ANNO QUADRAGESIMO NONO

# GEORGII III. REGIS.

## *Cap.* 12.

An Act for making and maintaining a Road from *Horſham*, to join the Turnpike Road leading to *Guildford*, with Two Branches therefrom, in the Counties of *Suſſex* and *Surrey*.

[24th *March* 1809.]

WHEREAS the making, maintaining, and keeping in repair, a Turnpike Road from the *Black Horſe* Inn, in the Town of *Horſham*, in the County of *Suſſex*, to *Aldfold Croſſways*, in the Pariſh of *Aldfold*, in the County of *Surrey*, to join the preſent Turnpike Road there leading to *Guildford*, with Two Branches therefrom commencing at the South-eaſt Corner of *Platters Hill Coppice*; one of ſuch Branches leading through the Pariſhes of *Slindfold* and *Warnham* to join the preſent Turnpike Road from *Horſham* to *Dorking*, near *Kingsfold* Toll Gate, in the County of *Suſſex*; and the other Branch leading over *Awfold Dean Bridge* to a Place called *Park Street Corner*, in the Pariſh of *Slingfold* aforeſaid, would, by opening a more direct Communication between the Towns of *Guildford* and *Horſham*, and ſeveral other Places upon the Line of ſuch Road and Branches, be of great Advantage and Convenience to the Land Owners and Inhabitants of the Neighbourhood and the adjacent Country, and would likewiſe be of public Utility: 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,

Trustees.

assembled, and by the Authority of the same, That *John Agate*, *Jonathan Asbridge*, Sir *Cecil Bisshopp*, Sir *Charles Merrik Burrell*, *Walter Burrell*, *Charles George Beauclerc*, *James Broadwood*, *Richard Butcher*, *Cecil Bisshopp*, *Henry Butcher* junior, *James Butcher*, *Richard Bullen*, *John William Commerell*, *William Henry Commerell*, *John Cope*, *John Churchman*, *Richard Constable*, *John Gratwicke Challen*, *Harry Charman*, *Thomas Clear*, *Peter Du Cane*, the Reverend *James Dallaway*, the Reverend *Evan Edwards*, *William Eversfield*, *Robert Ellison*, *John Henry Ellis*, *Horace Ellis*, *Thomas Elliot*, *John Elliot*, *Parkhurst Elliot*, Sir *Henry Fletcher*, *Joseph Foskett*, *Charles Fairhall*, Sir *Harry Goring*, *Charles Grinsted*, *Richard Grinsted*, *Thomas Gooch*, *Robert Hurst*, *Robert Henry Hurst*, *Joseph Hinde*, *John Hurst*, *Thomas Hoad*, *William Jameson*, *Henry Ireland*, *Thomas Ireland*, *Maurice Ireland*, *John Jeffrey* junior, *Thomas Ings*, *Richard King*, the Honourable *George King*, *Robert Killick*, *John Lanham*, *Henry Lanham*, *John Slade Lanham*, *John Manley*, *John Mitchell*, *George Marshall*, *William Mann*, *Thomas Mann*, *Thomas Charles Medwin*, *Thomas Medwin*, *George Clough Marshall*, *Tudor Nelthorp*, *Edward Napper*, *Dendy Napper*, *Henry Frederick Napper*, *John Napper*, *Richard Neale*, General *Onslow*, *Barre Phipps*, *Robert Parker*, *James Penfold*, *James Puttock*, *John Rawlinson*, Sir *Bysshe Shelley*, *Timothy Shelley*, *Percy Bysshe Shelley*, *William Sandham*, *William Smith*, *William Stanford* of Eatons, *Lee Steer Steer*, *Robert Henry Sayers*, the Right Honourable *Thomas Steele*, *John Stone*, *Henry Standford*, *Robert Strudwick*, *Edward Tredcroft*, *Nathaniel Tredcroft*, *William Trew*, *James Thornton*, *Richard Thornton*, *John Thomas*, *Henry Tredcroft*, *John Thornton*, the Reverend *John Tweedie*, *James White*, *Charles White*, *William P. Woodward*, *Peter Wood*, *Roger Warne*, *Thomas Woodroffe*, *C. L. Wilson*, the Reverend *J. H. Woolf*, *Thomas Wood*, *William Woobery*, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing, and improving the said Road, and that they or any Five or more of them at such Meeting or Meetings as hereinafter directed, unless where otherwise hereinafter specified, shall and may and are hereby authorized and empowered to carry this Act, and all the Matters and Things herein contained and directed to be done by the said Trustees, into Execution and Effect.

Election of new Trustees.

II. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors (to be elected in manner herein mentioned), to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each Trustee so dying or refusing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk to the said Trustees for the Time being, be inserted in some Newspaper or Newspapers published or circulated in the said Counties of *Surrey* and *Sussex*, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road, at least Ten Days before such Meeting; and every Person so elected a new Trustee as aforesaid, being qualified as hereinafter mentioned, shall be and he is hereby empowered to act in the Execution of this Act to all Intents and Purposes, in as full and ample manner as the Trustee in whose Room or Stead he shall have been so elected.

