ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. XXX.

An Act for making and maintaining a Road from near *Gatton Lodge*, in the County of *Surrey*, to *Povey Croſs*, in the ſaid County. [21ſt *May* 1816.]

WHEREAS the preſent Turnpike Road leading from *Croydon*, in the County of *Surrey*, through *Reigate* to *Crawley*, in the County of *Suſſex*, is, in a certain Part thereof, *videlicet*, from *Gatton Lodge*, in the County of *Surrey*, to *Povey Croſs*, in the ſaid County, circuitous, and there are divers Hills on Parts thereof; and the ſaid Part of the ſaid Road might be much ſhortened in Diſtance, and the ſaid Hills avoided, by making a new Road from or from near *Gatton Lodge* aforeſaid, over *Aleſwood Common*, to *Petteridge Wood*, and through *Horley* and over *Horley Common*, to fall into the preſent Turnpike Road at *Povey Croſs* aforeſaid, thereby rendering the Intercourſe between the Metropolis and the Sea Coaſt more ſpeedy, particularly in the Supply of Fiſh in the Mackarel and Herring Seaſons, and at other Times; and the ſaid propoſed new Road would alſo greatly benefit the Owners of Eſtates lying on the Line of the ſaid new Road; but ſuch new Road cannot be made without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *George Holme* Truſtees. *Sumner* and *Samuel Thornton*, and the Knights of the Shire for the Time being for the County of *Surrey*, *Allen Apſley*, *George Adams*, Sir *Charles*

Merrick Burrell Baronet, Major General Sir *Benjamin Bloomfield*, Sir *Robert Burnett* Knight, Sir *Henry Bridges* Knight, *Thomas Smith Bridgen*, *Charles Barclay*, *William Boner*, *John Bolland*, the Reverend *Martin Benſon* ſenior, the Reverend *Martin Benſon* junior, *William Draper Beſt*, *John Brickwood*, *Thomas Byron*, *Thomas Bainbridge*, *John Briſtow*, *William Briſtow*, *Francis Scawen Blount*, the Reverend *George Bethune*, *Walter Burrell*, Sir *William Curtis* Baronet, *William Chatfield*, *Thomas Coles*, *William Clutton* junior, *Crow*, the Reverend *Henry Chatfield*, *Richard Crawſhaye*, *Cuddington*, *John Croſs*, *Charles Calvert*, *Thomas Croſſweller*, *Richard Corp*, *William Dent*, *Fanſhawe*, *John Fuller*, the Reverend *John Fearn*, Sir *James Graham* Baronet, *John Grantham*, *John Gurney*, *William Holmes*, *John Harris*, *Anthony Harman*, *Joſeph Holden*, *Hilton Jolliffe* Eſquire, the Reverend *William Jolliffe*, *William Kenrick*, the Reverend *Jarvis Kenrick*, *Beeſton Long*, *Thomas Leverton*, *Charles Shaw Le Fevre*, *Robert Lucas*, *John Maberley*, *James Moore*, *Thomas Meager*, *Richard John Millington*, *Thomas Penfold*, *Charles Pieſchell*, *Perkins* junior, *John Rogers*, *Henry Rycroft*, *C———— Runnington*, *George Smith*, the Reverend *Samuel Sparrow*, *John Smith*, Sir *Thomas Turton* Baronet, *Thomas Turner*, *Chriſtopher Taddy*, *Michael Angelo Taylor*, *Thomas Tait*, Sir *Mark Wood* Baronet, *Mark Wood*, *Daniel Watney*, Sir *Godfrey Webſter* Baronet, *Jacob Wood*, *Samuel Waller*, and their Succeſſors, to be appointed in the Manner herein-after mentioned, and qualified in the Manner herein-after expreſſed, ſhall be, and they are hereby appointed Truſtees for making and maintaining the ſaid new Road, and for carrying this Act into Execution; and it ſhall be lawful for the ſaid Truſtees, or any Five of them, although they ſhall not have taken the Oath of Qualification herein-after required to be taken by the ſaid Truſtees, to adminiſter ſuch Oath to all or any of the Truſtees preſent at their Firſt Meeting for the Execution of this Act.

Truſtees may elect a certain Number of additional Truſtees.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered, at any Time or Times, to elect any Number of additional Truſtees, not exceeding Twenty in the Whole; who ſhall have the ſame Power and Authority for executing this Act as if they had been herein-before nominated and appointed.

On Death, &c. of Truſtees, others to be choſen.

III. And be it further enacted, That in caſe any of the ſaid Truſtees herein-before named, or to be elected as herein-after mentioned, ſhall die, become unqualified, or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe, to appoint One other Perſon, being reſident in the County of *Surrey*, to be a Truſtee in the Room of every Truſtee ſo dying, becoming unqualified, or refuſing to act; Notice of the Time and Place of Meeting for every Appointment of Truſtees, being fixed on all the Turnpikes erected by virtue of this Act, and alſo advertiſed in ſome Newſpaper printed and circulated in the ſaid County at leaſt Ten Days before every ſuch Meeting; and every Perſon, being qualified as herein-after mentioned, who ſhall be ſo appointed, ſhall be veſted with the ſame Powers and Authorities for putting this Act into Execution, as if he had been named a Truſtee in this Act.

IV. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the ſaid Truſtees hereby appointed and to be elected as aforeſaid, except only in ſuch Caſes where it is herein otherwiſe directed, as requiring a greater or leſs Number of Truſtees.

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

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of acting he ſhall, in his own Right, or in the Right of his Wife, be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds over and above Mortgages, Debts, and all other Incumbrances whatſoever in anywiſe affecting the ſame; or be poſſeſſed of or entitled to a Perſonal Eſtate, or of a Real and Perſonal Eſtate together, to the Amount of One thouſand Pounds, over and above all ſuch Incumbrances as aforeſaid; or be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands of the yearly Value of One hundred Pounds; and that no ſuch Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (except in adminiſtering the Oath herein-after mentioned at the Firſt Meeting after the paſſing of this Act) until he ſhall have taken and ſubſcribed, in a Book to be kept for that Purpoſe, an Oath or Affirmation in the Words or to the Effect following; (that is to ſay),

Qualification of Truſtees, &c.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] that I truly and *bonâ fide* am in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above all Mortgages, Debts, or other Incumbrances, anywiſe affecting the ſame; *or*, poſſeſſed of or entitled to a Perſonal Eſtate; *or*, to a Real or Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds clear of all Debts and Incumbrances; *or*, am Heir Apparent of who to the beſt of my Knowledge is entitled to a Real Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds. So help me GOD.'

Form of Oath.

Which Oath or Affirmation any One of the ſaid Truſtees, at any ſuch Meeting, is hereby empowered to adminiſter; and if any Perſon ſhall act as a Truſtee in the Execution of this Act, not being qualified as aforeſaid, or without having taken and ſubſcribed ſuch Oath or Affirmation in Manner aforeſaid, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; in which Action it ſhall be ſufficient for the Plaintiff to prove that ſuch Perſon hath acted as a Truſtee in the Execution of this Act, which Proof ſhall entitle the Plaintiff to a Verdict, unleſs the Defendant ſhall prove that he was at the Time of ſo acting duly qualified: Provided nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed touching the Execution of this Act, by any ſuch Perſon, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Penalty for acting not being qualified;

but all Acts to be good until Conviction.

VI. And

Truſtees not to act when intereſted, &c.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold, either in his own Name, or in the Name of any other Perſon for his Benefit, any Place of Profit, or ſhall be, directly or indirectly, the Farmer or Renter of the Tolls hereby granted, or Contractor or concerned in any Bargain or Agreement for the repairing the Road compriſed in this Act; or who ſhall become Surety for ſuch Farmer or Renter of the Tolls or Road reſpectively; nor act or vote in any Caſe wherein he ſhall be perſonally intereſted (otherwiſe than as a Creditor); nor act as a Truſtee at any Meeting which he ſhall attend to tranſact Buſineſs as Agent for any other Perſon.

Truſtees being in Commiſſion of the Peace, may act as Juſtices, &c.

VII. And be it further enacted, That any Truſtee or Truſtees appointed in or by virtue of this Act, who ſhall be a Juſtice or Juſtices of the Peace, may and is and are hereby authorized and empowered to act as a Juſtice or Juſtices of the Peace, in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being a Truſtee or Truſtees; provided that ſuch Juſtice or Juſtices be not perſonally intereſted in the Matters to be adjudged by him or them, otherwiſe than as a Truſtee or Truſtees.

Firſt Meeting of Truſtees, &c.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall firſt meet together at the Houſe known by the Name or Sign of *The Crown* at *Croydon*, in the ſaid County of *Surrey*, on the *Monday* Fortnight after the paſſing of this Act, or as ſoon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and ſhall at ſuch Meeting proceed to the Execution of this Act; and ſhall, from Time to Time afterwards, meet at the ſame or any other Place near the ſaid Road, as often as they ſhall think fit, and ſhall and may from Time to Time, when they think proper, adjourn any ſuch Meeting to a future Time, not exceeding Fourteen Days at the ſame Place, or at ſome other convenient Place near to the ſaid Road, as they ſhall think proper, for putting this Act into Execution; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, or to adjourn to any other Time and Place, then the Clerk to the ſaid Truſtees ſhall adjourn the ſaid Meeting to, and appoint the Truſtees to meet at, the Place where the laſt Meeting was appointed to be held, on *Monday* Fortnight next after the Day on which ſuch laſt Meeting was appointed to be held, and ſhall cauſe Notice thereof to be affixed on all the Toll Gates then erected by virtue of this Act, at leaſt Ten Days before ſuch Meeting; and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Charges and Expences, except in paying for the Uſe of the Room or Rooms where their Meetings ſhall from Time to Time be held for the Purpoſes of this Act: Provided always, that Three Truſtees ſhall be ſufficient to adjourn any ſuch Meeting.

Power to call intermediate Meetings.

