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to suspend, and at the next Meeting of the Trustees, if found requisite to remove, and on the Removal, Death or Resignation of any of them, to appoint others in their Stead; and the

Salaries to Officers;

said Trustees are hereby authorized to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such Person or Persons as shall be assisting in the Execution of this Act, such Salaries and Allowances for their Trouble, Labour, and Service, as the said

How Officers are to account.

Trustees shall deem reasonable; and all such Officer and Officers shall, from Time to Time, when thereunto required by the said Trustees, deliver to them, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, of all the Monies which they, and every of them respectively, shall have received to that Time, by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to give such

Penalty on Refusal.

Account, or to produce and deliver up such Vouchers as aforesaid, or to pay the Money due upon such Account in Manner aforesaid, or to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, then, and in every or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County, Division, District, or Place, where the Officer or Person so making Default shall be or reside, and such Justices upon Complaint thereof, made to them by any Two or more of the said Trustees, are hereby authorized and required to make Inquiry concerning such Refusal, Default, or Neglect, as well by the Confession of the Parties themselves respectively, as by the Testimony of any credible Witness or Witnesses upon Oath, which Oath the said Justices or any of them, are and is hereby empowered and required to administer without Fee or Reward; and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justices shall, upon such Conviction, commit him to the Common Gaol or House of Correction of the same County or Place, there to remain without Bail or Mainprize, until he shall have given or made such true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, which Composition the said Trustees are hereby empowered to make, and shall have paid such Composition in such Manner as the said Trustees shall appoint, or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof

to the ſaid Truſtees, provided that no Perſon ſhall be ſo committed, for Want of ſufficient Diſtreſs, for a longer Space of Time than Six Months.

Truſtees may appoint temporary Collectors.

XV. And be it further enacted, That upon the Death, Incapacity, or Abſence of any Collector of the Tolls, it ſhall be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting appointed in purſuance of this Act, by any Writing under their reſpective Hands to nominate and appoint a proper Perſon to be a Collector of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Place or Stead of ſuch Collector as ſhall ſo die, or become incapable, or be abſent.

Treaſurers, &c. to give Security.

XVI. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and from any other Officers to be appointed in purſuance or for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees ſhall think proper.

Truſtees who have not acted in the preceding Year, not to vote in the Election of Officers.

XVII. Provided always, and be it further enacted, That after the Firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officer or Officers upon Death, or any other Vacancy, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act, at leaſt Once within the Year preceding the Time that ſuch Vacancy ſhall happen, the only Evidence whereof ſhall be his having ſigned the Order Book of the ſaid Truſtees.

Books to be kept.

XVIII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees, in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the ſame Number of Truſtees as are empowered to make or direct the ſame, and ſhall then be deemed original Orders and Proceedings; which Book or Books, as alſo the Book hereby directed to be kept for regiſtering Mortgages and Transfers, ſhall and may be produced and read in Evidence in all Courts, and before all Juſtices and other Perſons having Juriſdiction in the Premiſes.

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

XIX. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treaſurer for the Time being; in which Book or Books all Orders and Proceedings of the Truſtees ſhall be regularly entered, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame; and in which Book or Books ſuch Clerk, or the Treaſurer, 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 Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward, and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the

the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the Clerk or Treaſurer, or the Perſon or Perſons who ſhall have the Care and Cuſtody of the ſaid Book or Books, ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk or Treaſurer, or Perſon or Perſons, ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned; and the ſaid Book and Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, or Tranſcripts thereof, ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

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

XX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing which ſhall be done by them or their Order, contrary to, or by virtue of this Act, in the Name of their Clerk or Clerks, Treaſurer or Treaſurers, for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, in the Name of the Clerk or Clerks, Treaſurer or Treaſurers, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, Treaſurer or Treaſurers, or by the Act of ſuch Clerk or Clerks, Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees; but that the Clerk or Clerks, Treaſurer or Treaſurers for the Time being, to the ſaid Truſtees, ſhall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants, as the Caſe may be, in every ſuch Action; and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, in whoſe Name or Names any Action or Suit ſhall be commenced, 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 the Event or in conſequence of any ſuch Action or Proceedings he or they ſhall bear, pay, expend, or be put unto, or become chargeable with, by reaſon of his or their being made Plaintiff or Plaintiffs, Defendant or Defendants as aforeſaid.

Power to erect Toll-gates.

XXI. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may continue, erect, or otherwiſe provide ſuch and ſo many Toll-gates and Turnpikes, in, or upon, or acroſs ſuch Parts, and in ſuch Places of the ſaid Road, hereby directed to be repaired; and alſo ſuch and ſo many Toll-gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Byeway that doth or ſhall lead into or out of the ſame, as the ſaid Truſtees ſhall think proper; and alſo ſhall and may continue, erect, or otherwiſe provide, a Toll-houſe to each of the ſaid Toll-gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road convenient Gardens, not to exceed One Half a Rood to each ſuch Toll-houſe.

Tolls to be taken.

XXII. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned, ſhall be demanded and taken at each and every of the Toll-gates or Turnpikes, which ſhall be continued, erected, or provided, in purſuance of this Act upon the ſaid Road, or on the Side or Sides thereof; or in, upon, or acroſs any Lane or Bye-way leading into or out of the ſame, before any Horſe, Cattle, or Carriage, upon which any Toll

is by this Act impoſed, ſhall be permitted to paſs through the ſame, that is to ſay:

For every Horſe drawing any Coach, Berlin, Landau, Hearſe, Chariot, Calaſh, Chaiſe, Chair, Caravan, or Taxed Cart, if the ſame be drawn by more than One Horſe or other Cattle, the Sum of Three-pence for each Horſe or other Cattle, and on each and every *Sunday* the Sum of Four-pence Halfpenny; and if drawn by One Horſe or other Cattle, the Sum of four-pence, and on each and every *Sunday* the Sum of Sixpence:

For every Horſe or other Cattle drawing any Waggon, Wain, Cart, Car, or Carriage, the Sum of Three-pence, and on each and every *Sunday* the Sum of Four-pence Halfpenny:

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny, and on each and every *Sunday* the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and on each and every *Sunday* the Sum of Two Shillings and Sixpence *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and on each and every *Sunday* the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any greater or leſs Number.