III. Pro-

Qualification of Truſtees.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of Forty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Value of Eight hundred Pounds, or ſhall be Heir Apparent of ſome Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of eighty Pounds, nor ſhall any ſuch Perſon be capable of acting in the Execution of this Act, ſave and except in adminiſtering the Oath following to the other Truſtees, until he (not being ſuch Heir Apparent as aforeſaid) ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and required to adminiſter the ſame (that is to ſay):

'I do ſwear, That I truly and *bona fide* am in my own Right 'I [*or*, in Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion 'or Enjoyment of Lands, Tenements or Hereditaments, of the clear 'Yearly Value of Forty Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal together, of the Amount or Value of Eight hundred Pounds.

'So help me GOD'.

All Acts of Truſtees not qualified if done before Conviction, valid.

And if any Perſon, not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record by Action of Debt or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, etc. incapable of acting.

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

V. And

Trustees may act as Justices, except where interested.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Time of Meeting.

VI. And be it further enacted, That the said Trustees or any Seven or more of them, shall and they are hereby authorized and empowered to meet together at the *Anchor Inn* in the Borough of *Horsham*, on *Monday* the First Day of *May* next after the passing of this Act, or as soon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves, and from Time to Time afterwards meet at, and again adjourn to such Place, near to the said Road, as they the said Trustees or any Five or more of them shall think proper; and the said Trustees at all their Meetings, shall defray their own Expences.

Trustees to defray their own Expences.

Orders of One Meeting not to be revoked by another, except in certain Cases.

VII. And it is hereby declared, That all Orders and Determinations made at any Meeting of the said Trustees, shall be made by a Majority of the Trustees then present, and no Order or Determination shall be revoked or altered at any subsequent Meeting unless Twenty Trustees shall be present, and a Majority of them shall decide in favour of such Revocation or Alteration, and unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk or Clerks, or to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before directed with respect to Notices for the Election of new Trustees, at least Ten Days previous to any Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That if after Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by any Adjournment, or if for want of a proper Adjournment, or otherwise, it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Seven or more of them, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees, at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Trustees to appoin Officers.

IX. And be it further enacted, That the said Trustees shall and may at their first or any subsequent Meeting, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due and faithful Execution of his or their Office or Offices as the said Trustees shall think fit; and shall also elect and appoint a Surveyor or Surveyors, and such other Officers, as the said Trustees

ſhall think proper, and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers or any of them, as the ſaid Truſtees ſhall ſee occaſion, and appoint others in the room of ſuch of them as ſhall be ſo removed, or ſhall die, reſign, or refuſe or neglect to perform, or become incapable of performing their Duty; and the ſaid Truſtees ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries or make ſuch Allowance to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the ſaid Truſtees or any Seven or more of them, at a Meeting to be held in purſuance of this Act (which Oaths the ſaid Truſtees or any One or more of them are and is hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees, full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies, and every Part thereof, ſhall have been paid, diſpoſed of or applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall and are reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they ſhall direct and appoint; and if ſuch Officer or Perſon (being required ſo to do) ſhall refuſe or neglect to render and give up, or verify upon Oath ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, within Ten Days after being thereunto required by them, all the Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes, any One or more of the Juſtices of the Peace for the Town or Place wherein ſuch Officer or Perſon ſhall be and reſide, ſhall upon Complaint of the ſaid Truſtees, or of any One or more of them, or by ſuch Perſon or Perſons as they or any One or more of them ſhall appoint for that Purpoſe, iſſue a Summons under his or their Hand or Hands for ſuch Officer or Perſon to appear before him or them, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, ſhall make Inquiry concerning ſuch Default, and hear and determine the Matter in a ſummary way; and if upon the Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward) it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed or collected under this Act ſhall remain due from ſuch Officer or Perſon, ſuch Juſtice or Juſtices may, and he and they is and are hereby authorized and required, upon Non-payment thereof, by Warrant under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon, and if no Goods or Chattels of ſuch Officer or Perſon can be found ſufficient to ſatisfy the ſaid Money, and the Charges

Officers to Account.

Proceedings againſt Officers refuſing to account or deliver Books, etc.

Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if any ſuch Officer or Perſon ſhall be convicted of any other of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Officer or Perſon to the Common Gaol for the ſaid Counties of *Surrey* or *Suſſex*, there to remain without Bail or Mainprize, until ſuch Officer or Perſon ſhall give and make a true and perfect Account, and verify the ſame as aforeſaid, and make ſuch Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees for the ſame, and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees or their Treaſurer or Treaſurers (which Compoſition the ſaid Truſtees are hereby empowered to make and accept), or until ſuch Officer or Perſon ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no ſuch Officer or other Perſon ſo committed as aforeſaid ſhall be confined or detained in Priſon, by virtue of this Act, for any longer Time than Six Calendar Months.

Truſtees may remove Collectors and appoint temporary ones.

X. And be it further enacted, That when and ſo often as any Collector or Receiver of the Tolls ſhall die, neglect, or refuſe to perform or become incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting of the ſaid Truſtees to be appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver ſo neglecting or refuſing to perform, or incapable of performing his Duty, or abſconding or abſenting himſelf, and nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls (to continue until the then next Meeting of the ſaid Truſtees) in the ſtead of ſuch Collector or Receiver as ſhall ſo die or be diſcharged, and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon or Perſons ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up on the ſaid Road, for the Space of Four Days after Demand thereof made, and notice in Writing given for that Purpoſe by any Five or more of the ſaid Truſtees (although not aſſembled at a Meeting), or by their Clerk or Clerks, Treaſurer or Treaſurers, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid Counties of *Surrey* or *Suſſex*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for either of the ſaid Counties, with ſuch Aſſiſtance as may be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her or their Goods, out of the ſame, and to put the ſaid Truſtees or any Two or more of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion thereof.