IX. And be it further enacted, That if, after any adjourned Meeting of the ſaid Truſtees, made either by themſelves or their Clerk, it ſhall be thought neceſſary, by Five or more of the Truſtees, upon ſome Emergency, that there ſhould be an earlier Day of Meeting than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk of the ſaid Truſtees, on an Order in Writing to be delivered to him, to be ſigned by any Five or more of the acting Truſtees, although not aſſembled at a Meeting, ſhall forthwith

forthwith give Notice of such Meeting by Writing to be affixed on all the Turnpike Gates then erected upon the said Road, at least Five Days before such Meeting, mentioning the Time, Place, and Purpose of such Meeting, as specified in the said Order; and the Proceedings of the Trustees at all such Meetings, respecting the Matters contained in such Notice, shall be as valid and effectual to all Intents and Purposes as if such Meeting had been held in pursuance of Adjournment: Provided always, that no further or other Business shall be entered upon or taken into Consideration at any such Meetings so to be called upon any such Emergency as aforesaid, than such as shall have been set forth in the Order and Notice for calling such Meetings.

No Order to be repealed, unless the Trustees exceed the Number who made it.

X. And be it further enacted, That no Order made by the said Trustees, and entered in the Book in which their Orders are usually entered, shall be revoked, repealed, or set aside, at any subsequent Meeting of the Trustees, unless a greater Number of Trustees than were present when such Order was made shall be present at such subsequent Meeting, and consent to such Revocation or Alteration; and no Order made at any Meeting of the said Trustees shall be repealed or altered, unless Ten Days Notice of the Intention of repealing or altering such Order, and of a Meeting to be held for that Purpose, shall have been given at the Meeting held previous to the Repeal or Alteration being made, and also by affixing the same on all the Turnpike Gates then standing on the said Road, and by inserting such Notice in some Newspaper circulated in the said County of *Surrey*.

Proceedings of Trustees to be entered in Books.

XI. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Trustees, made and entered into at their several Meetings, and the Names of the Trustees present at each Meeting, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by a competent Number of the Trustees, as the Case shall require; and such Orders and Proceedings so entered and signed shall be deemed to be original Orders and Proceedings of the Trustees; and such Book or Books, and also the Book or Books herein-after directed to be kept for the registering the Mortgages and Transfers thereof, shall be deemed to be Originals, and shall be admitted as Evidence in all Courts whatsoever.

Trustees may appoint Officers, &c.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, present at their First or any subsequent Meeting, shall and may, by any Order or Orders, or Writing or Writings, elect, choose, and appoint any fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls or Duties hereby granted; and also any fit Person or Persons to be Surveyor or Surveyors of the said Road, to view the Condition thereof, and to see that the same is repaired and amended, and that the Money raised by virtue of this Act be duly applied; and from Time to Time to remove any such Officers or other Persons, or any or either of them; and upon the Death, Resignation, or Removal of such Officers or other Persons, or any or either of them, the said Trustees may, in like Manner, appoint others in their stead; and out of the Monies to arise by virtue of this Act may allow and pay such Salaries, and make such Allowances to such Officers or other Persons, for their Services, as to the said Trustees shall

ſhall ſeem reaſonable; and all and every ſuch Treaſurer, Surveyor, Toll Collector, and other Officers of the ſaid Road, ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees ſhall for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, and how, when, and to whom, and for what Purpoſes the ſame and every Part thereof have or hath been applied or diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and all ſuch Officers and Perſons ſhall, and they are hereby required to pay all ſuch Monies as upon the Balance of ſuch Account ſhall appear to be in their reſpective Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any ſuch Officers or Perſons ſhall refuſe or neglect to render or give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in his or their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the Truſtees, or to any ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fourteen Days next after being thereunto required by the ſaid Truſtees, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, anyways relating to the Execution of this Act, or to the ſaid Road, and Complaint ſhall be made of any ſuch Refuſal or Neglect to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, ſuch Juſtice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him; and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward) or upon the Inſpection of the ſaid Accounts, if produced, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, and if ſuch Officer or Officers, or other Perſon or Perſons, ſhall not appear before the ſaid Juſtice, or offer ſome ſufficient Excuſe, at the Time and Place by him appointed for that Purpoſe, or if appearing he ſhall refuſe or neglect to give and deliver to ſuch Juſtice an Account or Accounts of all Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road, then and in either of the Caſes aforeſaid, the ſaid Juſtice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers,

Perſon or Perſons, to the Common Gaol of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize, until he or they ſhall have delivered and ſettled his, her, or their Accounts, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees for the ſame, and ſhall have paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive) or until he, ſhe, or they ſhall have delivered up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees; but no Perſon who ſhall be committed for Want of a ſufficient Diſtreſs, ſhall be detained in Priſon upon ſuch Commitment by virtue of this Act for any longer Time than Six Calendar Months.

Leſſee of Tolls reſponſible for Perſons employed by him.

XIII. And be it further enacted, That the Leſſee or Hirer of the ſaid Tolls and Duties for the Time being, ſhall at all Times be reſponſible for every Perſon or Perſons employed by or under him, for the Purpoſe of collecting or receiving the ſaid Tolls, whether ſuch Perſon or Perſons ſhall be a Party in hiring the ſame or not; and all Perſons or Paſſengers going through any Turnpike Gate erected on the ſaid Road, having any lawful Complaint againſt ſuch Collector or Collectors, may prefer the ſame againſt the Leſſee or Hirer of the ſaid Tolls, who ſhall be liable to the ſame Fines, Forfeitures, or Penalties, as if acting in his own proper Perſon.

No Victualler to hold a Place of Profit under this Act.

XIV. Provided always, and be it further enacted, That no Perſon keeping an Inn, Alehouſe, or other Houſe of public Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors, ſhall be capable of holding any Place of Truſt or Profit under this Act, or of being appointed a Truſtee or acting as ſuch, nor ſhall be capable of farming or renting the Tolls, unleſs he ſhall employ ſome Perſon to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

No Truſtee to vote in the Election of any Officer, unleſs he ſhall have acted within a certain Period.

XV. And be it further enacted, That no Truſtee ſhall have any Voice in the Election or Appointment of any Officer or Perſon to hold any Office or Place of Truſt or Profit under the ſaid Truſtees, by whatſoever Name he ſhall be deſcribed or called, unleſs ſuch Truſtee ſhall have been preſent at one or more Meeting or Meetings held in purſuance of this Act, and have acted as Truſtee within One Year preceding the Death, Reſignation, or Removal of the laſt Officer, or in caſe the Office ſhall be of new Appointment, then preceding the Meeting at which ſuch new Appointment ſhall have been determined upon; and the Preſence of ſuch Truſtee at ſuch Meeting or Meetings as aforeſaid ſhall be aſcertained by his Name appearing in the Book or Books kept for the Purpoſe of entering all Proceedings of the Truſtees.

Treaſurer and other Officers to give Security for the due Execution of their Offices.

XVI. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized and required to take ſufficient Security from the Treaſurer or Surveyors to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his and their ſaid Office or Offices; and the

the ſaid Truſtees may alſo, if they think fit, take ſuch Security from any other Officer appointed or to be appointed under this Act.

Actions to be brought in the Name of the Treaſurer or Clerk, but neither of them to be liable to the Payment.

XVII. And be it further enacted, That in all Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk; and no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or defended, or by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees; but the Treaſurer or Clerk to the ſaid Truſtees for the Time being ſhall always be deemed the Plaintiff or Defendant in every ſuch Action or Suit: Provided always, that the Treaſurer or Clerk in whoſe Name 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 Proceeding, he ſhall be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant.

Accounts.

XVIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required from Time to Time to cauſe to be entered in a Book, regular Accounts of the Receipts and Diſburſements, and of the ſeveral Articles for which ſuch Sums have been diſburſed, which Book ſhall be kept by the Treaſurer or Clerk, in order that any of the ſaid Truſtees, or any Creditor or Creditors on the ſaid Tolls may at all ſeaſonable Times have Acceſs thereto, and take Copies or Extracts therefrom without paying any Thing for the ſame; and in caſe the ſaid Treaſurer or Clerk ſhall refuſe to permit ſuch Perſon or Perſons as aforeſaid to inſpect or take Extracts from ſuch Book of Accounts, he ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding the Sum of Five Pounds.

Truſtees may contract for the making or repairing the Road or other Works.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to contract and agree with any Perſon or Perſons for the making or repairing of the ſaid Road, or any Part or Parts thereof, or for doing any other Work in purſuance or in Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money (annually or otherwiſe) and for ſuch Conſiderations, as the ſaid Truſtees ſhall think proper.

Truſtees may erect Gates and Side Gates, &c.

XX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may cauſe to be erected any Turnpike or Turnpikes in, upon, or acroſs any Part or Parts of the ſaid Road hereby intended to be made, as they ſhall think proper, and alſo upon the Sides of the ſaid Road, and at the End, or acroſs or within Thirty Yards from the End of any Lane or Way leading into or out of the ſame; and may alſo cauſe to be erected or provided a Toll Houſe with ſuitable Outbuildings at or near each and every Turnpike, and from Time to Time remove ſuch Turnpike or Turnpikes, Toll Houſe or Toll Houſes and Outbuildings, or alter the ſame, or any Part or Parts thereof reſpectively, as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary.

XXI. And

Gates, Toll Houſes, &c. veſted in Truſtees.