No Horſes to be drawn in Pairs but with Carriages of Nine Inch Wheels.

XXIII. And be it further enacted, That it ſhall not be lawful for any Waggon or Wain with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gauge than Nine Inches, to paſs upon the ſaid Turnpike Road, or through the ſaid Bars or Gates, if the ſame ſhall be drawn by Horſes abreaſt, under a Penalty not exceeding Forty Shillings, to be recovered and applied as directed by this Act.

Exempting the Royal Family from Toll.

XXIV. Provided always, and be it further enacted, That this Act ſhall not extend or be conſtrued to extend to charge with Toll, any Horſes or Carriages belonging to Their Majeſties, or any of the Royal Family, or for any of the Horſes of His Majeſty's Guards, or any Horſes or Carriages conveying Perſons regularly attending Their Majeſties, or any of the Royal Family.

Toll Collector to have his Name on a Board affixed to the Toll-houſe.

XXV. And be it further enacted, That every Collector or Collectors of any of the Tolls or Duties by this Act impoſed, ſhall have his Chriſtian and Surname legibly painted on a Board, in Letters not leſs than Two Inches in Length, either with Black Letters on a White Ground, or with White Letters on a Black Ground; and that every ſuch Collector or Collectors ſhall, during ſuch Time as he or they ſhall ſtand to receive and collect, and before he or they ſhall aſk or demand any of the ſaid Tolls or Duties by this Act granted, fix and place over the Door of the Toll Houſe, or in ſome other conſpicuous Place, the ſaid Board having the Name or Names of ſuch Collector or Collectors; and the ſame ſhall remain affixed during the whole Time ſuch Collector or Collectors ſhall continue to collect, aſk, demand, or receive any ſuch Tolls or Duties upon every of the Toll Gates and Turnpikes which ſhall be continued or erected in purſuance of this Act; and if any Collector of the ſame 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 than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempted from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in any ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls, or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge, and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Power for compelling the Payment of Tolls.

XXVI. And be it further enacted, That the ſeveral and reſpective Tolls or Sums of Money by this Act granted, ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time authorize and appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any ſuch Tolls, or any Part or Parts thereof, 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 or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or Cattle, Beaſt or Carriage, upon which any Toll is by this Act impoſed, or any of the Loading, Harneſs, or Accoutrements thereof reſpectively; 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 making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, or Carriage, Loading, Harneſs, or Accoutrements ſo diſtrained, and out of the Monies which ſhall ariſe by ſuch Sale pay or retain ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold, if any, upon Demand, to the Owner or Owners thereof.

For ſettling Diſputes concerning Tolls.

XXVII. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſſes aforeſaid, it ſhall be lawful for the Perſon or Perſons ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County, Diviſion, or Diſtrict, in which ſuch Diſtreſs ſhall be made, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby empowered to adminiſter) and ſhall determine the Diſpute reſpecting the Toll, and the Amount of the Toll due, and ſhall aſſeſs the Charges of ſuch Diſtreſs, and ſhall award

ſuch Coſts to either Party as to ſuch Juſtice ſhall appear juſt and reaſonable, and ſuch Sum as ſhall be ſo determined and aſſeſſed to be paid to the Collector or other Perſon diſtraining, ſhall be paid to the ſaid Collector before he or ſhe ſhall be obliged to return the Goods ſo diſtrained, or the ſaid Overplus, or any Part thereof reſpectively, and the Coſts which ſhall be ſo awarded to any other Perſon or Party, ſhall, in caſe of Non-payment, within Four Days after the ſame ſhall be ſo awarded, be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons liable to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered to grant), and the Overplus, if any, after Payment of ſuch Coſts, ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels.

Collectors declared competent Witneſſes.

XXVIII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in any Way 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 or her being appointed to collect ſuch Tolls, to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Tolls may be varied.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, when and as often as they ſhall think proper, to leſſen, vary, or alter all or any of the Tolls herein-before granted or made payable, at all or any of the Turnpikes to be continued, erected, or provided by virtue of this Act, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by this Act granted or made payable at the ſame Turnpikes, by virtue of this Act, and ſo as every Reduction be made with the Conſent of the Perſon or Perſons for the Time being, entitled to Three-fourth Parts of the Money then due on the Security of the ſaid Tolls; but no ſuch Alteration ſhall be made after the Second Meeting of the ſaid Truſtees, unleſs Twenty-one Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in ſome Newſpaper printed or generally circulated in the County of *Surrey*.

Number of Tolls limited.

XXX. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded or taken of any Perſon or Perſons paſſing or repaſſing the ſame Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriages, through the ſaid Toll Gate, or any other Toll Gate to be continued or erected by virtue of this Act, or any other Act, in the whole Length of the ſaid Road; and the Collector, on ſuch full Tolls being paid him, is hereby directed to give a Ticket *gratis*, which Ticket ſhall name and ſpecify the ſeveral Gates freed by ſuch Payment, under a Penalty not exceeding Twenty Shillings, to be levied and recovered in Manner directed by this Act.

Exemptions from Toll.