Truſtees may erect Toll Houſes, &c.

XI. And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall and may from Time to Time cauſe to be erected and ſet up ſuch and ſo many Turnpikes or Toll Gates in upon or acroſs, or on the Side or Sides of any Part or Parts of the ſaid Road, between the North Eaſt Corner of the Garden Wall lately erected at *Strood*, belonging to *John*

*John William Commérell* Esquire, and *Aldfold Croſsways*, and acroſs any Lane or Way leading into, from or out of the ſame; and alſo from Time to Time cauſe to be erected and ſet up ſuch and ſo many Turnpikes or Toll Gates in, upon or acroſs, or on the Side or Sides of any Part or Parts of the ſaid Branches of Road, and acroſs any Lane or Way leading into, from or out of the ſame, and alſo ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, to each Gate or Turnpike, or otherwiſe as they ſhall think neceſſary, with ſuitable Outbuildings thereto; and alſo may incloſe from the ſaid Road and Branches of Road, and Waſte Grounds thereunto adjoining, convenient Garden Spots to the ſaid Toll Houſes, not exceeding in the Whole One Quarter of an Acre for each Toll Houſe, as they may judge proper, which ſaid Turnpikes, Toll Houſes, and Weighing Engines and Buildings, and all Materials for making or repairing the ſame, are hereby veſted in the ſaid Truſtees; and that the following Sums of Money ſhall and may be demanded and taken as Tolls, before any Horſe, Beaſt, Cattle or Carriage, ſhall be permitted to paſs through any ſuch Turnpike or Toll Gate, Turnpikes or Toll Gates reſpectively; (that is to ſay):

Tolls.

For every Horſe, Mare, Gelding, Mule or other Beaſt, drawing any Waggon, Wain, Cart or other Carriage, the Fellies of the Wheels thereof being of the breadth of Six Inches or upwards, between the Tenth Day of *April* and the Tenth Day of *October*, the Sum of Fourpence, and between the Tenth Day of *October* and the Tenth Day of *April*, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule or other Beaſt, drawing any Waggon, Wain, Cart, or other Carriage, the Fellies of the Wheels thereof being under the Breadth of Six Inches, between the Tenth Day of *April* and the Tenth Day of *October*, the Sum of Sixpence, and between the Tenth Day of *October* and the Tenth Day of *April*, the Sum of Ninepence:

For every Horſe, Mare, Gelding, Mule or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Gig, Tax Cart, Hearſe, Poſt Chaiſe or Calaſh, or any ſuch like Carriage, the Sum of Sixpence:

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

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

For every Drove of Calves, Sheep, Lambs, Hogs or Swine, the Sum of Sixpence *per* Score, and ſo in Proportion for any leſs Number.

Double Tolls on Sundays.

And that on every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at the ſaid ſeveral Turnpikes or Toll Gates ſo to be erected as aforeſaid on the ſaid Road and Branches of Road, or on the Sides thereof, or any Lane or Way leading into or out of the ſame reſpectively, before any Horſe, Cattle, Beaſt or Carriage whatſoever, ſhall be permitted to paſs through the ſame, or any or either of them, Double the reſpective Tolls or Sums of Money herein-before mentioned.

Recovery of Tolls.

Which ſaid reſpective Tolls ſhall be and are hereby veſted in the ſaid Truſtees; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by any Collector or Collectors to be appointed as aforeſaid, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the ſaid reſpective Collectors of the Tolls,

Tolls, or other Perſon or Perſons whom they or any of them ſhall take to their Aſſiſtance therein, to ſeize and diſtrain any Horſe, Beaſt or other Cattle, upon which any ſuch Tolls are by this Act impoſed, belonging to any Perſon or Perſons ſo neglecting or refuſing or liable to pay the Tolls as aforeſaid (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs and of detaining and keeping the ſame, ſhall not be paid within the ſpace of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or other Beaſt or Cattle ſo ſeized and diſtrained, rendering the overplus (if any) on Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted.

No Turnpike to be erected between Horſham and Mr. Commerell's Garden Wall.

XII. Provided always, and be it further enacted, That no Turnpike or Toll Gate ſhall be erected upon the ſaid Road, between the Town of *Horſham* and the North Eaſt Corner of the Garden Wall lately erected at *Strood*, belonging to *John William Commerell* Eſquire; any Thing herein contained to the contrary thereof notwithſtanding.

Two Tolls to be paid between Mr. Commerell's Garden and Aldfold Croſſways, and One Toll only on the Branches.

XIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken at more than Two of the ſaid Turnpikes or Toll Gates ſo to be erected in, upon, acroſs, or on the Sides of any Part or Parts of the ſaid Road, between the North Eaſt Corner of the Garden Wall lately erected at *Strood*, belonging to *John William Commerell* Eſquire, and *Aldfold Croſſways*, or acroſs any Lane or Way leading into, from or out of the ſame, for any Horſe, Mare, Gelding, Mule, or other Beaſt or Cattle, paſſing or repaſſing thereon in the ſame Day, nor at more than One Turnpike or Toll Gate ſo to be erected in, upon, acroſs or on the Sides of any Part or Parts of the ſaid Branches of Road, or acroſs any Lane or Way leading into, from or out of the ſame, for any Horſe, Mare, Gelding, Mule, or other Beaſt or Cattle, paſſing or repaſſing thereon in the ſame Day, but that ſuch Perſon or Perſons, after having paid the ſaid reſpective Tolls, and producing a Note or Ticket denoting ſuch Payment, ſhall afterwards be permitted to paſs and repaſs with every ſuch Horſe, Beaſt or Cattle, Toll-free during the ſame Day, through all the Turnpikes erected or to be erected upon the ſaid Road or Branches; which Notes or Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the ſaid Tolls.