XXI. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Houſes, Buildings, Lamps, Toll Gates, Bars, Toll Boards, Direction Boards, Poſts, Rails, and Fences, to be erected by virtue of this Act, and the Materials of which the ſame do or ſhall conſiſt, and the Materials which have been or ſhall be provided for repairing the ſaid Road, and alſo all the Tolls and other Requiſites already or hereafter to be provided for the Purpoſes of this Act, and all Books, Deeds, Writings, Maps, and Papers relating to the ſaid Road, ſhall be and they are hereby veſted in the ſaid Truſtees; and they are hereby empowered to diſpoſe thereof as they ſhall think proper, and to bring, or cauſe to be brought any Action or Actions, or to prefer and proſecute, or order the preferring and proſecuting of any Indictment, or to proceed in a ſummary Way before a Magiſtrate of the County in which the Offence ſhall be committed, againſt any Perſon or Perſons who ſhall ſteal, carry away, break down, injure, or ſpoil the ſame, or any Part thereof, or diſturb the ſaid Truſtees, their Agents or Servants, in the Poſſeſſion thereof, and lay the Property thereof in the Name of their Treaſurer or Clerk.

Power for Truſtees to ſell or demiſe Toll Houſes.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees abſolutely to ſell and diſpoſe of any Toll Houſe or Toll Houſes ſo to be erected, and the Ground whereon the ſame ſhall ſtand, with the Outhouſes, Gardens, and Appurtenances thereunto belonging (when they ſhall be conſidered by the ſaid Truſtees to be uſeleſs and unneceſſary for the Purpoſes of this Act) to any Perſon or Perſons whomſoever, either by public Auction or private Sale, at or for ſuch Price or Prices as they the ſaid Truſtees can obtain for the ſame; and in caſe of Sale, to convey the ſaid Toll Houſes, Gardens, and Appurtenances, to the Perſon or Perſons who ſhall purchaſe the ſame, as and for an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, his, her, or their Heirs or Aſſigns, ſhall, upon Payment of his, her, or their Purchaſe Money to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts, and free from all Incumbrances whatſoever, and ſhall not be obliged to ſee to the Application of his, her, or their Purchaſe Money, nor be anſwerable for the Miſapplication or Non-application thereof.

Tolls.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the reſpective Turnpikes or Toll Gates, or Turnpike or Toll Gate, or Side Bar or Side Gate, which ſhall be erected in, upon, acroſs, or on the Side of the ſaid Road by virtue of this Act, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night) before any Horſe, Mare, Gelding, Mule, Aſs, Beaſt, or other Cattle, or any Coach, Waggon, Cart, or other Carriage whatſoever ſhall be permitted to paſs through any of the ſaid Turnpikes or Toll Gates; that is to ſay,

For every Horſe or other Beaſt of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis a Vis, Chaiſe, Calaſh, Chaiſe Marine, Curricle, Chair, Gig, Whiſkey, Caravan, Hearſe, Litter, or other ſuch Carriage, the Sum of Four-pence.

For every Horſe or other Beaſt of Draught, drawing any Waggon, Cart, Dray, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, the Sum of Three-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Cart, Dray, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and under Nine Inches, the Sum of Four-pence:

For every Horſe or other Beaſt of Draught, drawing any Waggon, Cart, Dray, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth than Six Inches, the Sum of Five-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

Sunday Tolls.

XXIV. And be it further enacted, That every Coach, Berlin, Landau, Chariot, Calaſh, Hearſe, Caravan, Chaiſe, Chair, Waggon, Cart, or other Carriage, and every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, laden or unladen and not drawing, and every Drove of Oxen, Cows, or other Neat Cattle, Calves, Hogs, Sheep, or Lambs, which ſhall reſpectively paſs through either or any of the ſaid Turnpikes on a *Sunday*, ſhall be ſubject and liable to One-half more of the Tolls herein-before made payable for the ſame reſpectively.

Perſons, &c. having paid Toll to paſs through the ſame Gate Toll-free on the ſame Day, &c.

XXV. Provided always, and be it further enacted, That every Perſon or Perſons having paid the Tolls or Duties by this Act granted, at any of the ſaid Turnpikes through which ſuch Perſon or Perſons ſhall have paſſed with any Horſe, Mare, Gelding, Mule, Aſs, Cattle, or Carriage as aforeſaid, ſhall have and receive of the Collector a Note or Ticket denoting ſuch Payment, and naming and ſpecifying the Gate or Gates to be freed thereby (and which Note or Ticket the ſaid Collector is hereby required to give) and ſuch Perſon or Perſons on producing ſuch Note or Ticket to the ſaid Collector, ſhall be at Liberty to paſs and repaſs Toll-free through the ſame Turnpike, at any Time or Times before Twelve of the Clock at Night of the ſaid Day, with the ſame Horſe, Mare, Gelding, Mule, Aſs, Cattle, or Carriage; but if any Perſon or Perſons ſhall paſs the ſame Day through the ſame Turnpike or Turnpikes a Third Time with any Horſe or Horſes or other Beaſt or Carriage whatſoever, then ſuch Perſon or Perſons ſhall again be ſubject and liable to pay the ſaid Tolls or Duties hereby impoſed on ſuch reſpective Horſes or other Beaſts or Carriages, and to receive another Note or Ticket, which the Collector is hereby required to deliver as aforeſaid, and which ſhall entitle him or them to return through the ſame Turnpike with the ſame Horſe or Horſes or other Beaſt or Carriage upon the ſame Day Toll-free, and ſo *toties quoties* for every Third Time the ſaid Perſon or Perſons ſhall paſs and repaſs the ſame Day through the ſame Turnpike with the ſame Carriage or Carriages.

Tolls on Wood, &c. to be payable each Time of passing.

XXVI. Provided also, and be it enacted, That the Tolls hereby granted shall be payable for the Horses drawing any Waggon, Cart, or Carriage laden with Wood, Faggots, Chalk, or Lime, every Time such Waggon, Cart, or Carriage shall pass through any Toll Gate to be erected in pursuance of this Act.

Exemption.

XXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Gate or Bar to be erected in pursuance of this Act, on the Line of Communication between the Estate of *Gatton* and the Estate of *Fords Farm*, in the Parish of *Reigate*, for any Horse or Horses, or other Beasts or Cattle, or for any Coach, Cart, Waggon, Wain, or other Carriage, belonging to the Owner or Owners of the said Estate of *Gatton* for the Time being; such Owner or Owners being at the same Time the Owner or Owners of the said Estate called *Fords Farm*, and which Horse or Horses, or other Beasts or Cattle, Coach, Cart, Waggon, Wain, or other Carriage shall be passing from either of the said Estates to the other of them.

Side Gates not to extend to a double Charge.

XXVIII. Provided also, and be it further enacted, That the Payment of Toll by any Person or Persons at any Turnpike or Turnpikes to be erected in pursuance of this Act upon the Sides of the said Road, or at the End or across or within Thirty Yards from any Lane or Way leading into or out of the same, shall not extend to a double Charge upon the Person or Persons so paying Toll and passing through any other of the Turnpikes to be erected by virtue of this Act.

Limiting the Number of Tolls.

XXIX. Provided also, and be it further enacted, That no more than Two Tolls in the Whole shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any One Day, for passing or repassing through all or any of the said Toll Gates or Side Gates to be erected on the said Road, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Tolls vested in Trustees; and Persons refusing to pay the Tolls to be subject to Distress.

XXX. And be it further enacted, That the said respective Tolls or Sums of Money shall be vested in the said Trustees, and applied as hereinafter directed; and if any Person or Persons, subject to the Payment of any or either of the said Tolls, shall, after Demand thereof made either at the Turnpike where such Toll should be collected, or immediately after passing through the same, neglect or refuse to pay the said Tolls, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse or Horses or other Cattle, in respect whereof such Tolls are payable, together with their Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of such Horse or other Beast apart from such Horse or other Beast) or their Loading, or any Carriage with its Loading, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money (if any be) and what shall remain unsold, on Demand,

Demand, to the Owner thereof, after ſuch Tolls and reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted; and if any Diſpute ſhall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or ſelling any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen) until the Amount of the Tolls due, and of the Charges of Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen) ſhall be aſcertained by ſome Juſtice of the Peace for the County where ſuch Diſpute ſhall ariſe, who, on Application made to him for that Purpoſe, ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and ſhall award ſuch Coſts and Charges to either Party, as to the ſaid Juſtice ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered in caſe of Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) to the Party entitled to the ſame.

If any Diſpute ariſe concerning ſuch Tolls, &c. the ſame to be determined by a Juſtice of the Peace.

Collectors of Tolls may give Evidence.

XXXI. And be it further enacted, That in caſe any Diſpute, Suit, Litigation, or Appeal ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or any of them, the Leſſee or Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, Litigation, or Appeal, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or acting under ſuch Authority as aforeſaid.

Regulations in order to prevent Collectors from taking undue Tolls, &c.

XXXII. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees or by any ſuch Leſſee or Leſſees to collect the Tolls payable at any of the Turnpike or Toll Gates to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the 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 exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer or ſhall in anyways 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 a Toll when demanded, 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

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 Forty Shillings 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.

Penalty for aſſaulting Collectors, &c.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, obſtruct, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, obſtructed, or diſturbed, any Collector of the Tolls, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Leſſors, &c. not to ſuffer Overweight without being paid for, &c.

XXXIV. And be it further enacted, That for the better preventing of Frauds and Colluſions reſpecting Carriages carrying Overweights, if any Leſſee or Leſſees of the Tolls payable at any Turnpike Gate or Gates to be erected by virtue of this Act, or any Collector or Collectors of the Tolls, or any Perſon or Perſons to be appointed to the Care of any Weighing Machine or Machines to be erected on the ſaid Road, ſhall ſuffer or permit any Waggon, Cart, or Carriage liable to be weighed at any ſuch Machine or Machines to paſs through the Turnpike Gate or Gates erected or to be erected on the ſaid Road without weighing the ſame, or ſhall ſuffer or permit any ſuch Waggon, Cart, or other Carriage to proceed on the ſaid Road without having firſt paid the Tolls payable for ſuch Waggon, Cart, or other Carriage, and for all ſuch Overweight or Overweights as ſuch Waggon, Cart, or other Carriage reſpectively ſhall or may happen to have therein or thereon; or if any ſuch Leſſee or other Perſon ſhall enter into any Contract, Compoſition, or Agreement, verbal or written, whereby any ſpecific Sum of Money is to be paid by any Perſon or Perſons for the Carriage of Overweight in reſpect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at ſuch Machine; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge. Penalty.

