ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxvi.

An Act for repairing, widening, and maintaining the Road leading from *Horsham* in the County of *Sussex*, through *Dorking* and *Leatherhead*, to *Epsom* in the County of *Surrey*, and from *Capel* to *Stone Street* at *Ockley*, in the said County of *Surrey*. [30th *May* 1823.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of King *George* the Second, intituled *An Act for widening and repairing the Road leading from* Horsham *in the County of Sussex, through* Capell, Dorking, Mickleham, *and* Leatherhead, *to the Watch-house in* Ebbisham *in the County of* Surrey, *and from* Capell *to* Stone Street *in the Parish of* Ockley, *in the said County of* Surrey: 28 G. 2. c. 45.
And whereas another Act was passed in the Sixteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and enlarging the Powers of an Act, made in the Twenty-eighth Year of the Reign of His late Majesty, for widening and repairing the Road leading from* Horsham *in the County of* Sussex, *through* Capell, Dorking, Mickleham, *and* Leatherhead, *to the Watch-house in* Ebbisham *in the County of* Surrey, *and from* Capell *to* Stone Street *in the Parish of* Ockley *in the said County of* Surrey: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty King *George* the Third, 16 G. 3. c. 70.

42 G. 3. c. 23. Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, one passed in the Twenty-eighth Year of the Reign of His late Majesty King* George *the Second, and the other in the Sixteenth Year of the Reign of His present Majesty, for widening and repairing the Road leading from* Horsham *in the County of* Sussex, *through* Capell, Dorking, Mickleham, *and* Leatherhead, *to the Watch-house in* Ebbisham *in the County of* Surrey, *and from* Capell *to* Stone Street *in the Parish of* Ockley, *in the said County of* Surrey: And whereas the Trustees acting under the said recited Acts, or some of them, have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected upon the said Roads, for amending and improving the same, and a considerable Part of which Money still remains due and owing, and the Term granted and continued by the said Acts is near expiring: And whereas the said Roads cannot be sufficiently amended, widened, improved, and kept in Repair, nor can the Money so borrowed be repaid, or the Interest thereon be discharged, unless the Term and Powers of the said Acts are enlarged: And whereas an Act was passed
3 G. 4. c. 126. in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said first Three recited Acts were repealed, and further Provisions made for the Repair of the said Roads: May it therefore please Your Majesty that it may be enacted;

Three first recited Acts repealed.

and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twenty-eighth Year of the Reign of King *George* the Second, and of the Sixteenth and Forty-second Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and that this Act shall from thenceforth commence and take Effect and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, altering, turning, widening, improving, and keeping in Repair the Road leading from *Horsham* in the County of *Sussex*, through *Capell*, *Dorking*, *Mickleham*, and *Leatherhead* to the Watch-house in *Epsom* in the County of *Surrey*, and from *Capell* to *Stone Street* in the Parish of *Ockley*, in the said County of *Surrey*; and this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed, or which are now due and owing on the Credit or on account of the said first Three recited Acts or any of them, and of all Interest due and to grow due on the same Monies, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and that all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act; and all Conveyances, Bonds, Covenants, Agreements, Contracts and Securities, made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said first Three recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same shall

All Persons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force;

be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Lettings of Tolls, and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the said first Three recited Acts, with or to any Person or Persons, for any Purpose relating to the said Roads, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Lettings, Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof notwithstanding the Repeal of the said first Three recited Acts.

and all Contracts, &c. by the Trustees, to continue in force.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Sussex*, and all His Majesty's Justices of the Peace acting for the County of *Surrey* for the Time being; together with *William Ansell*, *Henry Boulton*, *Richard Boulton*, *Robert Barclay*, *Alfred Burmester* Clerk, *Charles Barclay*, *James Shudi Broadwood*, *Thomas Broadwood*, *Richard Byron*, *John William Commerell*, *William Stanley Clarke*, *Thomas Dickins*, *James Dallaway* Clerk, *George Feachum* Clerk, *Thomas Hope*, *William Heberden* Clerk, *Thomas Langley*, *Richard Lowndes*, *George Milner*, *Ebenezer Fuller Maitland*, Sir *Lucas Pepys* Baronet, *Henry Peters*, *Thomas Piper*, *Hugh James Rose* Clerk, *Lee Steere Steere*, *John Sykes*, *Richard Sharp*, *William Sandham*, *John Webb*, and *John Warneford* Clerk, and their Successors, shall be and they are hereby appointed Trustees for amending, altering, turning, widening, improving and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Appointment of Trustees.