Truſtees may reduce the Tolls, &c.

XIV. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which Meeting One Calendar Month's Notice ſhall be given in ſuch Newſpaper or Newſpapers as aforeſaid, and ſhall be affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, from Time to Time to leſſen or reduce all or any of the ſaid Tolls, and alſo any additional Tolls payable by any Act or Acts of Parliament now in Force for Overweight, in ſuch Manner as to them ſhall ſeem fit and convenient for and during ſuch Time as they the ſaid Truſtees ſhall think proper, and afterwards at any Meeting to be holden as aforeſaid, from Time to Time if they ſhall ſee occaſion, to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with reſpect to Overweight: Provided nevertheleſs, that until the whole

Money

Money borrowed on the Credit of the ſaid Tolls ſhall have been paid and diſcharged, ſuch Tolls ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due upon the Credit of the ſaid Tolls.

Tolls may be let.

XV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered at any Meeting, upon One Month's Notice being given in ſuch Newſpaper or Newſpapers as aforeſaid, and affixed on all and every the Turnpike Gates that ſhall be ſtanding on the ſaid Road, to let or farm the ſaid Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons at and for the largeſt Yearly Sum that can be reaſonably got for the ſame, provided that the Leaſes, Contracts, or Agreements, of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Truſtees, but the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable, and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo that Two Months Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security given for the Payment of ſuch Rent, to the Satisfaction of the ſaid Truſtees, or in Default thereof every ſuch Leaſe, Contract, or Agreement, ſhall be null and void to all Intents and Purpoſes whatſoever.

Leſſees of Tolls may appoint Perſons to receive the ſame.

XVI. 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 and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other 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 ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls, appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Tolls ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees may compound.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, to compound with any Perſon or Perſons for any Period of Time not exceeding Twelve Months for any Horſes, Beaſts, Cattle or Carriages, paſſing on the ſaid Road, or on any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect of ſuch Horſes, Beaſts, Cattle or Carriages, paſſing and repaſſing on the ſaid Road, and all ſuch Compoſition Money ſhall be paid in Advance Quarterly or otherwiſe, as the ſaid Truſtees ſhall appoint; and in default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes.

For ſettling Diſputes concerning Tolls.

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

Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, be aſcertained by ſome Juſtice of the Peace for the ſaid Counties of *Surrey* or *Suſſex*, who upon 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 alſo aſſeſs the Charges of ſuch Diſtreſs and Keeping or Sale of the ſame, and of the Collectors Attendance for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof or any Part thereof.

Toll-Bar Keepers competent Witneſſes.

XIX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation by reaſon of his, her, or their being ſo appointed, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the ſaid Truſtees.

Penalty for permitting private Paſſage or evading Tolls.

XX. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt or Carriage, paſs through any Lands, Grounds or Hereditaments, lying near any Turnpike or Toll Gate which ſhall be erected by virtue of this Act (the ſame not being a Public Highway) or if any Owner or Occupier of ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Cattle, Beaſt or Carriage whatſoever, to paſs through the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets by this Act directed to be given, with Intention to evade, or whereby the Payment of any of the ſaid Tolls, or any Part thereof, may and ſhall be evaded; or if any Perſon or Perſons ſhall fraudulently paſs through any ſuch Turnpike or Toll Gate with any Horſe, Beaſt, or other Cattle, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe, Beaſt, or other Cattle from any Carriage, or having paſſed through any Turnpike or Toll Gate, to be erected by virtue of this Act, ſhall afterwards add or put an additional Horſe or Horſes, Beaſt or Beaſts to ſuch Carriage, with Intent to evade the Payment of the ſaid Tolls, every Perſon ſo offending ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds.

Exemptions from Toll.

XXI. And be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, Horſe or other Cattle, going unladen for or being laden with, or returning after having gone laden only with any Materials for repairing the ſaid Road, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Outhouſes, Barns, Yards, or Cloſes, of the Owner or Owners thereof, or returning empty therefrom, or for any Horſes, Cattle or Carriages, going with or for any Ploughs, Harrows, or other Implements of Huſbandry, belonging to any of the Inhabitants of the Pariſhes, Townſhips, Hamlets, or Places, wherein any Part of the ſaid Road lieth, or for any Cattle going to or from Plough or Harrow, or for any Carriage or Cattle carrying any Dung, Mould,

Mould, or Compoſt of any Kind whatſoever to be employed in Huſbandry, or for manuring or ſtocking of Land, but for no other Purpoſe; or for any Horſes or other Cattle or Carriages, employed in the conveying of any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Surrey* or *Suſſex* on the Day of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; or going to or returning on *Sundays* or any other Days on which Divine Worſhip is ordered by Authority to be celebrated, from any Church, Chapel, or other Place of religious Worſhip, which ſhall be ſituate within the ſame Pariſh in which any Turnpike or Toll Gate ſhall be erected, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes, Townſhips, Hamlets or Places, in which the ſaid Road hereby directed to be made lies, or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from viſiting his ſick Pariſhioners; or for any Cattle or Carriage employed only in carrying Corn to, or Griſt from, the neareſt or ſuch other Mill as ſhall be uſed by the Owners of ſuch Corn reſpectively; or for any Carriages or Horſes employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning from conveying or guarding the ſame; or for any Horſe, Ox, Cow, Sheep or other Cattle, going to or returning from any Paſture or Watering Place, or from being ſhod or farried; or for any Horſes belonging to Officers or Soldiers upon their March or upon Duty, or for any Horſes, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon ſhall by any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Carriages conveying Military Stores not to be ſubject to Penalties for overweight, etc.