Exemptions from Toll.

XXXV. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the ſame Day) any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies, or in any Pariſh adjoining the ſame; or with Seed for ſeeding the Ground in the ſaid Pariſhes; or Hay, Turnips, Straw, or Corn in the Straw only, not bought, ſold, or diſpoſed of, or going to be ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or

conveying on the ſame Day) any Ploughs, Harrows, or Implements of Huſbandry; or any Mould, Dung, Compoſt, or Manure (Chalk and Lime excepted) employed in Huſbandry, or for manuring or improving Lands; or for any Horſes or other Beaſts going to or returning from Paſture, or any watering Place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip, on *Sundays*, or any other Day in which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or other his Parochial or Miniſterial Duty; or for any Horſes or Carriages of whatever Deſcription employed or to be employed in conveying or guarding the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying or guarding the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty; or for any Horſe or Horſes, or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches, or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Carriages conveying King's Stores, &c. exempted from Overweight.

XXXVI. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriages, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall, while ſo employed, be ſubject to any Penalty or Forfeiture for

Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, be ſtopped or detained by reaſon of any Weights in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

Truſtees, with Conſent of Mortgagees, may lower Tolls, and may raiſe them again;

XXXVII. And be it further enacted, That the ſaid Truſtees may, and they are hereby authorized and empowered, from Time to Time, as they ſhall think proper, to leſſen or reduce all or any of the Tolls hereby granted, and to raiſe them again to any Sum not exceeding the Tolls reſpectively hereby granted, ſo that ſuch Reduction be made with the Conſent of the Perſons who ſhall be entitled to Five-ſixths Parts at leaſt of the Money then due on the Credit of ſuch Tolls; but ſuch Reduction ſhall not be made, unleſs Notice in Writing be given of a Meeting to be held for that Purpoſe, by affixing the ſame upon all the Turnpike Gates then erected on the ſaid Road, and by advertiſing the ſame in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Road, at leaſt Ten Days before the Meeting for making ſuch Reduction; and ſuch Tolls ſo leſſened, or reduced, or raiſed again, ſhall be veſted in the ſaid Truſtees, and ſhall be collected, recovered, levied, paid, and applied in the Manner as the Tolls hereby granted, are directed to be collected, recovered, and applied.

and mitigate, to a certain Extent, Tolls for Overweight.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to mitigate any additional Toll or Tolls, that ſhall or may, at any Time or Times, become due and payable for or in reſpect of any Waggon, Wain, Cart, or Carriage, paſſing or being drawn on the ſaid Road, or any Part thereof, and being of a greater Weight, with the loading thereof, than by Law is allowed; provided that no ſuch additional Toll at any one Time, ſhall be mitigated to any Sum leſs than One-half Part thereof.

Truſtees may leaſe Tolls.

XXXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby empowered, as ſoon after the paſſing of this Act as they ſhall think proper, after giving Twenty Days Notice in ſome Newſpaper circulated in the ſaid County of *Surrey*, and alſo by Writing to be affixed upon all the Turnpike Gates erected on the ſaid Road, the Tolls whereof are intended to be leaſed, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts of ſuch Tolls, and alſo the additional Tolls for Overweight, to be collected or received at ſuch Gates, and the Penalties payable for the Evaſion of Tolls, by Public Auction, for a Term not exceeding Three Years at one Time, for the beſt Price that can be gotten for the ſame, and to put up and offer the ſaid Tolls to be let in future Years, at any annual Sum or Sums of Money, and under ſuch Conditions, and to direct the ſame Tolls to be paid by the reſpective Leſſee or Leſſees thereof, at ſuch Time and under ſuch Covenants as the ſaid Truſtees, or any Five or more of them, ſhall think fit, the ſaid Truſtees having a Counterpart of ſuch Leaſe or

or Leaſes, and taking ſuch other ſufficient Security from the Perſon or Perſons to whom any ſuch Tolls ſhall be leaſed and demiſed for Payment of ſuch Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit: Provided always, that no Leaſe ſhall be valid if granted to any Perſon or Perſons who ſhall be or become a Truſtee or Truſtees under this Act, or in which any of the ſaid Truſtees ſhall have any Intereſt or Concern, unleſs ſuch Truſtee ſhall, previous to any Offer made by him or on his Account, declare in Writing, to be delivered to the ſaid Clerk, that he intends to make ſuch Offer; provided further, that no Leſſee of the ſaid Tolls ſhall aſſign the ſaid Leaſe, or let or demiſe the ſame Tolls, or any Part thereof, to any Perſon or Perſons whomſoever, without the previous Conſent of the ſaid Truſtees, or any Five or more of them, obtained at a Meeting, and entered in their Book; and that any Aſſignment, Leaſe, or Demiſe made without ſuch Conſent, ſhall be, and the ſame is hereby declared to be null and void; and that any Perſon in Poſſeſſion of any Toll Houſe by virtue of any ſuch Aſſignment, Leaſe, or Demiſe, made by ſuch Leſſee of the Tolls as aforeſaid, ſhall and may be removed by the ſaid Truſtees, in ſuch and the ſame Manner as is herein-after declared concerning the Removal of Leſſees at the Expiration of their Leaſes.

Leſſees, or Perſons appointed by them, may collect the Tolls.

XL. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons, as he or they ſhall by Writing or Writings under his or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls, and to uſe all ſuch Means and Methods for the Recovery thereof in caſe of Non-payment or Evaſion, as the Collectors to be appointed under or by virtue of this Act are by this Act empowered to uſe.

Power to declare Leaſes void, in caſe of Non-payment of Rent.

XLI. And be it further enacted, That if upon or after any Setting or Agreement for letting the ſaid Tolls, or any Part thereof, or any Weighing Machine or Machines to be erected on the ſaid Road, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame, or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in every ſuch Caſe, the ſaid Truſtees ſhall and may, and are hereby empowered, at any Meeting to be held after Ten Days previous Notice of the holding of ſuch Meeting ſhall be given to the Leſſee or Leſſees of the ſaid Tolls or Weighing Machine or Machines, and alſo affixed Ten Days before ſuch Meeting at or upon all the Turnpike Gates then erected or ſtanding upon or acroſs the ſaid Road, to declare any Leaſe of the ſaid Tolls or Weighing Machine or Machines, or any Contract or Agreement for letting the ſame void, and the ſame ſhall be thereupon void to all Intents and Purpoſes from the Time of ſuch Declaration; but in ſuch Caſe the ſaid Leſſee or Leſſees, or his or their Surety or Sureties ſhall nevertheleſs be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract, or Agreement, and for all Coſts, Charges, Damages, and Expences which the ſaid Truſtees, or their Treaſurer for the Time being, ſhall or may pay, ſuſtain, or be put unto, by reaſon of the Non-performance of any Covenant or Agreement, Covenants or Agreements to be contained in any ſuch Leaſe, Contract, or Agreement on the Part of ſuch Leſſee or Leſſees.

XLII. And

For expelling Leſſees at the Expiration of Leaſes, or when the ſame ſhall be declared void.

XLII. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls hereby granted, or of any Weighing Machine or Machines to be erected on the ſaid Road, or any Perſon or Perſons claiming under him or them, ſhall at or at any Time after the Expiration of the Term for which ſuch Tolls or Weighing Machine or Machines ſhall be leaſed, or for the Space of Three Days after the Demiſe of ſuch Tolls or Weighing Machine or Machines ſhall be declared void as aforeſaid, refuſe to deliver up the Poſſeſſion of the Toll Houſe or Toll Houſes, Buildings and Premiſes which ſhall have been demiſed to him or them, with the Tolls ſo leaſed, or the Poſſeſſion of any ſuch Weighing Machine or Machines, with the Buildings and Appurtenances thereto belonging, it ſhall be lawful for any Juſtice of the Peace for the County, Liberty, or Place where ſuch Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings, and Premiſes ſhall be ſituate reſpectively, by Warrant under his Hand and Seal, to order the Conſtables, or other Peace Officers of the Pariſh or Place where ſuch Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings, and Premiſes ſhall be ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, with proper Aſſiſtants, to enter ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes reſpectively, in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods and Chattels, out of ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, and to put any Perſon or Perſons whom the ſaid Truſtees ſhall appoint, in Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Weighing Machine or Machines, Buildings and Premiſes, ſo that the Tolls payable thereat may from thenceforth be received and taken for the uſe of the ſaid Truſtees, to be applied as by this Act is directed.

Power to borrow Money on Tolls.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting or Meetings to be held for that Purpoſe, to borrow and take up at Intereſt (ſuch Intereſt not to exceed Five Pounds *per Centum per Annum*) on the Credit of the Tolls ariſing by virtue of this Act, ſuch Sum or Sums of Money as they ſhall from Time to Time think fit; and the ſaid Truſtees may, and they are hereby empowered to demiſe and mortgage the ſaid Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houſes for collecting the ſame (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls) as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance ſuch Sum or Sums of Money; which Mortgage ſhall be ſigned and ſealed by the ſaid Truſtees, or any Five or more of them, and be in the Words or to the Effect following; that is to ſay,

Form of Mortgage.