III. And be it further enacted, That all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things, enacted and contained in the said recited Act, passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act), shall be of the same Force, Effect, and Validity, for carrying the Purposes of this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Extending General Act to this Act.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole, in Addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified according to the Provisions or Directions of the said last recited Act, and having taken and subscribed the Oath, or being a Quaker, having made and subscribed the Affirmation in the said Act mentioned, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

Power to appoint additional Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said last recited

Trustees to be sworn.

recited Act is directed and prescribed; and unless, being so qualified, he shall, before he shall act as a Trustee, (except in administering the Oath or Affirmation mentioned in the said last recited Act, and the Oath or Affirmation herein-after mentioned), take and subscribe, or being of the People called *Quakers*, shall make and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same), the Oath or Affirmation following; that is to say,

'I *A. B.* do swear, [*or, being of the People called Quakers*, do solemnly affirm], That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and of an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the Act.*] So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

And if any Person shall act as a Trustee in the Execution of this Act, (except as aforesaid) before he shall have taken and subscribed the said Oath (or, being of the People called *Quakers*, have made and subscribed such Affirmation), every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action or Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath (or, being of the People called *Quakers*, to make and subscribe the Affirmation) by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or made such Affirmation previously to his having acted as such Trustee as aforesaid.

Meetings of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the *Red Lion Inn*, or some other convenient Place in the Town of *Dorking* aforesaid, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times, and at such Place or Places, within the said Town of *Dorking*, as they shall think proper; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Thirty Days, nor sooner than Ten Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Two or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees,

Adjournments.

If no Adjournment be made, the Clerk, or

Trustees, by Notice to be inserted in some public Newspaper usually circulated in each of the said Counties of *Sussex* and *Surrey*, and affixed on all the Turnpikes or Toll Gates on the said Roads, appointing the Trustees to meet at such Time and Place within the said Town of *Dorking* as the said Clerk or the said Trustees respectively, giving such Notice, shall think proper, not exceeding Thirty Days nor sooner than Ten Days after the Publication of such Notice; and all the Powers and Authorities by this Act, or the said last recited Act, given to, and all the Matters and Things by this Act, or the said last recited Act, directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the Majority of the Trustees assembled at some Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full Force and Effect as if executed or done by or before all the Trustees for executing this Act (except in such Cases where any such Power, Authority, Matter, or Thing is by this Act, or the said last recited Act, particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all Meetings to be held for the Purposes of this Act, a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the casting or decisive Vote; and all Orders made under the Powers and Provisions of this Act, or of the said recited Acts, may be revoked or altered if Occasion shall require; provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees shall be present, nor unless the Majority of the Trustees so present shall concur in such Revocation or Alteration, nor unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting of the said Trustees, and entered in the Book of Proceedings of such Meeting, and also affixed (such Notice being first signed by any Three or more Trustees, whether assembled at a Meeting or not) on all the Turnpike Gates then erected upon the said Roads, Twenty-one Days at least before the Meeting at which such Revocation or Alteration shall be made; and the Trustees shall at their several Meetings pay and defray their own Expences, except any Sum not exceeding Ten Shillings *per Diem* for the Use of the Room wherein they shall meet.

Two Trustees, may call a Meeting by Notice.

Powers of the Act may be executed by Three or more Trustees at a Meeting, and the Proceedings of the Majority of the Trustees present, shall be as valid as if all the Trustees had been present.

No Order to be revoked unless Five Trustees present, and major Part concur.

VII. Provided always, and be it enacted, That One Meeting of the Trustees within the Year shall be held within the said Town of *Horsham*.