XXII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat or other public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture; nor ſhall any ſuch Waggon, Wain, Cart or other

Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Carr, 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.

No Toll for croſſing the Road only.

XXIII. And be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate or Turnpike, to be erected by virtue of this Act, on the Side or Sides of any Part of the ſaid Road, for any Horſe, Cattle or Carriage, which ſhall only croſs the ſaid Road, or ſhall not paſs above One hundred Yards thereon, unleſs ſuch croſſing ſhall be with Intent to evade the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Toll would be thereby evaded.

Power to borrow Money.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Seven or more of them from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit, upon the Credit of the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to aſſign over the ſaid Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houſes for collecting the ſame (the Charges of ſuch Mortgages or Aſſignments to be paid out of the ſaid Tolls) to any Perſon or Perſons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the ſeveral Sums that ſhall be borrowed, with the Intereſt thereof; which Aſſignment ſhall be in the Words or to the Effect following:

Form of Aſſignment.

‘ BY virtue of an Act of Parliament made in the Forty-ninth Year of the
‘ Reign of King *George* the Third, intituled, An Act [*ſet forth the*
‘ *Title of this Act*] We, of the Truſtees acting in the Execution
‘ of the ſaid Act, in Conſideration of the Sum of
‘ to the Treaſurer of the ſaid Road in
‘ Hand paid by Do hereby grant,
‘ bargain, ſell, and demiſe unto the ſaid
‘ Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls
‘ ariſing by virtue of the ſaid Act, as the ſaid Sum of
‘ doth or ſhall bear to the
‘ whole Sum advanced or to be advanced on the Credit of the ſaid
‘ Tolls to be had and holden from the Day of
‘ for and during the Continuance of
‘ the ſaid Act, unleſs the ſaid Sum of
‘ with lawful Intereſt for the ſame, ſhall be ſooner repaid and ſatisfied.
‘ Given under our Hands and Seals this Day of
‘ in the Year of our Lord

And Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; but no Money ſhall be borrowed unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the ſaid Counties of *Surrey* and *Suſſex*, and alſo upon the Turnpikes or Toll Gates which ſhall be then ſtanding upon the ſaid Road, at leaſt Twenty-one Days before the borrowing

borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, in the Presence of One credible Witness, which Transfer shall be in the Words or to the Effect following:

Form of Transfer.

'I Do transfer the within Mortgage, and all the Principal and Interest now due thereon, unto
' Executors, Administrators and Assigns: Witness my Hand
' and Seal, this Day of

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memoiral to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the respective Assignee or Persons to whom the same shall be made, their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon, and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Assignment or Transfer, afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments or Transfers, shall be made as aforesaid, shall be in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses in equal degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of any such Mortgages or Assignments:

Application of the Tolls and Money borrowed.

XXV. And be it further enacted, That the Monies arising by virtue of this Act shall be applied and disposed of by the said Trustees in Manner following (that is to say); in Payment of the Costs, Charges and Expences of obtaining and passing this Act, and in making and constructing the said Roads and repairing and amending the same, and in erecting Turnpikes and Toll Houses thereupon, and defraying the Expences from Time to Time attending the Execution of this Act, and in paying and keeping down the Interest of the Monies borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and discharging such Principal Monies, and to and for no other Use or Purpose whatsoever.

Power to enter Lands and make Roads.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Roads hereby authorized to be made is intended to pass, and to stake out and make the same of such Width and 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 Occupiers of such Lands and Grounds for the Damages that shall be done to the Lands or Grounds on the Sides of the said Roads whilst the same shall be making; and if any Person shall wilfully pull up, remove or destroy, any of the Stakes or other Marks used in laying out or making such Roads, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Trustees may make and divert the Road.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, and they are hereby fully authorized and empowered to make and repair, and from Time to Time widen, divert, shorten, vary and alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Roads, through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby, and for that Purpose it shall be lawful for the said Trustees or any Seven or more of them, to treat, contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *cestuique* Trusts, whether Femes Coverts, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seized of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life Beneficial, or in Fee Tail General or Special, or Lessees for Years or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restraining the Trustees from deviating beyond certain Distances

XXVIII. And whereas Maps or Plans describing the Lines of the said Roads, and the Lands through which the same are to be carried, together with the Books of Reference, containing Lists of the Names of the Owners

and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the Counties of *Surrey* and *Sussex*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said respective Counties; to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans, and Books of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

of the Lines described in the Plan, &c.

XXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Roads into, through, across or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for either of the said Counties, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Road through Grounds although the Owners Names are not in the Books of Reference.

XXX. And be it further enacted, That if any Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned or altered, shall for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men, either of the said Counties of *Surrey* or *Sussex*, from the Neighbourhood of the Place where such Lands or Hereditaments do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time as occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall by ordering a View, or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said

Where Persons interested neglect or refuse to treat.