‘ BY virtue of an Act paſſed in the Fifty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] We,
‘ of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the
‘ Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto his Executors, Adminiſtrators
‘ and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates, Bars, Chains, Toll Houſes, and Weighing Machines for collecting the ſame, and the Buildings and Appurtenances thereof, as the ſaid Sum of doth or
‘ ſhall

'shall bear to the Whole of the Monies now secured or hereafter to be 'secured on the Credit thereof; to be had and holden from the Day of 'the Date hereof, for and during the Continuance of the said Act, unless 'the said Sum of with Interest at the Rate 'of *per Centum per Annum*, shall be sooner paid 'and satisfied. Given under our Hands and Seals, the 'Day of in the Year of our Lord One thousand eight 'hundred and .'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept and provided for that Purpose by the Clerk or Treasurer: And all and every or any Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments of Tolls shall be made by virtue of this Act, or who shall be entitled to the Monies thereby respectively secured, may from Time to Time transfer his, her, or their Right, Title, Interest or Benefit to the said Mortgage or Assignment, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* of [*or*, I, *C. D.* of] Executor 'or Administrator of *A. B.* late of [*or otherwise, as the 'Case may happen to be*,] in Consideration of the Sum of 'to me paid by *E. F.* of do hereby assign and transfer 'unto the said *E. F.* his Executors, Administrators and Assigns, a certain 'Mortgage or Security bearing Date the Day of 'in the Year of our Lord under the 'Hands and Seals of of the Trustees for putting in Execution 'an Act of Parliament passed in the Fifty-sixth Year of the Reign of His 'Majesty King *George* the Third, intituled [*here set forth the Title of this 'Act*] with all my Right and Title to the Principal Sum of 'thereby secured, and all Interest now due and hereafter to 'grow due thereon. Dated this Day of 'in the Year of our Lord One thousand eight hundred and 'Witness,

Transfer to be notified and entered.

Which said Transfer shall be produced and notified to the Clerk or Treasurer for the Time being, who shall cause an Entry or Memorandum to be made thereof in the said last-mentioned Book or Books, containing the Date, Name of the Parties, and Sum of Money therein transferred, for which the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons to whom the same shall have been previously transferred, to make void, release, or discharge, the original Security, or any Money thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall, in proportion to the Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Toll Gates, Bars, Chains, Toll Houses and Weighing Machines, and on the Buildings and Appurtenances thereto belonging, in equal Degree one with another; and no Person shall have any Preference in respect of the Priority of advancing his or her Money,

or the Date of his or her Security: Provided always, that nothing herein contained shall extend or be construed to extend to charge or subject or personally make liable any of the said Trustees or Persons appointed to receive the said Monies, or any Part thereof so to be borrowed as aforesaid, to any Payment of the same, by reason of their or any of their signing any such Mortgage or Assignment, or other Securities to be made in pursuance of this Act, or any or either of them, or on account of having received the said Monies or any Part thereof.

Application of Monies.

XLIV. And be it further enacted, That all Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, In the first Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act, or relative thereto; in the second Place, in paying the Interest which shall become due upon the several principal Sums from Time to Time due and owing on Mortgage or Security of the Tolls by this Act granted; in the third Place, in defraying the Expences of making, amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and of executing the several other Powers, Intents, and Purposes of this Act; and lastly, in reducing, paying off, and discharging the said several principal Sums due on such Mortgages or Securities as last aforesaid.

Penalty on Land Owners permitting Private Passages, in order to evade Toll; and on Persons using the same; and for unloading Goods; and other Offences.

XLV. And be it further enacted, That if any Person or Persons whomsoever, owing, retaining, or occupying any Tenements, Lands, or Grounds near the said Road, or any Part thereof, shall knowingly or wittingly permit or suffer any Person or Persons, not being his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ, to pass through any Ground, Gate, Passage, or private Way, with any Horse, Beast, Cattle, or Carriage, on which a Toll is by this Act imposed, in order to evade the Payment of the said Toll; or if any Person or Persons shall unload, or cause to be unloaded any Goods or other Thing, or shall take off or cause to be taken off any Horse or Beast of Draught from any Carriage, either before or after the same shall have passed through any of the Toll Gates to be erected by virtue of this Act, or having passed through any of the said Toll Gates, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Road, in order to avoid or evade the Payment of any of the Tolls hereby imposed; or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except the Person or Persons appointed to receive the Tolls hereby made payable) any Note or Ticket, in order to avoid or evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons liable to the Payment of any of the said Tolls shall forcibly pass or attempt to pass any of the said Toll Gates or Turnpikes, without Payment thereof at such Gate or Gates; or if any Person or Persons shall do any other Act, in order to avoid or evade the Payment of the said Tolls, or any Part thereof, each and every Person and Persons in any Manner aforesaid offending,

and

and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the County, Liberty, or Diviſion, wherein any ſuch Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, over and beſides ſuch Penalties and Puniſhment as he, ſhe, or they ſhall be otherwiſe liable to by Law; One Moiety whereof when raiſed ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act.

Truſtees to make and complete Road.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they or any Five or more of them are hereby fully authorized and empowered, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain the ſaid Turnpike Road, and alſo to dig up, grub up, cut down, remove, take, carry away, lay, and ſpread Trees, Hedges, Woods, Earth, Stones, Soil, Rubbiſh, Roots of Trees or Woods, or any other Matters or Things whatſoever, which may be proper, requiſite, and neceſſary for making, carrying on, maintaining, improving, or repairing the ſaid intended Road, or which may prevent, obſtruct, or impede the making, completing, maintaining, repairing, or uſing the ſame reſpectively, or in erecting, building, conſtructing, and ſetting up any Toll Gates, Turnpikes, Toll Houſes, Poſts, Rails, and Fences, Sewers, Drains and other Works, which the ſaid Truſtees, or any Five or more of them, ſhall conſider to be requiſite for the Purpoſes of this Act; and it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to widen, turn, alter, and make the Courſe or Path of any Part or Parts of the ſaid Road within the Limits herein-after mentioned, through or over any Commons or Waſte Grounds, and alſo in, upon, through or over any Private Lands, Grounds, Tenements, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premiſes through which or whereupon the ſaid Road or Alterations, hereby authorized to be made, is or are intended to paſs, and alſo upon any adjoining Lands or Grounds, and to ſtake out the ſaid Road or Alterations, and alſo to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining any Part of the ſaid Road, (not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Avenue to a Houſe,) and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds, to be made uſe of as a Public Highway, whilſt the narrow or ruinous Parts of the ſaid Road are widening or repairing, and until the ſaid Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned, ſuch Damages to be aſcertained and ſettled,

in

in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act is hereinafter directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Roads or Alterations, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Restraining the Trustees from appropriating any inclosed Lands of Lord Somers to the Purposes of the Act.

XLVII. Provided also, and it is hereby further enacted and declared, That it shall not be lawful for the Trustees for putting this Act in Execution, nor for any other Person or Persons whomsoever, for the Purpose of making, completing, widening, improving, altering, or turning the said intended Road, nor for the Purpose of making any temporary Roads or Ways, or any Drains or Ditches, or other Works by this Act authorized to be done or executed, nor for the Purpose of digging or getting Materials for any such Works, to enter into or upon, or to pass over, or to take, use, cut through, or appropriate any inclosed Lands, Tenements, or Hereditaments which at the Time of the passing of this Act may belong to or be the Property of the Right Honourable *John Somers* Lord *Somers*, situate and being in the Parishes of *Reigate* and *Horley*, or either of them, in the County of *Surrey*; except the Two most Western Closes of Arable Land of the Farm of the said *John Somers* Lord *Somers*, called *Hooley Farm*, in the Occupation of *William Clarence*, and which Closes are called *The Barn Field* and *The Broom Field*, situate in the Parish of *Reigate* aforesaid: Provided always, that the said Road be carried in a straight Line, and so that no Part of the said Closes, beyond the Distance of One hundred and thirty Yards from the most Western Extremity of the said Closes, be in any Manner entered upon, for the Purpose of making the said Road, without the Consent in Writing of the said *John Somers* Lord *Somers*, or the Person or Persons for the Time being who may be possessed of or entitled to any such inclosed Lands, Tenements or Hereditaments, for any such Purpose first had and obtained; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Plan of Road deposited with Clerk of the Peace.

XLVIII. And whereas a Map or Plan describing the Line of the said intended Road, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Surrey*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain with the Clerk of the Peace for the said County of *Surrey*; and all Persons shall at any seasonable Times have Liberty to inspect and peruse, and to examine and take Extracts from or Copies of the same at their Will and Pleasure, paying to the said Clerk the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference, after the Rate of Two-pence for every Seventy-two Words; and the said Plan or Book of Reference so deposited, or true Copies or Extracts of or from the same, or either of them, signed by such Clerk of the Peace aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere where their Production may be necessary; and the said Trustees acting in the Execution of this Act, in making the said intended Road, shall not deviate more than One hundred Yards from the respective Lines thereof, so described in the said Map or Plan and Book of Reference as aforesaid, without the Consent in Writing of the

Owners or reputed Owners and Occupiers for the Time being of the Eſtates, Lands, or Grounds which may be affected by any ſuch Deviation reſpectively: Provided always, that no Advantage ſhall be taken of or againſt the ſaid Truſtees acting in the Execution of this Act, or any Interruption be given to the making of the ſaid intended Roads, on account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace acting for the ſaid County of *Surrey*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Road may go through Lands of any Perſon omitted in the Book of Reference, if omitted by Miſtake.

XLIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid intended Road in, through, acroſs, or over any Eſtates, Lands, or Grounds, within the Limits herein before preſcribed, of any Perſon or Perſons whoſe Name or Names ſhall appear, to the Satisfaction of any Two ſuch Juſtices as aforeſaid, and be by them certified under their Hands, to have been by Miſtake omitted in the ſaid Book of Reference, or that inſtead thereof the Name or Names of ſome other Perſon or Perſons to whom ſuch laſt-mentioned Eſtates, Lands, or Grounds do not belong, hath or have been by Miſtake inſerted therein, notwithſtanding ſuch Omiſſion or Miſtake.

Lands taken for the Road, except on Waſtes, not to exceed Twenty Yards in Breadth,

L. And be it further enacted, That the Lands and Grounds (not being Part of any Common or Waſte Lands) to be taken or uſed for the ſaid intended Road, and the Drains, Ditches, and Fences to ſeparate ſuch Road from the adjoining Lands or Grounds, ſhall not exceed Twenty Yards in Breadth meaſured horizontally.

Dwelling Houſes, Gardens, &c. not to be damaged.