One Meeting in the Year to be held at Horsham.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall at any Time be thought necessary, for the better Execution of this Act, that the said Trustees should meet on an earlier Day than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk to the Trustees, by or under an Order in Writing signed by Two or more Trustees, or for any Two or more Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees, to be held at such Time and Place in the said Town of *Dorking* as they shall think proper, by Notice signed by such Clerk or Trustees, mentioning the Time, and Place, and Purpose of such Meeting, to be inserted in some public Newspapers usually circulated in each of the said Counties of *Sussex* and *Surrey*, and affixed on all the Turnpike Gates then standing or

Meetings on Emergencies.

or being across the said Roads, (such Time being not less than Fourteen Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Books kept of Accounts of Receipts and Disbursements under former Acts shall be open to the Inspection of the Trustees and Creditors.

Penalty for Refusal of Inspection.

IX. And be it further enacted, That all Books of Proceedings of the Trustees in Execution of the said first Three recited Acts, and all Books of Accounts of Receipts and Disbursements made under the said first Three recited Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books. or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary; and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment and Removal shall be entered in the Book of the Proceedings of the Trustees; and Fourteen Days Notice shall be inserted in some public Newspaper usually circulated in each of the said Counties of *Sussex* and *Surrey*, and affixed on all the Turnpike Gates standing or being across the said Roads, of every Meeting where any such Appointment or Removal shall be intended to be made after the first Meeting of the said Trustees, specifying the Intention of appointing or removing such Officer or Officers; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers, and other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Ale, Beer, Wine, Spirituous Liquors, or Provisions, by Retail.

Persons selling Ale, &c. by Retail, not to hold Places of Profit.

Treasurer, &c. to give Security.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers, Collector or Collectors, appointed by virtue of this Act, for the due and faithful Discharge and Execution of their respective Offices.

XII. Pro-

Old Officers to continue until new ones elected.

XII. Provided always, and be it further enacted, That each and every Treasurer, who shall have been appointed consistently with the Provisions of the said recited Act passed in the Third Year of the Reign of His present Majesty, and such Appointment being according to the Directions and Provisions of this Act, and each and every Clerk, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or otherwise misbehave or misconduct himself, it shall and may be lawful for any Two or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting under and by virtue of this Act.

XV. And

Officers to account;

XV. And be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, appointed under or by virtue of the said first Three recited Acts, and who shall be appointed under or by virtue of this Act, shall from Time to Time, within Ten Days after being thereunto required, by Notice signed by Three or more of the said Trustees, given to him or them, or left at his or their usual Place of Abode, deliver to the said Trustees, or to such Person or Persons as they for that Purpose shall appoint, a true and perfect Account in Writing, under his or their Hand or respective Hands, of all Monies which shall have been by him or them respectively had, collected, or received by virtue of the said first Three recited Acts and this Act respectively, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and such Officers and Persons shall and they are hereby respectively required, within Seven Days after so exhibiting their Accounts, or within such other further Time as the said Trustees shall order or appoint, to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their or his Hands, to the said Trustees, or to such Person or Persons as they the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their or his Hands within the Time or in Manner aforesaid, if thereunto required by the said Trustees; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint to take the same, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings in their respective Custody or Power in anywise relating to the Execution of this Act, or to the said Roads, and Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace of the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, by the said Trustees, or by any Person or Persons by them authorized on their behalf, such Justice may, and he is hereby authorized and required to summon such Officer or Officers, or Person or Persons, to appear before him; and in case such Officer or Officers, or Person or Persons, shall not appear upon such Summons (the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, and no reasonable Cause or Causes to the Satisfaction of the said Justice being shewn for such Non-appearance), to issue a Warrant or Warrants for the Apprehension of such Officer or Officers, or Person or Persons; and it shall be lawful for such Justice, upon the Appearance of such Officer or Officers or Person or Persons, upon such Summons, or upon his or their being apprehended and brought before such Justice by virtue of such Warrant, or upon his or their having absconded or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in the same Manner as the Trustees might have done; and if upon the Confession of the Officer or Officers, or Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so had, collected, and received, shall be in the Hands of such Officer or Officers, or

and pay over Balances.