Jury

Jury ſhall have enquired of and aſſeſſed ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; and ſuch Verdict and Inquiſition, Order and Determination thereon, ſhall be final, binding and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim any Eſtate in Poſſeſſion, Reverſion or Remainder in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons, under any other Diſability whatſoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate or Sole, as well as all and every other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Surrey* or *Suſſex*, requiring him to impannel, ſummon and return an indifferent Jury of Twenty-four Perſons from the Neighbourhood of the Place where ſuch Lands and Hereditaments lie, qualified to ſerve upon Juries, to appear before the ſaid Truſtees or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo impanneled, ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men, who ſhall be a Jury for the Purpoſes aforeſaid, and in default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, or ſhall otherwiſe wilfully miſconduct themſelves, in giving their Evidence, ſo that no one Fine be more than Five Pounds on any one Perſon for one Offence.

Truſtees to iſſue Warrant to the Sheriff to impannel a Jury.

Truſtees may impoſe Fines.

Expences of the Jury and Witneſſes, how to be paid.

XXXI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn, purſuant to the Directions or Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence or Satisfaction for the Right, Intereſt or Property of any Perſon or Perſons in any ſuch Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and

returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of any Money which ſhall then be in his Hands, or out of any Monies to be received by virtue of this Act; but if any Jury or Juries, ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne or paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the Diviſion or Liberty wherein the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees by the Ways and Means hereinafter mentioned or provided for the Recovery of Penalties or Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Money allowed for Lands, how to be charged or tendered.

XXXII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or in caſe of refuſal to accept the ſame, or the Parties not being to be met with, upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees for the uſe of ſuch Parties or Perſons reſpectively, to be thereafter diſpoſed of as hereinafter directed, and after Eight Days Notice thereof given to ſuch Parties or Perſons, or to their Agents, or left at their reſpective uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be by them, or ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall, to all Intents and Purpoſes whatſoever, become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the ſaid Roads for ever thereafter.

Truſtees not to take down Houſes, &c.

XXXIII. Provided always, and be it further enacted, That no Power or Authority by this Act given to the ſaid Truſtees, ſhall extend to the taking down or injuring any Dwelling Houſes or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation or Nurſery of Trees, or of any Part or Parts thereof, without the Conſent in Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act; Perſons of whom it was bought, or whoſe Lands adjoin, to have the firſt Offer.

XXXIV. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads in manner hereinbefore mentioned, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame; Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; or in caſe of diverting any Part or Parts of the ſaid Roads to the Perſon or Perſons whoſe Lands ſhall adjoin thereunto; and if ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to and on account of the Price thereof, as hereinafter mentioned) or ſhall refuſe (except with reſpect to and on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit, to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the ſaid Counties of *Surrey* or *Suſſex*, (who are hereby reſpectively empowered to take the ſame,) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces or Ground, ſtating that ſuch Offer was made by or on the behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made, (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury, in manner hereinbefore directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein before directed, with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel 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 Miſapplication or Nonapplication of ſuch Money.

For ſhutting up a certain Footpath.

XXXV. And be it further enacted, That as ſoon as the ſaid Road and Branches of Road ſhall have been made paſſable for Horſes and Carriages, it ſhall and may be lawful to and for the ſaid Truſtees or any Seven or more of

of them, to ſhut up and diſcontinue or cauſe to be ſhut up and diſcontinued a certain Footpath, leading from a Gate at the Bottom of a Field belonging to *John William Commerell*, Eſquire, called or known by the Name of *Hilly Field*, through *Strood Grounds*, the Property of the ſaid *John William Commerell*, Eſquire, to a certain Stile in the ſaid Grounds, called or known by the Name of *Granary Croft Stile*, which ſaid Footpath will, if this Act ſhould paſs into a Law, become uſeleſs and unneceſſary.

For ſhutting up a certain Bridleway.

XXXVI. And be it further enacted, That as ſoon as the ſaid Road and Branches of Road ſhall have been made paſſable for Horſes and Carriages, it ſhall and may be lawful to and for the ſaid Truſtees or any Seven or more of them, to ſhut up and diſcontinue, or cauſe to be ſhut up and diſcontinued a certain Bridleway, known by the Name of the *Old Roman Road*, or ſuch Part thereof as to the ſaid Truſtees ſhall appear neceſſary, for the Purpoſe of this Act, leading from the South-Eaſt Corner of *Platter's Hill Coppice* aforeſaid to *Rowhook*, as the ſaid Road and Branches of Road, when ſo made paſſable as aforeſaid, will be more eaſy and convenient for Paſſengers.

Application of Compenſation Money when amounting to 200l.

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

Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l.

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

When leſs than 20l.

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

In caſe of not making out Titles,

XL. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Seven or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid 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 and may be lawful to and for the ſaid Truſtees or any Seven or more of them, to order the ſaid Sum or Sums of

of Money ſo awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order diſtribution thereof, or Payment of the Intereſt 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.

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

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

Reſpecting diſputed Titles.

XLII. 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, Tenements 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 the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and

The Court of Chancery may direct the Payment of Expences.

Charges of obtaining such Order, to be paid by the said Trustees or any Seven or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mines reserved to the Owners of Lands.