LI. And be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Truſtees, or any other Perſon or Perſons, to take, uſe, injure, or damage any Houſe or other Building, or any Lands ſet apart as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk or Avenue to a Houſe, without the Conſent in Writing of the reſpective Owners thereof, other than and except ſuch as are mentioned, deſcribed, and enumerated in the ſaid Map or Plan or Book of Reference.

Incapacitated Perſons empowered to ſell Land.

LII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Mortgagees, or their Aſſigns (whether in Poſſeſſion of the Premiſes mortgaged or not), Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon and Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed and poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and for every other Perſon and Perſons whomſoever who is, are, or ſhall be ſeiſed, poſſeſſed of, or otherwiſe intereſted in or entitled unto any Lands, Grounds, Tenements, or Hereditaments which ſhall be taken or uſed for the Purpoſes of this Act, to contract for, ſell, and convey the ſame Lands, Grounds, Tenements, or Hereditaments, with their Appurtenances, and every or any Part or

Parts thereof reſpectively, to the ſaid Truſtees and their Succeſſors, or to ſuch Perſon or Perſons as they ſhall nominate or appoint for the Purpoſes of this Act; and all ſuch Bodies Politic, Corporate, or Collegiate, and other Perſons ſo conveying as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale, as he, ſhe, or they, or any of them, ſhall make by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Truſtees out of the Monies to ariſe by virtue of this Act.

If the Parties are diſſatisfied a Jury to be impannelled to aſſeſs the Sum or Rent to be paid.

LIII. And be it further enacted, That in caſe the Price or Value, Damage or Recompence reſpectively for any Lands, Tenements, or Hereditaments taken or uſed as aforeſaid, cannot be ſettled, adjuſted, and agreed on by and between the ſaid Truſtees or their Agents, and ſuch Proprietors of or Perſons intereſted in ſuch Lands, Tenements, or Hereditaments as aforeſaid; or if any ſuch Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons ſo entitled or intereſted as aforeſaid, ſhall refuſe to accept and receive, upon due Tender thereof made, ſuch Purchaſe Money or ſuch Recompence as ſhall be offered to be paid by the ſaid Truſtees, or ſhall, for the Space of Fourteen Days next after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or (in caſe ſuch principal Officer or Officers, or other Perſon or Perſons cannot be met with, or if his, her, or their Place or Places of Abode cannot be diſcovered) with the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments reſpectively, neglect or refuſe to treat, or ſhall not agree with the ſaid Truſtees concerning the ſame, or by reaſon of Abſence ſhall be prevented from treating, or through Diſability, by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as may be expedient or neceſſary for the Purpoſes of this Act, or ſhall not, within the Space of Fourteen Days produce and fully diſcloſe the State of the Title to the Lands, Tenements, or Hereditaments which they are or ſhall be in Poſſeſſion of, or to the Intereſt they claim therein, then and in every ſuch Caſe the ſaid Truſtees, or the ſaid Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons ſo entitled or intereſted as aforeſaid, ſhall be and they are hereby reſpectively empowered and required to make Application to the Sheriff of the County of *Surrey* aforeſaid; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be one of the ſaid Truſtees, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in queſtion, then to one of the Coroners of the ſame County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the Coroners of the ſaid County of *Surrey* ſhall be ſo intereſted, then to the laſt unintereſted Perſon who filled the Office of Sheriff of ſuch County, commanding ſuch Sheriff, Coroner, or other Perſon forthwith to impannel, ſummon, and return a Jury; and the ſaid Sheriff, Coroner, or other Perſon is hereby accordingly required to impannel, ſummon, and return a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, to appear at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Two nor more than Ten Days after ſuch Warrant

ſhall

ſhall be ſerved upon ſuch Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon, ſhall and he is hereby required to return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured to attend that Service (being qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Jurymen ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if they and he had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, is and are hereby empowered and required, by a Summons or Notice to be ſigned by them reſpectively, either previouſly to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in queſtion, and to hear and examine ſuch Witneſs or Witneſſes on Oath; and the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, ſhall and may order, direct, and authorize the ſaid Jury, or any Two or more of them, to view the Place or Places, Matter or Matters, in Controverſy; and ſuch Jury upon their Oaths (which Oaths, as well as the Oaths to be adminiſtered to the Perſon or Perſons called on to give Evidence, the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, are and is hereby empowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money to be paid or rendered for the Purchaſe or Uſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, ſhall give Judgment for ſuch Purchaſe Money ſo to be aſſeſſed by ſuch Jury accordingly; which ſaid Verdict, and the Judgment thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, and ſhall be binding and concluſive againſt all Bodies Politic, Corporate, or Collegiate, Mortgagees, Truſtees, Ceſtuique Truſts, and all other Perſons affected thereby, and ſhall not be removed by Certiorari or other Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court, any Law or Statute to the contrary notwithſtanding; and that all and every Perſons and Perſon, who, upon Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any ſuch Jury, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be liable to the ſame Pains and Penalties as Perſons guilty of Perjury are by the Laws in being ſubject and liable to.

Power to ſummon Witneſſes.

If Jury ſummoned at the Inſtance of the Party, Party to enter into Bond to the Treaſurer to proſecute and pay Expences, in

LIV. And be it further enacted, That all and every Perſons and Perſon making Complaint, and requeſting a Jury to be ſummoned, ſhall (before the ſaid Sheriff, Under Sheriff, or Coroner, or other Perſon, ſhall iſſue a Warrant for that Purpoſe) enter into a Bond with Two ſufficient Sureties, to the Treaſurer of the ſaid Truſtees, in a Penalty of One hundred Pounds at the leaſt, with Condition to proſecute ſuch his, her, or their Complaint, and to bear, pay, and diſcharge the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be

be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Truſtees before the ſummoning or returning the ſaid Jury or Juries, for the purchaſing of or as a Recompence for any Lands or Hereditaments, or as a Compenſation for any Damages, or in caſe no Verdict ſhall be found for Damages, when the whole Diſpute was, whether any Damage was or was not done as aforeſaid.

Caſe no larger Sum is awarded than offered.

LV. And be it further enacted, That the ſaid Truſtees ſhall not, nor ſhall any Jury to be ſummoned by virtue of this Act be allowed to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, unleſs Notice in Writing ſtating the Particulars of ſuch Injury or Damage, and the Amount of the Compenſation claimed in reſpect thereof, ſhall have been given by or on Behalf of ſuch Perſon or Perſons to the ſaid Truſtees, or to their Treaſurer or Clerk, within the Space of One Calendar Month next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

In caſe of Injury, Notice to be given of the Particulars of ſuch Injury, and the Compenſation claimed.

LVI. And be it further enacted, That if the Sheriff, Coroner, or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence, after having been paid or tendered a reaſonable Sum for his, her, or their Attendance, ſhall neglect to appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Sheriff, Under Sheriff, or Coroner, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hands and Seals of any Two Juſtices of the Peace for the ſaid County of *Surrey*, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering unto him the Overplus after ſuch Penalty and the Charges of Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty as ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid and applied to or among the Perſon or Perſons who ſhall appear to the ſaid Juſtices to have been injured or inconvenienced by ſuch Neglect, Refuſal, or Default, in ſuch Way and Manner as the ſaid Juſtices ſhall in their Judgment conſider to be juſt and equitable; and ſuch Penalties as ſhall or may be incurred by and recovered of or from any Sheriff, Coroner, or other Perſon, by reaſon of his having made Default in ſummoning or returning a Jury, in purſuance of any Warrant to be iſſued for that Purpoſe, or by any ſuch Juryman in conſequence of his neglecting to obey ſuch Summons, or having appeared refuſing to be ſworn or return a Verdict, ſhall be applied in ſuch Manner and for ſuch Purpoſes as the ſaid Juſtices ſhall order and direct.

Penalty on Sheriff, &c. Jury or Witneſſes making Default:

Application of Penalties.

LVII. And be it further enacted, That the ſaid Jury ſhall award all Determinations, Judgments, and Verdicts which they ſhall make and give in

Determination of Jury reſpecting

Damages to be distinct from the Value of Lands.

in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons, in consequence of the Execution of any of the Powers of this Act; and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Tenants to quit on Two Calendar Months Notice, &c.

LVIII. And be it further enacted, That every Tenant at Will or Lessee for a Year or Years, or any other Person or Persons in Possession of such Lands, Tenements, or other Hereditaments, or any Part thereof, as shall be taken or used for the Purposes of this Act, who shall have no greater Interest in the Premises than as a Tenant at Will or Lessee for a Year, or from Year to Year or otherwise, shall deliver up the Possession of such Premises to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint to take Possession of the same, upon having Two Calendar Months Notice to quit such Possession from the said Trustees, or from their Clerk for the Time being; and every such Person or Persons in Possession shall, at the End of the said Two Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant or Tenants holding or not, or so soon after as he, she, or they shall be required so to do, peaceably and quietly deliver up Possession of the said Premises to the said Trustees, or the Person or Persons authorized by them to take Possession thereof; and in case such Person or Persons so in Possession shall refuse to relinquish such Possession as aforesaid, it shall be lawful for the said Trustees, or their Clerk by their Direction, to issue their Precept or Precepts to the Sheriff of the said County of *Surrey*, to enter upon and deliver Possession of the same Lands, Tenements, or other Hereditaments to such Person or Persons as shall in such Precept or Precepts be nominated and appointed to receive the same; and the said Sheriff is hereby required immediately to enter upon and deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue in consequence of the issuing and Execution of such Precepts or Precept, on the Person or Persons so refusing to relinquish and give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels: Provided always, that where any such last-mentioned Tenant shall be required to quit or deliver up the Possession of the Premises held by him or her before the Expiration of the then current Year of his or her holding the same, then and in every such Case the said Trustees shall pay to each such Tenant so much Money as shall be sufficient to make full Satisfaction to him or her for the Loss or Damage which he or she shall sustain by reason of such quitting as last aforesaid, the Quantum or Amount of such Satisfaction (in case of any Difference respecting the same) to be assessed by a Jury in the Manner herein-before mentioned.