Person

Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, or Person or Persons, appearing, or being brought before the said Justice in Manner aforesaid, shall refuse or neglect to give and deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings, in his or their Custody or Power, relating to the Execution of this Act, or to the said Roads, then and in any of the Cases aforesaid such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall have been made by virtue of this Act in respect thereof, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make and receive, or until he or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or to such Justice; but no such Officer or other Person, who shall be committed for want of sufficient Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

For continuing and erecting Turnpikes.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines now standing and being in or upon or across the said Roads, or on the Sides thereof; and also to erect, set up, or build, or cause to be erected, set up, or built, upon, in, or across the said Roads, or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading into the same, or any Part thereof, within Three hundred Yards of the said Roads, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine; and also to take in and inclose, on the Sides of the said Roads, suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they the said Trustees shall think meet and expedient; and from Time to Time to take down and remove or to alter or discontinue the same or any of them, as they the said Trustees shall think proper, and direct or appoint.

Toll Houses becoming useless may be sold.

XVII. And be it further enacted, That it shall be lawful for the Trustees of the said Roads absolutely to sell and dispose of any Toll-House or Toll Houses already erected on the said Roads, or any Part thereof, or hereafter to be erected or continued on the same by virtue of this Act, together with the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid, it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens and Premises to the Purchaser or Purchasers thereof; and upon Payment of the Purchase Money to the Treasurer of the said Trustees for the Time being, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land, as is by the said last recited Act directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road, and for that Reason sold by the Trustees under the Powers of the said last recited Act.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors, to demand and take the several Tolls herein-after mentioned, at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, and on every Day, each Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Sociable, Phaeton, Curricle, Whiskey, Chair, Taxed Cart, Chaise, Calash, or other such like Carriage, or any Hearse, the Sum of Four-pence:

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, the Sum of Four-pence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling *per* Score; and for every Half Score of such Cattle, the Sum of Sixpence, and for any less Number than Half a Score of such Cattle, the Sum of One Halfpenny each:

For every Drove of Calves, Swine, Sheep or Lambs, the Sum of Sixpence *per* Score; and for every Half Score thereof, the Sum of Threepence, and for any less Number than Half a Score of such Calves, Swine, Sheep, or Lambs, the Sum of One Farthing each:

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, or other Beast or Cattle, Coach,

Coach, Chariot, Landau, Berlin, Sociable, Phaeton, Curricle, Whiskey, Chair, Taxed Cart, Chaise, Calash, Hearse, Waggon, Wain, Cart, Van, Caravan, or other Carriage whatsoever, shall be permitted to pass through any such Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain, and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in Manner herein-after directed.

For preventing the Evasion of Toll at Gravel Hill, Leatherhead.

XIX. And whereas by the said recited Act of the Sixteenth Year of the Reign of His said late Majesty King *George* the Third, it was recited that Persons could, by turning out of the said Road and passing through a Gate along a Field and Lane leading from a Place called *Gravel Hill*, in the Parish of *Leatherhead* aforesaid evade the Payment of the Tolls granted by the same Act; and it was also thereby recited, that the shutting up of the said Gate at *Gravel Hill* aforesaid, would be of no Inconvenience or Detriment to the Public; it was therefore by the same Act enacted, that from and after the passing thereof it should be lawful for the Trustees thereby appointed, or any Five or more of them, and they were thereby ordered and empowered, to shut up the said Gate and Way, by making and erecting such Fence or Fences as they should think proper at *Gravel Hill* aforesaid, to prevent Persons making use of the same as a public Road or Way, and after the said Fence or Fences should be so made or erected, it should not be lawful for any Person or Persons whatsoever to make use of the said Way and Lane as a public Road or Way, any Usage or Custom to the contrary notwithstanding: And whereas a Gate has been erected at the East End of the said Field at *Gravel Hill*, which is kept locked, and opened only by the Owners and Occupiers of Lands within the said Parish of *Leatherhead*; be it therefore hereby enacted, That it shall not at any Time hereafter be lawful for any Person or Persons whomsoever to make use of the said Way and Lane as a public Road or Way, any Usage or Custom to the contrary notwithstanding.