XLIII. Provided always, and be it further enacted, That all Mines of Coal, and other Minerals and Fossils whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Road by virtue of this Act, shall and are hereby reserved to the Person or Persons, Bodies Politic, Corporate or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine and work the same in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Coal or other Materials shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the Working of such Mines no Damage shall be done to the said Road.

For getting Materials to make and repair the Road

XLIV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand or other Materials for making and repairing the said Roads, out of and from any Commons or Waste Ground, River, Brook, or Pit, in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees (such Order to be made at some Meeting of the Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk or Clerks to the said Trustees) search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered and carried away, or over which the same or any other Materials for making and repairing the said Roads shall be carried, according to their respective Rights and Interests in such Ground, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace of the County, District or Place, where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Ten

Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages; and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

Notice to be given to Occupiers of Lands before Materials are taken for repairing the Road.

XLV. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons, under the Authority of this Act, to dig, gather, get, take or carry away any Materials for repairing ſuch Road out of or from any incloſed Lands or Grounds until Notice in Writing, ſigned by the Surveyor or Surveyors, ſhall have been given to the Owner and Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner and Occupier at their reſpective uſual Places of Reſidence, to appear before the ſaid Truſtees or Two or more Juſtices of the Peace acting for the County, Diſtrict or Place where ſuch Premiſes ſhall be ſituate, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds, and in caſe ſuch Owner and Occupier or one of them, or their or his Agent, ſhall attend purſuant to ſuch Notice but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtices ſhall or may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather 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 neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees or ſuch Juſtices ſhall and may make ſuch Order therein, as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

XLVI. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall take away any Stone or Materials which ſhall have been dug or gathered by or by Order of the ſaid Surveyor or Surveyors, for the Purpoſe of making or amending the ſaid Road, or any Part or Parts thereof, or ſhall get or take away any Stone, Gravel or Materials, out of any Pit or Quarry, which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Road, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen ſhall have diſcontinued working therein for the Space of Three Weeks, (except the Owner or Occupier of any private Ground wherein ſuch Pit or Quarry ſhall have been ſo made, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Surveyors may make Drains, &c.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint by Order of the ſaid Truſtees, to cut and make any Cauſeways or Footpaths upon the Sides of the ſaid Roads, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Roads, or to erect Bridges over any Drains or Watercourſes, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper, for amending or keeping in repair any Part of the ſaid Roads; and alſo to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk or Avenue to any Houſe, or any incloſed

closed Ground planted or set apart as a Nursery for Trees) to be made use of as a Public Highway whilst the narrow or ruinous Parts of the said Roads are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees, touching such Damage, then and in such Case the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County of *Surrey* or *Sussex* next after the Expiration of Twenty one Days from the Time of doing such Damage, shall and are hereby authorized and required to hear, settle, and determine the same; and their Determination therein shall be final and conclusive.

on making Satisfaction for Damage done thereby;

and in case of Difference concerning same, Justices in Sessions to determine.

Surveyers may remove Annoyances.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by Direction and under the Hands of any Seven or more of the said Trustees) from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Roads by Rails, Steps, Signposts or other Nuisances, and to turn or stop any Watercourses, Sinks, or Drains, running into, along or out of any Part of the said Roads to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Roads, and to cut down, lop or top any Trees or Bushes growing in any part of the said Roads or in the Hedges or Banks adjoining thereto, at proper Seasons of the Year, in case the Person or Persons occasioning such Annoyance, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpose signed by any Seven or more of the said Trustees, or by their Surveyor or Surveyors, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and re-imburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for every such Offence over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Road to be measured and Milestones and Guide Posts erected.

XLIX. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Milestones to be set up at or near the Sides thereof, at the Distance of one Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully

fully break, throw down, injure, deſtroy, obliterate or deface any Table of Tolls, Mileſtone or Poſt, erected on any Part of the ſaid Road, or any of the Letters, Figures or Marks inſcribed thereon, or ſhall wilfully break, throw down or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the ſaid Roads, every ſuch Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for each Table of Tolls, Stone, Poſt, Parapet Wall and Arch ſo broken, thrown down, injured or deſtroyed, or on which any Letters, Figures or Marks ſhall be ſo obliterated or defaced, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the purpoſes of this Act.

Penalty on Riding on Footpaths, &c.

L. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently injure, deſtroy, break down, or otherwiſe damage, or ſhall ride on or drive or lead any Horſe, Beaſt, Cattle, or Carriage, over or upon any Footpath or Cauſeway made or to be made on the Side or Sides of any Part of the ſaid Roads; or if any Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones which may be erected for the Security of the ſaid Footpaths or Cauſeways; or if any Perſon or Perſons ſhall plough over, or drag any Plough upon any Part of the ſaid Roads, or in ploughing ſhall turn any Horſe or other Beaſt drawing any Plough upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Roads, with any Inſtrument, ſo as to damage the ſaid Roads or any Part thereof; or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone (otherwiſe than upon wheeled Carriages), or ſhall ſuffer any Part of any Tree or Piece of Timber, or Stone which ſhall be carried upon a wheeled Carriage, to drag upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up or damage the ſaid Roads or any Part thereof, or the Fences, Hedges, Bankings or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep or Beaſt to be and remain looſe on the ſaid Roads; or if any Perſon driving any Coach, Chaiſe or Waggon, Cart or other Carriage, upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Roads, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon from paſſing him, her or them, upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his, her, or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent or Fire-work whatſoever, on any Part of the ſaid Roads; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow, or other Implement of Huſbandry (without ſome reaſonable Cauſe, to be allowed by the Juſtice of the Peace before whom the Perſon ſo offending ſhall be ſummoned or conveyed in order to his or her Conviction, and ſave and except with regard to ſuch Waggon, Wain, Cart or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of the ſaid Roads as conveniently may be) in, upon, or on the Side of the ſaid Roads, either with or without any Horſe or Beaſt of Draught harneſſed

harneſſed or yoked thereto, or if any Perſon ſhall lay any Piece of Timber or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Roads or on the Side or Sides thereof to the Prejudice thereof, or to the Annoyance, Inconvenience or Prejudice of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the execution of this Act.