XXXI. Provided alſo, and it is hereby further enacted, That no Perſon or Perſons ſhall be charged with any of the Tolls hereby granted for or in reſpect of any Horſe or other Beaſt, Cart, or other Carriage, when employed in carrying or conveying Stones, Gravel, or other Materials for repairing the ſaid Road, or any Bridge thereon, or any Highway in any of the Pariſhes through which the ſaid Road doth or may lead, or in any

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of the adjoining Parishes, or in carrying or conveying any Hay, or Corn in the Straw, or other Produce of Lands, to be laid up, used, or consumed, in the Houses, Out-houses, or Barns of the Owners thereof, and not for Sale, or being unladen when so employed, or for or in respect of any Ploughs, Harrows, or other Implements of Husbandry, or for or in respect of any Carts, Waggons, or other Carriages employed in fetching, carrying, or conveying any Lime, Dung, Mould, Compost, or Manure, of any Kind whatsoever, to be employed solely in Husbandry, for Manure of Lands, or returning empty from carrying or conveying the same; nor shall any of the said Tolls be taken of any Person residing in any Parish through which the said Road, or any Part thereof doth or shall lead, who shall pass through any Turnpike to or from Church, Chapel, or other Place of Religious Worship, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending the Funeral of any Person who shall be buried in any such Parish, nor of any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day, on which Divine Service is ordered by Authority to be celebrated; or for or in respect of any Horses or Cattle, going to or returning from Plough, Water, or Pasture, within the several Parishes to which they shall belong, or any of the neighbouring Parishes, provided that such last mentioned Exemption as to Horses or Cattle going to or from Water or Pasture shall only extend to such Horses or Cattle as shall be driven to or from Water or Pasture from One Parish to the next adjoining Parish, or such Horses or Cattle as shall not pass upon the same Road more than Two Miles in going to or returning from Water or Pasture, or for or in respect of the Horses or Cattle of any Inhabitant of any of the said Parishes going to be shod or farried, or returning therefrom; nor shall any Toll or Duty be demanded or taken for any Horse or Carriage employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or his Deputies, either when employed in conveying such Mails or Expresses, or returning back from conveying the same; nor for any Carriage, Horse, or Beast which shall only cross the said Road, or shall not pass above One hundred Yards thereon; nor for the Horses of any Officers or Soldiers passing upon their March or upon Duty; nor for the Horses, Carts, Carriages, or Waggons employed in carrying and conveying the Arms or Baggage of any such Officers or Soldiers upon their March or upon Duty, or carrrying or conveying any wounded, sick, or disabled Officers and Soldiers, or returning empty after having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them; nor Carriages conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed 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 as aforesaid; nor for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, nor for any Horses or Carriages carrying or conveying any Elector or Electors

tors going to or returning from any Election of a Knight or Knights for the Shire to ſerve in Parliament for the County of *Surrey*, on the Day or Days of ſuch Election, or on the Day before or on the Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim to take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame; or if any Perſon being ſo entitled ſhall fraudulently and colluſively extend the ſame to or for the Benefit of any Perſon or Perſons not entitled thereto, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Five Pounds at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Stores.

XXXII. 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 and actually employed in 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 ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

To prevent the evading of Tolls.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage, upon which any Toll is by this Act impoſed, paſs through any Land or Ground, not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family, or Servants, within the Diſtance of One Mile from any Toll Gate or Turnpike which ſhall be continued, erected, or provided by this Act, the ſame not being a Public Road, or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any other Perſon or Perſons with any Horſe, Cattle, Beaſt, or Carriage, 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 a Collector of the ſaid Tolls, or ſhall forge or counterfeit any Ticket by this Act directed to be given by a Collector of the ſaid Tolls, or ſhall forcibly paſs through any ſuch Toll-gate or Turnpike as aforeſaid with any Horſe, Cattle, Beaſt, or Carriage, or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Cattle, or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof ſhall be evaded, or if any Perſon ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Horſe, Cattle, Beaſt, or Carriage, with an Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, or with ſuch Intent ſhall unload any Horſe, Cattle, Beaſt, or Carriage, every Perſon offending in any of the Caſes aforeſaid, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, One Moiety whereof ſhall be for the Uſe of the Informer or Informers, and

the other Moiety thereof ſhall be applied for the Purpoſes of this Act in Manner herein-after mentioned.

Power to compound Tolls.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time as they ſhall ſee convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the ſeveral Pariſhes or Diſtricts through which the ſaid Road leads, for the Paſſage of their Horſes, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes erected or to be erected on the ſaid Road, or the Sides thereof.

Power to leaſe the Tolls.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, after giving One Calendar Month's previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected acroſs the ſaid Road, and to be inſerted in ſome Newſpaper printed or circulated in the ſaid County of *Surrey*, from Time to Time to leaſe by Public Auction and Demiſe the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the beſt Rent or Price that can be reaſonably gotten for the ſame, payable at ſuch Time and in ſuch Manner, and with, under, and ſubject to ſuch Conditions, Covenants, and Agreements as the ſaid Truſtees ſhall think fit; they the ſaid Truſtees, having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security for Payment of the Rent and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes as the ſaid Truſtees ſhall think fit.

Power to remove Toll Gates.

XXXVI. Provided always, 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, and ſo often as they ſhall think proper, to cauſe any of the Toll-gates or Turnpikes which now are or hereafter ſhall be erected in, upon, or acroſs, or on the Side of the ſaid Road, to be removed to and erected in, upon, or acroſs, or on the Side of ſuch other Part or Parts of the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall, from Time to Time, order and direct; but none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Twenty-one Days previous Notice of the Intention to remove the ſame ſhall have been affixed in Writing upon all the Toll Gates or Turnpikes then erected acroſs the ſaid Road, and inſerted in ſome Newſpaper printed or circulated in the ſaid County of *Surrey*.

Toll Houſes, &c. veſted in the Clerk or Treaſurer.