Expences of Jury and Witnesses how to be paid.

LIX. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, for the Purchase of any Lands or Hereditaments, to any Person or Persons whomsoever, or as a Compensation for any Injury or Damages done or to be done to such Lands, or other Hereditaments or Property, than had previously been offered or tendered by or on Behalf of the said Trustees before the summoning of such Jury; or where a Verdict shall be found for any Damages, however inconsiderable, if the Dispute be for Damages only, and in case no Com-

penſation had been previouſly offered or tendered in reſpect thereof by or on Behalf of the ſaid Truſtees; or where, by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at hand who may be legally, by virtue of the Powers of this Act or otherwiſe, capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from the ſaid Truſtees as herein-before mentioned, then and in all ſuch Caſes the Coſts and Expences incurred in ſummoning ſuch Jury and taking ſuch Inqueſt ſhall be ſettled by the ſaid Sheriff, Under Sheriff or Coroner, or other Perſon, and defrayed by the ſaid Truſtees; but if a Verdict be given for the ſame or a leſs Sum or Rent than had been previouſly offered or tendered by or on Behalf of the ſaid Truſtees, or a Verdict be found for the ſame, or in caſe no Damages ſhall be adjudged, aſſeſſed, or given, if the Diſpute be for Damages only, or in caſe of a Refuſal or Neglect to enter into Treaty with, or make Conveyances to or receive Compenſation from the ſaid Truſtees, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act or otherwiſe legally capacitated to treat and convey or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes (except where by Reaſon of Abſence or otherwiſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict ſhall be ſettled in like Manner by the ſaid Sheriff, Under Sheriff or Coroner, and be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed or adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums of Money ſo aſſeſſed or adjudged, in caſe ſuch Coſts and Expences ſhall not exceed the Amount thereof; but if ſuch Coſts and Expences ſhall happen to exceed the ſame, then the Balance may be ſued for and recovered by the ſaid Truſtees againſt the Perſon or Perſons with whom they ſhall have had ſuch Controverſy or Diſpute, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Verdict of Jury to be recorded by Clerk of the Peace.

LX. And be it further enacted, That all the Verdicts of the ſaid Juries, and the Judgments thereon, being firſt ſigned by ſuch Sheriff, Under Sheriff or Coroner, ſhall be tranſmitted to and kept by the Clerk of the Peace or other Perſon having the Cuſtody of the Records of the Quarter Seſſions of the ſaid County of *Surrey*, and ſhall be deemed to be Records of ſuch Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good and ſufficient Evidence in all Courts whatever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection One Shilling, and to have Copies thereof, paying for every Copy after the Rate of Two-pence for every Seventy-two Words therein contained.

Lands, &c. to veſt in Truſtees, on Payment of Purchaſe

LXI. And be it further enacted, That on Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted and agreed between the Parties, or aſſeſſed by ſuch Jury in Manner aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, or other Hereditaments, or as a Compenſation

Money, or Compenſation for Damages.

Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements, or other Hereditaments, or to ſuch other Perſon or Perſons as ſhall appear to be intereſted therein, or entitled to receive ſuch Money, at any Time after the ſame ſhall have been actually ſo agreed for, determined, or aſſeſſed, or on paying or depoſiting ſuch Sum or Sums of Money into the Bank of *England*, in Manner as by this Act is directed, as the Caſe may be, all Parties and Perſons whomſoever ſhall be from thenceforth diveſted of all Right and Title to ſuch Lands, Tenements, or other Hereditaments; and ſuch Payment or Tender ſhall not only bar all the Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever of the Perſon or Perſons to whoſe uſe the ſame ſhall be or ought to have been made or granted, but ſhall alſo extend to and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and all other Eſtates in Reverſion or Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein; and after Ten Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes become and be deemed a common Highway; and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair; and after ſuch new Road ſhall be formed and completed, then the Land compriſed in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired (unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead), or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, for other Lands uſed for the Purpoſes of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County of *Surrey*, ſhall be good and effectual to all Intents and Purpoſes; and that in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made (except over and through any Common Field, Land, or Common or Waſte Ground), or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an Huſbandmanlike Manner, or ſufficient Stone Walls to be built on both Sides of ſuch new Road, where the ſame is neceſſary, and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Four Years from the firſt making thereof.

Old Road alſo veſted in Truſtees, and may be ſold.

Firſt Offer to whom to be made.

LXII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, (or in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe or

ſhall

ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, on an Affidavit being made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before any One of His Majeſty's Juſtices of the Peace for the ſaid County (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſion of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe; and on Fourteen Days clear Notice thereof to be given by the ſaid Truſtees to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Application of Purchaſe Monies, in the Caſe of Corporations, Minors, &c. amounting to 200l.

LXIII. And be it further enacted, That all Sums of Money to be paid to any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or Truſtees for or on Behalf of any Infants, Lunatics, Idiots, Femes Covert, or Ceſtuique Truſts, or to any other Perſon or Perſons whomſoever, whoſe Lands or Eſtates are limited in ſtrict or other Settlement, or to any other Perſon under any other Diſability, for the Purchaſe of or by way of Compenſation for Damage done or to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, ſhall be paid and applied in Manner following; (that is to ſay) in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, the ſame ſhall 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 or Redemption 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 therewith

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

If leſs than 200l. and exceeding 20l.

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

If leſs than 20l.

LXV. 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 ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for

the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively; and the Receipt or Receipts of the Perſon or Perſons to whom the ſaid Truſtees ſhall direct the ſame to be paid, ſhall be ſufficient Diſcharges for the ſame.

In Caſes of Refuſal to accept, or not making Title.

LXVI. 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 or aſſeſſed as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the 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 ſaid Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and 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.

Perſons in Poſſeſſion deemed lawfully entitled, unleſs the contrary appear.

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

LXVIII. Pro-

Court to order Payment of Expences of Purchaſes in certain Caſes.

LXVIII. Provided alſo, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem 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.

Surveyors may get Materials in Waſtes, without paying for them, &c.

LXIX. And be it further enacted, That the Surveyor or Surveyors of the ſaid Road, and ſuch Perſons as ſhall be employed by him or them, or by the ſaid Truſtees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or any other Materials proper for the making or repairing of the ſaid Road, out of or from any Common or Waſte Ground, Common River or Brook, in any Townſhip, Pariſh, or Place, in which the ſaid Road or any Part thereof ſhall lie or be ſituate, or in any adjoining Pariſh, Townſhip, or Place, without paying any Thing for the ſame, ſuch Surveyor or other Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers and Cattle; and where there is not ſufficient of any ſuch Materials to be procured in any Common or Waſte Grounds, Common River or Brook, the ſaid Surveyor or Surveyors, or other Perſons as aforeſaid, may, by order of the ſaid Truſtees, ſearch for, cut, dig, gather, take, or carry away all ſuch Materials as aforeſaid, in, upon, or out of, from and over the Lands of any Perſon or Perſons, in any Townſhip, Pariſh, or Place, in which the ſaid Road or any Part thereof ſhall lie or be ſituate (not being a Yard, Garden, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) paying or tendering Payment for the Damage done to the Owners and Occupiers thereof reſpectively, out of the Grounds whereon or from whence the ſame ſhall be cut, gathered, taken, or carried away, or upon, over, or through which the ſame, or any other Materials ſo cut, dug, and gathered as aforeſaid, ſhall be conveyed, ſuch equivalent in Money as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the Truſtees, Surveyor or Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners or Occupiers of Private Lands, or any of them, concerning ſuch Payments and Damages as aforeſaid, then and in every ſuch Caſe any Two or more Juſtices of the Peace for the ſaid County of *Surrey*, on Ten Days Notice being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matters of ſuch Payment and Damages.

But not to get Materials from private Grounds, till after Notices to ſhew Cauſe, &c.

LXX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Owner

Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his or her laſt or uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace for the ſaid County, to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall (if they think proper) authorize ſuch Surveyor or other Perſon or Perſons to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to the ſaid Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his or her Agent, had intended.

Penalty for taking away Materials raiſed by Surveyors, or digging in Pits not abandoned.

LXXI. And be it further enacted, That if any Perſon or Perſons ſhall take away or cauſe to be taken away any Materials which ſhall have been dug or gathered in any Lands, Fields, Commons, Waſte Grounds, Rivers, Brooks, or elſewhere, for the Purpoſe of making or amending the ſaid Road, or ſhall dig, 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 Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Six Calendar Months (except the Owners or Occupiers of any private Ground, and any Perſon or Perſons authorized by ſuch Owner or Owners to get Materials therein for his, her, or their own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, over and above the Value of the Materials ſo taken away.

Nuiſances by loading Carriages, &c.

LXXII. And be it further enacted, That if any Perſon ſhall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Road, without any Horſe or other Beaſt of Draught yoked or harneſſed thereto to draw the ſame (except in Caſes of Accident, or for any longer Time than ſhall be neceſſary for loading or unloading thereof, and the ſame being then drawn up as near to the Sides of the Road as conveniently may be), or ſhall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Road, or on the Side thereof; or if any Perſon or Perſons ſhall draw on or cauſe to be drawn upon any Part of the ſaid Road any Tree or Piece of Timber or Stone, otherwiſe than upon Wheel Carriage or Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the ſaid Road, to the Prejudice or Injury thereof; or if any Perſon or Perſons ſhall ſlaughter, ſinge, ſcald, or dreſs any Beaſt or Cattle in or upon any Part of the ſaid Road; or ſhall hew or ſaw any Piece of Stone, Wood, or Timber, or bind, make, or repair (except in Caſes of Accident) the Wheel of any Carriage, or (except in Caſes of Accident) ſhoe, bleed, or farry any Horſe or other Beaſt in or upon any Part of the ſaid Road, every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Scouring Ditches.