Owners, &c. of Lands in Leatherhead to pass free through Gravel Hill Gate.

XX. Provided always, and be it further enacted, That the Owners and Occupiers of Lands within the Parish of *Leatherhead* aforesaid, shall be at Liberty to pass to and from such Lands without Interruption, and without being subject to the Payment of any of the Tolls aforesaid at such Gate.

Tolls to be paid but Once a Day between Dorking and Epsom.

XXI. Provided always, and be it further enacted, That no Person shall be liable to pay Toll more than Once on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing and repassing as often as he shall think fit, with the same Horse, Cattle, Beast, or Carriage, through all or any of the Turnpikes or Toll Gates, Side Bars or Side Gates, or Chains, already erected or which shall be erected upon any Part of the Road between the Town of *Dorking* aforesaid and *Epsom* aforesaid, such Person producing a Note or Ticket, denoting that the Toll has been paid on that Day.

How Tolls shall be paid between Horsham and Dorking, and between Capel and Stone Street;

XXII. And be it further enacted, That any Person who shall pay any of the Tolls aforesaid at any Turnpike, Toll Gate, or Side Bar, or Side Gate or Chain, already erected or to be erected upon any Part of the said Road between the said Town of *Horsham* and the *Holmwood* in the said Parish of *Dorking*, or between *Capel* and *Stone Street* in the Parish of *Ockley*,

Ockley, shall on the same Day (to be computed as aforesaid) be allowed to pass and repass Twice through such Turnpike, Toll Gate, or Side Bar, or Side Gate or Chain, and through all and every other Turnpike, Toll Gate, or Side Bar, or Side Gate or Chain upon any Part of the said Road between the said Town of *Horsham* and the *Holmwood*, in the Parish of *Dorking* aforesaid, and between *Capel* and *Stone Street* in the said Parish of *Ockley*, with the same Horse, Cattle, Beast, or Carriage for which such Toll was paid, but every such Person shall be liable to pay Toll again for passing a Third Time on the same Day with any such Horse, Cattle, Beast, or Carriage as aforesaid, and so in like Manner for every Third Time of passing through any of the said Turnpikes, Toll Gates, or Side Bars, Side Gates or Chains, between the said Town of *Horsham* and the *Holmwood* in the said Parish of *Dorking*, and between *Capel* and *Stone Street* aforesaid; and so in like Manner any Person who shall pay any of the Tolls aforesaid, at any Turnpike, Toll Gate, or Side Bar, Side Gate or Chain, already erected or which shall be erected upon any Part of the said Roads between *Dorking* and *Shiremark* in the Parish of *Warnham*, in the said County of *Sussex*, or between *Capel* and *Stone Street* aforesaid, shall on the same Day (to be computed as aforesaid) be allowed to pass and repass Twice through such Turnpike, Toll Gate, or Side Bar, Side Gate or Chain, and through all and every other Turnpike, Toll Gate or Side Bar, Side Gate or Chain, upon any Part of the said Roads between *Dorking* and *Shiremark*, in the said Parish of *Warnham*, and between *Capel* and *Stone Street* aforesaid, with the same Horse, Cattle, Beast, or Carriage for which such Toll was paid, but every such Person shall be liable to pay Toll again for passing a Third Time on the same Day with any such Horse, Cattle, Beast, or Carriage as aforesaid, and so in like Manner for every Third Time of passing on the same Day through any of the said Turnpikes, Toll Gates, or Side Bars, Side Gates or Chains, between *Dorking* and *Shiremark*, in the said Parish of *Warnham*, and between *Capel* and *Stone Street*.

and between Dorking and Shiremark, or between Capel and Stone Street.

Stage Coaches, &c. to pay every Time of passing.

XXIII. Provided also, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads, or either of them.

Post Chaises to be subject again to Toll on every new Hiring

XXIV. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Roads, whenever any new Hiring thereof shall be made.