XXXVII. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes already erected, and which ſhall be erected and provided in purſuance of this Act, and other Houſes or Buildings for the Uſe of the Labourers, with the ſeveral Conveniences and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt; and all Materials, Matters, and Things which ſhall be purchaſed or provided for the Purpoſe of this Act, ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid Road for the Time being, and he and they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame, and as the ſaid Truſtees, from Time to Time, ſhall order, direct, and appoint; and under the like Order, Direction, and Appointment of the ſaid Truſtees, to bring or cauſe to be brought any Action or Actions, or to

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prefer and profecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break. pull down, ſteal, take, carry away, ſpoil, deſtroy, injure, or damage any of the ſaid Toll Gates, Turnpikes, or Toll Houſes, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials, Matters, and Things aforeſaid, or any Fences which ſhall be made and repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

For borrowing Money on Security of the Tolls.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any of their Meetings to be held in purſuance of this Act, to borrow and take up at Intereſt upon the Credit of the Tolls to ariſe by virtue of this Act in ſuch Manner as they ſhall think proper, any Sum or Sums of Money they ſhall think fit to borrow for all or any of the Purpoſes of this Act during the Continuance thereof, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected acroſs the ſaid Road, and to be publiſhed in ſome Newſpaper printed or circulated in the ſaid County of *Surrey*; and they the ſaid Truſtees are hereby empowered, from Time to Time, at any of their Meetings by any Writing or Writings under their Hands, to aſſign over or mortgage the reſpective Tolls or Duties hereby granted, or any Part or Proportion, Parts or Proportions thereof during the Continuance of this Act, the Charges of ſuch Aſſignments and Mortgages to be paid out of ſuch Tolls, as a Security or Securities to any Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, his, her, or their Truſtee or Truſtees, their reſpective Executors, Adminiſtrators, and Aſſigns for the Money ſo to be advanced, with ſuch Intereſt for the ſame as ſhall be agreed upon in that Behalf, which Mortgage may be in the Form or to the Effect following; that is to ſay,

Form of Mortgage.

'BY virtue of an Act made in the Fifty-ſixth Year of His Majeſty King *George* the Third, intituled (*here ſet forth the Title of this Act*), We of the Truſtees for executing the ſaid Act, in Conſideration of the Sum of , this Day paid to the Treaſurer of the ſaid Road by do aſſign, during the Continuance of the ſaid Act, unto the ſaid ſuch Proportion of the Tolls to ariſe upon the ſaid Road as the ſaid Sum of ſhall bear to the whole of the Principal Money, for the Time being due on the Security of the ſaid Tolls; to hold the ſame unto the ſaid his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be fully paid. Dated this Day of in the Year of Our Lord .'

Copies to be entered.

And Copies of all Mortgages ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Treaſurer of the ſaid Road; and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected, without Fee or Reward; and it ſhall be lawful for all Perſons reſpectively, to whom any Mortgages ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt, in or to ſuch Mortgage, and the Principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever; which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Three Calendar Months

Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books; for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of One Guinea, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage Security, and every ſuch Aſſignee may, in like Manner, aſſign or transfer the ſame, and ſo *toties quoties*; and after ſuch Entry as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons, who ſhall have made ſuch Transfer, to releaſe, diſcharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Perſons, to whom any Mortgage or Transfer ſhall be made as aforeſaid, ſhall in Proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls, by this Act granted, in equal Degree, one with another, and ſhall have no Preference, in reſpect to the Priority of advancing their Monies, or of the Dates of their reſpective Securities.

Transfer to be entered.

No Priority among Mortgagees.

Application of the Money.

XXXIX. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act ſhall have been raiſed and produced upon the Road compriſed within the ſaid Weſtern Diſtrict, and which ſhall be undiſpoſed of on the Day of the Commencement of this Act, and alſo all the Monies which ſhall ariſe and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following, that is to ſay, in the Firſt Place, in Payment of all the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing of this Act, and in diſcharging any Balance which ſhall be due to the Treaſurer or Treaſurers of the ſaid Diſtrict of Road, with lawful Intereſt for the ſame during the Forbearance thereof; in the Second Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which ſhall from Time to Time be due and owing on Mortgage or Security of the Tolls granted by this Act; in the Third Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes, Mile Houſes, and other Buildings, and repairing the ſame, and altering, widening, turning, repairing, and improving the ſaid Road, and purchaſing Lands for thoſe Purpoſes, and for purchaſing Lands for Gravel Pits, and of executing the other Purpoſes of this Act; and laſtly, in reducing, paying off, and diſcharging ſuch ſeveral Principal Sums as aforeſaid: Provided always, that nothing in this Act contained, ſhall authorize the ſaid Truſtees, or any of them, to repair or amend the Pavements of the Streets of any Town through which the ſaid Road doth or may paſs.

Truſtees not to repair Pavements in Towns.

Surveyors may get Materials for the Road.

XL. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road for the Time being, and ſuch other Perſon and Perſons as ſhall be employed by ſuch Surveyor, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the ſaid Road, in, upon, out of, and from any Waſte Grounds, Common Quarries, Rivers, or Brooks, in any Pariſh or Diſtrict within or near to which the ſaid Road doth or ſhall paſs, without paying any Thing for the ſame, ſuch Surveyor or other Perſon or Perſons filling up the Pits and levelling the Ground from whence ſuch Materials

ſhall be taken, or ſufficiently fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and in caſe ſuch Materials cannot be conveniently had in ſuch Waſte Grounds, Commons, Common Quarries, Rivers, or Brooks as aforeſaid, then to cut, dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, out of, or from and over any other Lands, Grounds, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), and Quarries, except as is herein-after mentioned, making ſuch Compenſation and Satisfaction for the Damage done to the Owners and Occupiers of ſuch Lands, Grounds, and Quarries, where, through, and from whence the ſame ſhall be dug, gathered, taken, and carried away, or over which any Materials gotten in any Waſte Ground, Common, Common Quarry, River, or Brook, ſhall be conveyed, as any Two or more of His Majeſty's Juſtices of the Peace for the County, Diviſion, or Diſtrict in which the Lands are ſituate, ſhall judge reaſonable, and ſhall order and direct, which Compenſation and Satisfaction ſhall and may be levied and recovered in like Manner as any Penalties, Forfeitures, or Fines are herein-after authorized to be levied or recovered.

Materials not to be taken from incloſed Grounds without an Order from Two Juſtices.

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

Penalty on taking away Materials got by Surveyors.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſe of making or amending the ſaid Road, or the Land or Scrapings of the ſaid Road, without Leave of the Surveyor or Surveyors firſt had and obtained in Writing for that Purpoſe, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, except the Surveyors of the Highways of the Pariſh in which ſuch Lands lie, or the Owners or Occupiers of any private Lands or Grounds, and the Perſon or Perſons authorized by ſuch Owners or Occupiers, and who may get Materials therein for their own Uſe only

and not for Sale, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Five Pounds at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

For preventing Obſtruction on the Sides of the Road.