LXXIII. And be it further enacted, That if any Perſon or Perſons who of right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall lead into or out of any Part or Parts of the ſaid Road ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Twenty Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or left at his, her, or their reſpective Place or Places of Abode by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes to be ſcoured and cleanſed, and pay for the ſcouring and cleanſing the ſame; and if the ſaid Perſon or Perſons who of right ought to have done the ſame ſhall not repay the Money ſo paid by ſuch Surveyor or Surveyors, upon Demand thereof upon him, her, or them reſpectively made, either in Perſon, or by Writing to be left at his, her, or their reſpective Place or Places of Abode, it ſhall and may be lawful for ſuch Surveyor or Surveyors, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, or Watercourſes, and Payment of the ſaid Money, and Demand thereof made and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes, before any Juſtice of the Peace for the ſaid County of *Surrey*, by a Warrant or Warrants under the Hand and Seal of ſuch Juſtice, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any be) unto the Owner or Owners thereof upon Demand, after all Charges paid.

No Buildings to be erected, or Trees planted, within Thirty Feet of the Centre of the Road.

LXXIV. Provided always, and be it further enacted, That if any Building or Buildings ſhall be erected or built nearer than Thirty Feet to the Centre of the ſaid Road, or any Gate hereafter to be fixed againſt the ſaid Road ſhall be made to open into or upon the ſame, or if any Tree or Trees ſhall be hereafter planted or permitted to grow up within Thirty Feet of the Centre of the ſaid Road, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Perſon authorized by them, to take down or cauſe to be taken down any ſuch Building, Gate, or Tree, as a public Nuiſance, and to remove the ſame and every Part thereof, without making any Compenſation to the Owner or Owners for Damages, Treſpaſs, or otherwiſe.

Power to make Cauſeways, Ditches, &c.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the Surveyor or Surveyors, or ſuch other Perſon or Perſons as the ſaid Truſtees ſhall appoint, to make Cauſeways or Foot Paths along the Side or Sides of the ſaid Road, and to cut or make Ditches, Drains, or Watercourſes, upon and through any Grounds adjoining the ſaid Road, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a Houſe) in order to drain or waſh the ſaid Road, and to prevent the ſame from being overflowed, as ſuch Surveyor or Surveyors, or other Perſon or Perſons, by Order of the ſaid Truſtees, ſhall judge neceſſary, making Satisfaction to the Owners or Occupiers of ſuch Grounds for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall adjudge 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 ſaid County of *Surrey*, at their General Quarter Seſſions of the Peace for the ſaid County next after ſuch Difference ſhall ariſe.

Road to be measured, and Mile Stones, &c. erected.

LXXVI. And be it further enacted, That the said Truſtees ſhall and they are hereby required to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be continued or placed in or near the ſame, with Inſcriptions thereon denoting the Number of Miles and Diſtances from Places, as they ſhall think proper; and alſo may continue or cauſe to be ſet up, on or near the ſaid Road, ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of ſuch Mile Stones, Mile Poſts, or Direction Poſts, or ſhall in any Manner injure or damage the Cauſeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the ſaid Stones or Poſts, and ſhall be thereof lawfully convicted before any Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence; One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be paid to the ſaid Truſtees, or to their Treaſurer or Clerk, to be applied for the Purpoſes of this Act.

Riding, &c. on Footways and Cauſeways.

LXXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ride or drive any Horſe, Beaſt, or Cattle upon any Footway or Cauſeway made or to be made on the Side of the ſaid Road for the Accommodation of Perſons travelling on Foot, or ſhall wilfully draw or drive any Barrow, Truck, Dray, Sledge, or other Carriage, on any ſuch Footway or Cauſeway, or ſhall do or cauſe to be done any other Injury or Damage to any ſuch Cauſeway or Footway, whether ſuch Cauſeway ſhall be made and repaired by and out of the Tolls ariſing under this Act, or by and out of any other Fund for repairing Cauſeways, and ſhall be convicted thereof by his or her own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay ſuch Sum of Money as ſuch Juſtice or Juſtices ſhall adjudge, not exceeding Forty Shillings, to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtices or Juſtices, ſuch Forfeiture to be applied in recompenſing the Informer, according to the Diſcretion of ſuch Juſtice or Juſtices, and in repairing ſuch Cauſeway or Footway; and in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels within the Juriſdiction of ſuch Juſtice or Juſtices, or in caſe ſuch Penalty or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction for the ſaid County of *Surrey*, there to remain for the Space of Three Calendar Months, and ſhall not be ſooner diſcharged, unleſs he or ſhe ſhall pay the Penalty impoſed by ſuch Conviction.

Perſons before liable to repair to continue ſo.

LXXVIII. And be it further enacted, That all and every Perſon and Perſons, Townſhips, Pariſhes, Hamlets, Vills, and Places, and the Inhabitants thereof reſpectively, and Bodies Politic and Corporate, who before the making of this Act have or hath uſed, or of right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this

this Act, be subject and liable to such Repairs in the same Manner as they and every of them have or hath heretofore usually been or would have been in case this Act had not been made.

Statute Duty. LXXIX. And be it further enacted, That it shall be lawful 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 Treasurer, Clerk, or Surveyor, from Time to Time to adjudge, order, and determine what Part or Proportion of the Statute Work shall be done in and upon the said Road hereby directed to be repaired, and for what Space of Time and in what Manner, and by whom of the Inhabitants of or Occupiers of Lands and Tenements in the several Parishes, Townships, or Places through which the said Road shall pass, the same shall be done, and also what Proportion of the Composition Money received or to be received by the Surveyors of the Highways of such Parishes, Townships, or Places respectively, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them respectively paid to the said Trustees or their Treasurer, Surveyor or Surveyors; and in order thereunto it shall be lawful for such Justices, and they are hereby required from Time to Time, on such Application as aforesaid, to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in before such Justices, at some Place to be expressed in such Summons, and at such Time, not being less than Ten Days then next following, as the said Justices shall direct, true and perfect Lists in Writing of the Names of the several Persons who within such Parishes, Townships, or Places respectively shall be by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid by each Person; which List shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may and are hereby required to allot, appoint, and order such and so many Persons, who shall appear subject and liable to the 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 on 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 order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, or Places respectively, from the several 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, shall be paid, and at what Time the same shall be so paid by such Surveyors to the said Trustees or their Treasurer, Surveyor or Surveyors; and, in default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors 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 so appointed and ordered to do such Statute Work as aforesaid, who shall neglect or refuse to perform the same, after Three Days Notice in Writing given to or left with him, her, or them, at his, her, or their usual Place of

Abode

Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject or liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Perſon who ſhall come or be ſent to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs 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 to the reſpective Forfeitures and Payment aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the Truſtees, and applied towards amending the ſaid Road hereby intended to be repaired; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Duty.

LXXX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to compound or agree, by the Year or otherwiſe, with any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments of or in any of the Pariſhes, Townſhips, or Places in which the ſaid Road ſhall lie and be ſituate, for a certain Sum of Money in lieu of the Whole or any Part of their Statute Work, or to compound with the Surveyor of the Highways for any ſuch Pariſhes, Townſhips, or Places, for the Whole or any Part of the Statute Work liable to be performed within the ſame reſpectively; all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in the Repair of the ſaid Road.

Compoſition Money how to be recovered.

LXXXI. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any ſuch Statute Work as laſt aforeſaid ſhall not be paid within Ten Days next after the ſame ſhall become payable according to ſuch Compoſition or Agreement, then it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Surrey* (Oath having been made by the Surveyor or Surveyors of the ſaid Road that the ſame hath been demanded and remains unpaid) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Perſon or Perſons, or of the Surveyor or Surveyors of the Highways, ſo having compounded in lieu of ſuch Statute Work, returning the Overplus (if any) to the reſpective Owners of the Goods ſo to be diſtrained, upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

Surveyors of Pariſhes to be reimburſed.

LXXXII. Provided alſo, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Pariſh, Townſhip, or Place, for or in reſpect of whoſe Statute Work ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition Money, or if ſuch Compoſition Money ſhall be recovered by Diſtreſs and Sale of his or their

Goods and Chattels, in Manner herein-before directed, then and in either of the said Cases such Surveyor or Surveyors shall be paid or reimbursed the Composition Money which shall be so paid by or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, out of the Composition Monies received or to be received by him or them in lieu of Statute Work in such Parish, Township, or Place, in such Manner as by the Laws in force and effect Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in purchasing Materials for repairing the said Highways.

Power to detain unknown Persons guilty of Offences.

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

Form of Conviction.

LXXXIV. And be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following, *mutatis mutandis*; (that is to say),

'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*] at [*Place of committing Offence*] did [*here state the Offence against the 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*] has forfeited for the 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."

Proceedings not to be quashed for want of Form, or removable by Certiorari.

LXXXV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that when 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 Proceeding 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 committed by the Party or Parties distraining, but the Person or Persons

aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Persons acting under the Authority of this Act not to be sued till after Twenty-one Days Notice.

LXXXVI. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done or alleged to be done in pursuance of this Act, until Twenty-one Days Notice shall be given to the Clerk or Treasurer to the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Two Calendar Months after the Fact committed; and every such Action shall be brought, laid, and tried in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Twenty-one Days Notice thereof had been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereby limited for bringing the same, or in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or 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 and may recover Double Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any Case of Law.

Penalties and Forfeitures how to be recovered and applied.

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

LXXXVIII. Pro-

Persons aggrieved may appeal to the Quarter Sessions.

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

Subscribers to pay their Subscriptions.

LXXXIX. And be it further enacted, That the several and respective Persons who have subscribed or shall subscribe Money for and towards the amending, widening, and repairing the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times and in such Parts and Proportions as the said Trustees shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees for the Purposes of this Act.

Public Act.

XC. 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.

Continuance of Act.

XCI. And be it further enacted, That this Act shall commence and take Effect upon the passing of this Act; and shall continue and be in full 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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