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

Townſhips to be liable to Repairs.

LII. And be it further enacted, That all the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts or Places through which the ſaid intended Roads ſhall paſs, ſhall be liable to the Repair of ſuch Parts of the ſaid intended Roads as are within their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts or Places, in ſuch and the ſame Manner as they are liable to the Repair of any other Highway within the ſame.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences.

LIII. Provided always, and be it enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Roads within the Pariſhes, Townſhips or Places through which the ſaid Roads or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Roads; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties of *Surrey* and *Suſſex*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers, and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who, within ſuch Pariſh or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order, ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices

ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her or them, at his, her or their laſt or uſual Place or Places of 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 and liable to ſuch Pains, Penalties and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe, every ſuch Perſon ſending ſuch Labourer, Team or Draught, ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places, ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may compound for Statute Work.

LIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Roads or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads ſhall lie and be ſituate, or with the Surveyors of the Highways for ſuch Pariſhes or Places, duly authorized for that Purpoſe at a Public Veſtry, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding to the Treaſurer or Treaſurers of the

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ſaid Truſtees in advance, on or before the Firſt Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Power to compel Payment of Subſcriptions.

LV. And be it further enacted, That all Perſons who have ſubſcribed to pay any Money towards making and repairing the ſaid Roads, ſhall, and he, ſhe, and they is and are hereby required to pay his, her, and their Subſcription Money to the Treaſurer to the ſaid Truſtees, at ſuch Time or Times as ſhall be appointed by the ſaid Truſtees; and if any ſuch Subſcriber ſhall neglect to refuſe to pay ſuch Money as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees to ſue for and recover the ſame by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*.

For ſecuring tranſient Offenders.

LVI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors or other Officers appointed to put this Act into execution; be it therefore enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her or them, before any Juſtice of the Peace for the County or Diſtrict near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſeized and apprehended, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her or their Appearance at ſome Petty Seſſions, to be holden within and for the County or Diſtrict, in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices, preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary Way, and upon Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſions as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her, or them to the Common Gaol or Houſe of Correction of the ſame County or Diſtrict, there to remain for any Time not exceeding Thirty Days, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

Actions to be brought in the Name of the Treaſurer or Clerk, or of Truſtees, who are not to be perſonally liable to Coſt.

LVII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name of any One of the ſaid Truſtees on behalf of the ſaid Truſtees; and no ſuch Action 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 commenced, nor by the Act of ſuch Perſon or Perſons done without the Conſent of the ſaid Truſtees or any Seven or more of them, at a Meeting held in purſuance of this Act; but no Treaſurer, Clerk or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences

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on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Trustees.

For Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town or Place where the Offence shall be committed, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer), and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping and selling the Distress; and such Penalties and Forfeitures, when recovered (if not herein before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, nor less than One Month, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Directing the Form of Conviction

LIX. And be it further enacted, That for the more speedy Conviction of all Offenders against this Act, all and every the Justice and 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:

'To wit. } BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or*, us] of His Majesty's Justices of the Peace for the by virtue of an Act of Parliament made and passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled, An Act [*here set forth the Title of this Act, and specify the Offence, and the Time and Place when and where the same was committed*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.'

Appeal.

LX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County of *Surrey* or *Sussex* next after the Expiration of Three Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice of least of his, her, or their Intention

tion to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers, or Clerk to the said Trustees, and within Seven 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 the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices in such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form,

LXI. And be it further enacted, That where any Distress shall be made for any Sum 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 Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form.

LXII. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings, made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of Action to be given, and Plaintiff not to recover after Tender of amends.

LXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judge-

If no Tender was made Money may be paid into Court.

ment, ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXIV. Provided always, and be it enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, after Twelve Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Surrey* or County of *Suſſex*, 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, at his and their Election, ſpecially or the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict 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, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Orders and Proceedings of Truſtees to be entered in a Book.

LXV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be regularly entered in a Book or Books, to be kept for that Purpoſe, and ſigned by the Truſtees preſent at the Meeting or Meetings at which ſuch Orders ſhall from Time to Time be made, or Proceedings ſhall be had, or the major Part of ſuch Truſtees; and that ſuch Book or Books ſhall be opened at all ſeaſonable Times for the Inſpection of any of the Truſtees appointed or to be appointed by virtue of this Act, without Fee or Reward; and ſuch Entries, being ſo ſigned, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever.

Public Act.

LXVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and others, without being ſpecially pleaded.

Commencement and Continuance of the Act.

LXVII. And be it further enacted, That this Act ſhall commence and take place on the Twenty-ninth Day of *April* One thouſand eight hundred and nine, and ſhall be in Force and have Continuance 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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