XLIII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure, or other Thing, ſhall be unloaded or laid down upon the ſaid Road, or upon any Moor, Common, or Waſte Ground, nearer to the Centre of the ſaid Road than the Diſtance of Thirty Feet, upon Pain that every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Twenty Shillings; and if after the Removal of any ſuch Dung, Aſhes, Compoſt, Manure, or other Thing as aforeſaid, any Perſon ſhall unlawfully offend again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Ten Pounds.

Surveyors may remove Annoyances.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time to remove and prevent all Nuiſances, Annoyances, Encroachments, and Obſtructions on any Part or Parts of the ſaid Road, by Timber, Stone, Carriages, Saw Pits, or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and alſo to turn any Watercourſes, Gutters, Conduits, or Drains running into the ſame to the Prejudice thereof, and to open, ſcour, and cleanſe, deepen and enlarge, any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to any Part of the ſaid Road; and alſo to cut down, lop, or top, at proper Seaſons in the Year, any Trees, Branches, or Buſhes growing in the ſaid Road, or in the Hedges, Fences, Banks, or Grounds adjoining thereto, and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands or Grounds where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do within Ten Days after Notice in Writing given for that Purpoſe under the Hand of ſuch Surveyor; and the Charges thereof reſpectively being ſettled by the ſaid Truſtees, ſhall be reimburſed to ſuch Surveyor by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid; and in caſe ſuch Charges ſhall not be paid on Demand, the ſame ſhall be levied and recovered in like Manner as the Penalties, Forfeitures, and Fines by this Act authorized to be impoſed are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Nuiſances, Annoyances, Encroachments, and Obſtructions as aforeſaid, any Perſon ſhall offend again in like Manner, every Perſon ſo offending again, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Ten Pounds.

Surveyors empowered to remove ſudden Obſtructions without Notice.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Bank, or Land, into or upon any Part of the ſaid Road by this Act authorized to be repaired, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as the ſame may be no Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or reputed Owners or Occupiers of the Lands from whence ſuch Earth, Trees,

Roots, or other Things, ſhall ſo ſlide, or fall, or be blown down as aforeſaid, and the Charges of carrying away the ſame to be ſettled by the ſaid Truſtees, ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Penalty on leaving Obſtructions or hauling Timber or Stones on the Road.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ſet, place, or leave any Timber, Stones, or other Thing whatſoever, in or upon any Part or Parts of the ſaid Road ſo as to interrupt or hinder the free Paſſage along the ſaid Road of any Carriage or of any Perſon or Perſons, or ſhall haul or draw or cauſe to be hauled or drawn upon any Part of the ſaid Road, excepting only in croſſing the ſame, any Tree or Piece of Timber, or any Stone, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon wheeled Carriages to drag upon the ſaid Road or any Part thereof, to the Prejudice of the ſame, every Perſon ſo offending in any of the Caſes laſt mentioned, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Twenty Shillings for every ſuch Offence.

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

XLVII. And be it further enacted, That the ſaid Truſtees may cauſe Foot Paths, not exceeding Eight Feet in Breadth, to be made on the Sides of the ſaid Road in ſuch Places as conveniently admit of the ſame, and ſhall cauſe all Signs, Sign Poſts, Sign Irons, Pent Houſes, Shew Boards, Spouts, and Gutters projecting into the ſaid Foot Paths, and all Poſts, Rails, and other Obſtructions thereon to be taken down and removed; and if any Perſon or Perſons ſhall ride or drive any Carriage whatſoever upon any Foot Way adjoining the ſaid Road, or ſhall ride, lead, or drive any Horſe, Aſs, Cattle, Sheep, or Swine, or any Carriage, on ſuch Footway, or ſhall cauſe any Damage to be done thereto, every ſuch Perſon offending in either of the ſaid Caſes, ſhall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Perſon or Perſons who ſhall ſee ſuch Offence committed, and ſhall be immediately conveyed or delivered to a Conſtable or other Peace Officer in order to be conveyed before ſome Juſtice of the Peace to be dealt with according to Law, and if any ſuch Perſon in any of the Caſes aforeſaid, ſhall refuſe to diſcover his Name, it ſhall and may be lawful for the Juſtice of the Peace before whom he ſhall be taken, or to whom any ſuch Complaint ſhall be made, to commit ſuch Offender to the Houſe of Correction for any Time not exceeding Three Months, or to proceed againſt him for the Penalty by this Act impoſed, by a Deſcription of his Perſon and Offence, and expreſſing in the Proceedings that ſuch Offender refuſed to diſcover his or her Name, or ſhall put or turn any Horſe, Aſs, Sheep, Swine, or other Beaſt or Cattle of any Kind into or upon the ſaid Road or the Sides thereof, or if any Horſe, Aſs, Sheep, Swine, Beaſt or Cattle ſhall be found looſe or treſpaſſing on the ſaid Road, or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon ſuch Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the Left or Near Side of ſuch Road, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him upon ſuch Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care, or if any Perſon ſhall make or aſſiſt in making any Fire or Fires,