Present Leases to continue in force.

XXV. Provided always, and be it further enacted, That all and every Leases and Lease, or Letting of the Tolls arising on the said Roads, granted and made by the Trustees for executing the said first Three recited Acts, and the several Covenants thereof, shall, notwithstanding the Repeal of the said first Three recited Acts, remain and continue in full Force and Effect, until the Expiration of the Term thereby respectively granted or agreed for, or until any other legal Determination of any such Lease or Letting; and the same, and the respective Grantees, shall be subject to the Powers and Provisions of this Act, in the same Manner as if such

Leases or Lease, or Letting, had been granted or made, or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same, had been Trustees for executing this Act.

Enabling Trustees to take Possession of Toll Houses when let and Rent unpaid.

XXVI. And be it further enacted, That in case all or any of the Tolls arising on the said Roads shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Three Days next after any of the Days, on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other Manner become void, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Sussex* or County of *Surrey*, within their respective Jurisdictions, upon Application made by any Three or more of the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Day-time, and to remove and put such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part), as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Contract, or Agreement had been made relative thereto; any thing in any Act or Acts of Parliament relating to Turnpike Roads or in this Act contained to the contrary notwithstanding.

Application of the Tolls and Money to be borrowed.

XXVII. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls, Mortgages, or otherwise by this Act granted, the said Trustees shall, in the first Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall after Payment of the necessary Expences for Advertisements, Books, Salaries of Officers, and other such Expences incidental to the Execution of this Act, from

Time to Time be applied, in the second Place, in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the said first Three recited Acts, or any of them, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in erecting Turnpikes and Toll Houses, and in amending, altering, turning, widening, improving, and keeping in Repair the said Roads, and in otherwise putting this Act into Execution; and in the next Place, in paying off all Principal Monies heretofore borrowed, or which are now due and owing on the Credit or on Account of the said first Three recited Acts, or any of them, and of all Interest due and to grow due on the same Monies, in Preference to and before any Principal Monies which shall or may hereafter be borrowed on the Credit of this Act, or of the Tolls hereby authorized to be collected; and lastly, in repaying the said last-mentioned Principal Monies and all Interest to grow due on the same.

Statute Work.

XXVIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work upon, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said Counties of *Sussex* and *Surrey* within their respective Jurisdiction, and they are hereby empowered and required (upon Application made to them for that Purpose 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, Townships, Hamlets, Divisions, or Places liable thereto, or 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, Township, Hamlet, Division, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, Hamlet, Division, 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 such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors by their Order shall from Time to Time order, direct, and

appoint; and the said Justices shall and may also order and direct the Surveyor or Surveyors of every such Parish, Township, Hamlet, Division, or Place to pay over to the said Trustees, or their Treasurer, such Proportion of the Composition Money for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid (after Notice in Writing given to or left for him or them, at his or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees) shall for every Day of his or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him or them, be subject and liable to such Pains, Penalties, and Forfeitures as any 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 who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off or discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, 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, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the County or Place wherein such Surveyor or Surveyors of the Highways shall live or reside, on Complaint made to such Justices by the Surveyor or Surveyors to the said Trustees.

In case of Nonpayment of Compensation for Materials, Damages, or Injuries done by the Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, or of the said last recited Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees or their Treasurer (which such Treasurer is hereby authorized and empowered to pay out of any Monies received or to be received by him as such Treasurer) to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk of the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then

then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act and the said last recited Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of this Act, or the said last recited Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Trustees not to be personally liable for Mortgages.

XXX. And be it further enacted, That the Trustees appointed by virtue of this Act shall not be personally subject to or charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security, to be made to any Person or Persons lending or advancing any Sum or Sums of Money to the said Trustees, upon the Credit of the Tolls and Revenues of the said Roads, in pursuance of the Provisions contained either in this Act or the said last recited Act; but all such Sums of Money shall be repaid out of the Tolls by this Act granted.

Public Act.

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

Commencement and Continuance of this Act.

XXXII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.