commonly

commonly called *Bonfires*, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or other Fire Works, or ſhall play at Foot-ball, or at any other Game or Games, on any Part or Parts of ſuch Road, or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, or Plough or other Inſtrument of Huſbandry, without ſome reaſonable Cauſe to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be, in or upon and not acroſs the ſaid Road or the Sides thereof, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, every Perſon ſo offending, or the Owner of ſuch Cattle ſo found treſpaſſing, ſhall forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Cauſeways, Drains, &c.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and any other Perſon and Perſons by Order of the ſaid Truſtees to make Cauſeways, and to cut and make Ditches, Drains, and Watercourſes, in, upon, and on the Sides of the ſaid Road, and alſo through any Grounds adjoining thereto, not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, and to erect, rebuild, and keep in Repair Bridges and Arches upon the ſaid Road and acroſs any ſuch Ditch, Drain, or Watercourſe, as aforeſaid, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Road in order to prevent the ſame from being flooded or overflowed with Water, and to cut down and remove any Trees or Underwood growing in or upon the ſaid Road, or any Part thereof, where ſuch Road is not Thirty Feet wide, excluſive of Ditches or Drains; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, except as herein-after is mentioned to be made uſe of as a Road, while the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners and Occupiers of ſuch Ground ſo to be uſed, cut through, or built upon, for the Damages which they or any of them ſhall ſuſtain thereby as the ſaid Truſtees ſhall judge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers, and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County, Diviſion, or Diſtrict in which the Lands are ſituate, at their General or Quarter Seſſion of the Peace to be held for ſuch County, Diviſion, or Diſtrict, next after ſuch Difference ſhall ariſe; and if any Owner or Occupier of any Watercourſe or Watercourſes, Ditch or Ditches, adjoining to the ſaid Road, ſhall refuſe or neglect to ſcour, deepen, and cleanſe the ſame Twice in every Year, in ſuch Manner as the ſaid Surveyor or ſuch other Perſon or Perſons as aforeſaid ſhall order and direct, after Ten Days Notice ſhall be given for that Purpoſe by ſuch Surveyor or other Perſon or Perſons, then, and in every ſuch Caſe, it ſhall be lawful for ſuch Surveyor or other Perſon or Perſons, and he and they is and are hereby authorized to employ any Perſon or Perſons to ſcour, cleanſe, and deepen the ſame, and by Warrant from the ſaid Truſtees, to levy the Charges thereof upon the reſpective Owners or Occupiers of ſuch Watercourſe or Watercourſes, Ditch or Ditches, by Diſtreſs and Sale of his, her, or their Goods and Chattels,

Owners refuſing to ſcour Watercourſes, the Surveyor may ſet Men to cleanſe the ſame, and levy the Charge.

Chattels, rendering the Overplus, if any, to him, her, or them, upon Demand.

Power to divert the Road, and to Corporations, &c. to ſell.

XLIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time to make, repair, and widen the Courſe or Path of any Part or Parts of the ſaid Road, not exceeding Sixty Feet in Width, through any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame; and alſo through any private Grounds, Lands, or Hereditaments, not exceeding Forty Feet, excluſive of the Ditches and Fences on each Side thereof, not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or Planted Walk, Yard, Garden, Orchard, Park, Paddock, or Avenue to any Houſe; or any incloſed Ground, planted and ſet apart as a Nurſery for Trees, firſt making Satisfaction to the Owners and Occupiers thereof, and Perſons intereſted therein, for the Damages they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree with the Owners and Occupiers of, and Perſons intereſted in any Lands, Grounds, or Hereditaments, for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners, Occupiers, or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands, Grounds, or Hereditaments; and it ſhall be lawful for all the Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, Huſbands, Guardians, Truſtees, or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of their Ceſtuique Truſts, whether Femes Covert, Infants, Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons whomſoever, but alſo to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them, or any Five or more of them, all or any ſuch Lands, Grounds, or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes aforeſaid, any Law, Statute, Uſage, or other Matter to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, and Adminiſtrators, and all other Perſons ſhall be, and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

The Recompence to be ſettled by a Jury in certain Caſes.

L. And be it further enacted, That if any ſuch Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice in Writing to him, her, or them, given or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be taken in and added to any Part of the ſaid Road, or into which any Part or Parts of ſuch Road is or are to be turned or altered as aforeſaid, ſhall by the Space

of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County where the Lands are ſituate, which Oaths any one or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter; what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted for or on Account of the taking of ſuch Lands or Grounds into the ſaid Road, or of turning any Part or Parts of ſuch Road into or through the ſame Lands or Grounds; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time, as occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes, which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter; and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion if there be occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage, Recompence, and Satisfaction, the ſaid Truſtees, or any Five or more of them, ſhall thereupon order the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the Owners or Occupiers, or other Perſons intereſted in the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict, Inquiſition, and Order ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Perſons and Parties whomſoever claiming any Eſtate in Fee Simple or Fee Tail for Life or Lives, or Years, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, or under any other Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County where the Lands are ſituate, or in caſe ſuch Sheriff, or his Deputy or Deputies ſhall be anywiſe intereſted in the Matter in queſtion, then to ſome one of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law, to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrants ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies, and the ſaid Coroner, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any one or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be a Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the

Their Verdict to be final.

Sheriff to ſummon Jury.

ſaid Sheriff, his Deputy or Deputies, or the ſaid Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, being qualified as laſt aforeſaid, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall, from Time to Time, have Power to impoſe any reaſonable Fine or Fines on the ſaid Sheriff, his Deputy or Deputies, Bailiffs or Agents, or on ſuch Coroner making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn refuſing to give, or not giving their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons, who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; provided that no ſuch Fine ſhall exceed the Sum of Ten Pounds, upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, or the Sum of Five Pounds on any other Perſon for any Offence.

Sheriff to be fined on Neglect of Duty.

LI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Lands, Grounds, or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difficulties, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any ſuch Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more, or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been ſettled and aſcertained by ſome Juſtice of the Peace for the County, Diſtrict, or Place wherein the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in Queſtion, who is hereby required to examine and ſettle the ſame, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon and Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon

For paying Expences of Juries.

Demand

Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, ſuch Coſts ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, in Manner aforeſaid.

How the Purchaſe Money is to be paid.

LII. And be it further enacted, That every Sum of Money, Recompence, and Satisfaction which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Monies which ſhall ariſe and be produced by virtue of this Act to the Parties or Perſons reſpectively entitled thereto, or their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Treaſurer of the ſaid Road, for the Uſe of the Parties or Perſons, or their Agents, all Owners and Occupiers of, and Perſons intereſted in, ſuch Lands or Grounds, ſhall from thenceforth be diveſted of all ſuch Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct; and ſhall be by them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſufficiently drained, fenced, ditched, and ſet out for that Purpoſe, and ſhall from thenceforth, to all Intents and Purpoſes whatſoever, become and for ever afterwards be a Common Highway, and ſhall be deemed Part of the Road to be repaired by virtue of this Act, and ſhall be repaired accordingly; and after ſuch new Road ſhall be completed, the Lands conſtituting the former Road, or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to or through ſome Town, Village, or Hamlet, to or through which ſuch new Road doth not lead or paſs, ſhall be veſted in the ſaid Truſtees for the Time being; and ſuch Truſtees, or any Five or more of them, ſhall ſell and convey the ſame for the beſt Price that can be gotten, and the Money ariſing from ſuch Sale ſhall be applied for the Purpoſes of this Act; and the ſaid Truſtees, or any Five or more of them, are hereby empowered to give in exchange any Part or Parts of the Lands conſtituting the former Road for any Part or Parts of ſuch new Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Truſtees may ſell or exchange any Part of the Old Road, when any Road ſhall be made in lieu thereof.

No Building to be damaged, nor Garden Ground, &c. to be taken for the Purpoſes of this Act.

LIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees, or any of them, or any other Perſon or Perſons employed by them, to pull down or damage any Dwelling Houſe or other Building, or to take, uſe, or poſſeſs any Ground for any of the Purpoſes of this Act, having been uſed as a Garden, Orchard, Yard, Walk, or Avenue to a Houſe, or Plantation or Nurſery for Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling Houſe or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation, or Nurſery of Trees reſpectively, his, her, or their Agent or Agents, under their reſpective Hands for that Purpoſe firſt had and obtained.

LIV. Pro-

Directing Pieces of Old Road to be offered for Sale to the Proprietors of the adjoining Lands.

LIV. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell or diſpoſe of any Piece or Pieces of old Road, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto, and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace, by ſome Perſon or Perſons not intereſted, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was offered, ſhall be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ, and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed, in reſpect to diſputed Value of Lands to be purchaſed by the ſaid Truſtees, in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein directed with reſpect to 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 as aforeſaid ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money: Provided alſo, that no ſuch Perſon ſhall act as a Truſtee, in any one Caſe relating to the contracting for or purchaſing of any Lands, Grounds, or Hereditaments, wherein he ſhall be perſonally intereſted.

Truſtees not to act where intereſted.

Application of Compenſation when exceeding 200l.

LV. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, Truſtees, Femes Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, if the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled to the ſame or to the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled, to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as

the Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood limited or ſettled, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery upon Application there, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by the Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Directing Application of Purchaſe Money when leſs than 200l. and exceeding 20l.

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

Directing Application of Purchaſe Money not exceeding 20l.

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

In caſe of not making out Titles, &c.

LVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, or Hereditaments to be purchaſed by virtue of

this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, 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 Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

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

LX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or the Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of

of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Work.

LXI. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work, on any Part of the Road within the Pariſhes or Places through which the ſaid Road, or any Part thereof, paſſes, ſhall be liable to do the ſame on the ſaid Road; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Surrey*, and they are hereby required and empowered (upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine which Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors for the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be ſo paid; which Liſts of Names ſhall be made in Manner, and under ſuch Regulations and Reſtrictions, as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given or left for him, her, or them, at his, her, or their laſt

laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees) ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the 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 Road, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards mending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

The Truſtees may compel the Surveyors of Highways to account for Compoſition Money.

LXII. Provided always, and be it further enacted, That it ſhall and may be lawful for any Two or more acting Juſtices of the Peace for the ſaid County of *Surrey*, or any Diviſion or Diſtrict therein reſpectively, by Writing under their Hands, to ſummon all, every, or any of the Surveyors or Surveyor of the Highways of all and every or any of the Pariſhes or Places, the Inhabitants whereof ſhall be liable to perform Statute-work on the Road by this Act authorized to be repaired, to appear before the ſaid Juſtices, and there to deliver in to them a full, true, and juſt Account in Writing of the Sums of Money by them reſpectively received for, in lieu of, or by way of Compoſition for Statute-work in their ſeveral or reſpective Pariſhes or Places, which Account ſhall be verified upon Oath; and in caſe the Perſon or Perſons ſo ſummoned ſhall neglect to appear at the Time and Place therein appointed, or ſhall refuſe or neglect to deliver in ſuch Accounts as aforeſaid, or if required to verify the ſame upon Oath, or to pay to the Treaſurer of the ſaid Road, or as the ſaid Juſtices ſhall direct, within Five Days from the producing of the ſaid Accounts, or whereon the ſame ought to have been produced, ſuch proportionable Part of all ſuch Compoſition Money as ſuch Surveyor or Surveyors, or any of them, ſhall have received, or without their wilful Neglect or Default might have been received, that then, and in all or any of the ſaid Caſes, the Perſon or Perſons ſo offending, ſhall for every ſeparate Offence, forfeit and pay any Sum not exceeding Five Pounds.

Statute and other Work may be compounded for.

LXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to compound and agree, by the Year or otherwiſe, with the Owners and Occupiers of any Lands, Tenements, or Hereditaments, or other Perſons, Bodies Politic or Corporate, liable or chargeable with or towards the Repair of any Part or Parts of the ſaid Road, or any Bridges, Arches, Drains, Sewers, or Watercourſes, lying in and upon the ſame, or the Performance of Statute Work thereon, for

for the Payment of a Sum or Sums of Money in lieu of such Repairs and Statute Work respectively; and also for the respective Surveyors of the Highways of any of the said Parishes and Districts through which the said Road shall pass, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, and Districts, upon any Part or Parts of the said Road.

Power to recover the Composition Money for Tolls, Statute and other Work.

LXIV. And be it further enacted, That in case the Composition Money in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Two or more Justices of the Peace for the County of *Surrey*, or any Division or District therein respectively, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, Oath having been first made before such Justices, that the same hath been demanded and remains due, (which Oath they are hereby respectively required and empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons so having compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus, if any, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, upon Demand, to the Owner or Owners thereof.

How Surveyors of the Highways are to be reimbursed the Composition Money.

LXV. And be it further enacted, That the respective Surveyors of the Highways, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be paid and reimbursed the Composition Money paid by, or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner as by the Laws in being, Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the said Highways.

Trustees may contract for Repairs.

LXVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Road, or any Part or Parts thereof respectively, or any Arches or Bridges upon the same; and for doing any other Work by this Act authorized to be done in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper, and all Contracts in Writing, for any of the Purposes aforesaid, which shall be entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding on all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Mile Stones and Direction Posts to be erected.

LXVII. And be it further enacted, That the said Trustees shall cause Mile Stones or Posts to be continued or set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon, denoting the Number of Miles and Distances of Places, and also Direction Posts where any other Roads lead out of or into the same Road; and if

any Perſon or Perſons ſhall wilfully break, pull down, deſtroy, or damage any of the Stones or Poſts which ſhall be ſo continued or ſet up, or eraſe, obliterate, or deface any of the Inſcriptions or Letters which ſhall be engraved or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted. Penalty on defacing them.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Perſon or Perſons by them, or any of them, or by the ſaid Truſtees employed in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds. Penalty on obſtructing the Execution of this Act.

LXIX. And be it further enacted, That all Penalties, Fines, and Forfeitures by this Act impoſed, or authorized to be impoſed, ſhall, upon Proof of the Offences and Conviction of the Offenders reſpectively, before any One or more Juſtice or Juſtices of the Peace for the County or Diviſion, or Diſtrict, wherein ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties 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 ſo offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby authorized and required to grant, and to adminiſter ſuch Oath, and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned on Demand, to the Owner or Owners of ſuch Goods and Chattels, and One Half of all ſuch Forfeitures, Penalties, and Fines, ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied to the Purpoſes of this Act, and the other Half ſhall be paid to the Informer; and in caſe ſuch ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, ſuch Juſtice and Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, for ſuch County, Diviſion, or Diſtrict, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied. How Penalties, Forfeitures, and Fines, are to be recovered and applied.

LXX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers or Perſons employed in the Execution thereof, be it therefore further enacted, That it ſhall and may be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officer, or other Perſons reſpectively, and ſuch other 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 and Perſons, who ſhall commit any ſuch Offence or Offences, and to convey him, her, or them before any Juſtice of the Peace for the County, Diviſion, or Diſtrict, where the Offence or Offences ſhall Tranſient Offenders may be apprehended.

shall be committed, or such Offender or Offenders shall be seized or apprehended; and such Justice is hereby empowered and directed to proceed and act with respect to such Offender or Offenders, according to the Provisions of this Act.

Conviction.

LXXI. And for the more speedy Conviction of Offenders against this Act, be it therefore enacted, That the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be:

Form of Conviction.

To wit. } 'BE it remembered, That on (*Time of Conviction*) at (*Place of Conviction*), A. B. (*Name of Offender*) of (*Addition of Offender*), was duly convicted before me or us, (*Name and Style of convicting Justice or Justices*) for that the said A. B. (*Name of Offender*) on (*Time of committing Offence*) did, (*here state the Offence*) against this Act, according to the Fact, contrary to the Form of the Statute made in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled (*here set forth the Title of this Act*): and I, or we, do therefore declare and adjudge that the said A. B. (*Name of Offender*) hath forfeited for his said Offence, the Sum of (*Fine*) or shall be committed to (*Place of Imprisonment*), for the Space of (*Time of Imprisonment*): Given under my Hand and Seal, (or *our Hands and Seals*), the Day and Year first above-written.'

Appeal to the Quarter Sessions.

LXXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, for which no particular Relief hath been herein-before provided, save and except the Verdict of the Jury, and any Determination, Proceeding, Matter, or Thing herein-before directed to be final, such Person or Persons may, within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace, at their General or Quarter Session, to be holden for the County, Division, or District, wherein the Cause of Appeal shall arise; such Appellant or Appellants first giving, or causing to be given, Ten Days Notice in Writing, of his, her, or their Intention to bring such Appeal, and of the Matters and Causes thereof, to the Clerk or Clerks, Treasurer or Treasurers, of the said Road, and within Four Days next after such Notice entering into a Recognizance, before some Justice of the Peace for the County, Division, or District, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the Justices, at such General or Quarter Session, and to pay such Costs as shall be awarded against him or them by such Justices; and such Justices, at their said Session, on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal, in a summary Way, and award Costs to the Party appealing or appealed against as they shall think proper; and their Determination shall be binding, final, and conclusive, to all Intents and Purposes whatsoever.

Limitation of Actions.

LXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance

ſuance of this Act, until Twenty Days Notice thereof ſhall be given to the Clerk or Clerks, Treaſurer or Treaſurers, of the ſaid Road; nor after a ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after the Expiration of Six Calendar Months from the Time of the Fact or Offence being committed; and every ſuch Action or Suit ſhall be laid or brought in the County in which the Cauſe of Action ſhall happen and not elſewhere; and the Defendant or Defendants in every ſuch Action may or ſhall at his, her, or their Election plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Actions ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Expiration of the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if ſuch Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath in other Caſes by Law.

General Iſſue.

LXXIV. Provided always, and be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover Satisfaction for the Special Damage, in an Action upon the Caſe.

Diſtreſs not unlawful for want of Form.

LXXV. And be it further enacted, That no Order, Judgment, or other Proceedings of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or any of them reſpectively, touching or concerning any of the Matters aforeſaid, or touching or concerning the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Proceedings not to be quaſhed for want of Form.

LXXVI. And be it further enacted, That the Charges and Expences in and about the paſſing and procuring of this Act, ſhall be defrayed and paid by the ſaid Truſtees, out of the Money already raiſed and received by virtue of the ſaid recited Acts, or either of them, or to be raiſed and received by virtue of this Act.

Expences of this Act now to be paid.

Public Act. LXXVII. 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.

Commencement and Continuance of this Act. LXXVIII. And be it further enacted, That this Act shall commence and take place upon the Second *Monday* after the passing thereof, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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