ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. III.

An Act for more effectually amending, widening, improving, and keeping in Repair the Road leading from the Town of *Kingſton-upon-Thames*, in the County of *Surrey*, to a Place called *Sheetbridge*, near *Petersfield*, in the County of *Southampton*.

[4th *July* 1803.]

WHEREAS an Act was paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing and widening the Road leading from the Town of* Kingſton-upon-Thames, *in the County of* Surrey, *to a Place called* Sheetbridge, *near* Petersfield, *in the County of* Southampton, *and alſo the Road from* Hindhead Heath, *through* Fernhurſt Lane *and* Midhurſt, *to the City of* Chicheſter, *in the County of* Suſſex: And whereas another Act was paſſed in the Eighth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and render more effectual, and to enlarge the Term and Powers granted by an Act, paſſed in the Twenty-ſecond Year of the Reign of His late Majeſty, ſo far as the ſaid Act relates to the repairing and widening the Road from the Town of* Kingſton-upon-Thames, *in the County of* Surrey, *to a Place called* Sheetbridge, *near* Petersfield, *in the County of* Southampton: And whereas another Act was paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for more effectually amending, widening, and keeping in Repair the Road from the Town of* Kingſton-upon-Thames, *in the County of* Surrey, *to a Place called* Sheetbridge, *near* Petersfield, *in the County of* Southampton:

ampton: And whereas the Truſtees appointed in or by virtue of the ſaid recited Acts have proceeded in the Execution thereof, and have for that Purpoſe, from Time to Time, borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls authorized to be taken on the ſaid Road, in the Manner directed by the ſaid Acts; which Money ſtill remains due, and cannot be repaid, nor the ſaid Road effectually amended and kept in Repair, unleſs the Term and Powers granted by the ſaid Acts be continued, amended, and enlarged, and the preſent Tolls increaſed: And whereas it would be more convenient to the Truſtees, and the ſaid Road might be better repaired, improved, and kept in Repair, if the ſaid recited Acts were to be repealed, and the Powers and Proviſions requiſite for that Purpoſe included in One Act, and alſo if the ſaid Road was to be divided into Two ſeparate Diſtricts: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Fifth Day of *October* next after the paſſing of this Act, the ſaid recited Acts ſhall be and the ſame are hereby reſpectively declared to be repealed, and that this Act ſhall from thenceforth commence and take Effect, and ſhall continue and be put in Force for and during the Term herein-after mentioned, for the Purpoſe of more effectually amending, widening, improving, and keeping in Repair the ſaid Road, as herein-after particularly mentioned; which ſaid Road ſhall from henceforth be divided into and be Two ſeparate Diſtricts, and that the Road leading from the End of *Surton* otherwiſe *Surbiton Street*, near the River *Thames*, at the Weſt End of the Town of *Kingſton-upon-Thames* aforeſaid, through the Towns of *Eſher*, *Cobham*, *Ripley*, and *Guildford*, to a certain Watercourſe on the Peaſe Marſh, at the Eaſt End of the Pariſh of *Godalming*, in the ſaid County of *Surrey*, ſhall be and is hereby declared to be One of ſuch Diſtricts, and ſhall be called *The Upper Diſtrict*; and that the Road leading from the ſaid Watercourſe on the ſaid Peaſe Marſh through the Town of *Godalming*, *Milford Street* in the Pariſh of *Witley*, and the Pariſh of *Thurſley*, over *Hindhead Heath* in the ſaid County of *Surrey*, and through *Liphook* in the ſaid County of *Southampton*, and *Rake* in the County of *Suſſex*, to a Place called *Sheetbridge*, near the Town of *Peterſfield*, in the ſaid County of *Southampton*, ſhall be and is hereby declared to form the other of ſuch Diſtricts, and ſhall be called *The Lower Diſtrict*.

Truſtees appointed for the Upper Diſtrict.

II. And be it further enacted, That *William Abington*, *Alcock* of *Burwood*, *Thomas Ayliff*, *Henry Auſten* of *Shalford*, *Joſeph Bradſhaw*, *William Bartlett*, *Robert Bent*, *Henry Bye*, *Samuel Belobier*, *John Bennifold*, *John Biddle*, *Joſeph Bradney*, *William Bothell*, *John Bonſey* junior, *John Baker*, *John Balchin*, *William Bray* of *Shiere*, *Edward Bray* of *Diſton*, *Richard Henry Budd* of *Stokehill*, *Charles Booker* of *Guildford*, *Robert Boughton* ſenior, of *Send*, *Robert Boughton* junior, of *Send*, *George Barrett* of *Winterſhall*, *Thomas Bicknell* of *Guildford*, *Richard Carter* of *Eſher*, *John Copeland*, *Richard Clarkſon*, *James Cooke*, *John Cheney*, *Thomas Crawter*, *Lannoy Richard Couſſmaker* of *Aſh*, the Honourable *Thomas* Lord Viſcount *Cranley*, *William Chandler* of *Guildford*, *Thomas Chandler* of *Guildford*, *John Cooper* of *Guildford*, *Nathaniel Clarkſon* of *Guildford*, *C. O. Cambridge* of *Ripley*, *John Creuze* of *Woodbridge*, *Thomas Dawſon*, *George Dawſon*, *Mark Duckitt*, *John Duckitt*,

Duckitt, *John Dyke*, *Thomas Dyke*, *Thomas Drewitt* junior, of *Send*, *John Daws* of *Grove Heath*, *John Earl*, *Richard Elkins* of *Guildford*, *Edmund Elkins* of *Guildford*, *William Elkins* of *Guildford*, Sir *John Frederick* Baronet, *Thomas Faſſett*, *James Forth*, the Honourable *Henry Fitzgerald* commonly called Lord *Henry Fitzgerald*, *William French*, *Thomas Gibſon* of *Shalford*, *Henry Grant* of *Wokeing*, *Henry Grant* junior of *Wokeing*, *James Gunner* of *Guildford*, the Reverend *Samuel Man Godſchall*, *Charles Hughes*, *William Hitchener*, *Robert Harriſon* of *Ripley*, *John Harriſon* of *Ripley*, *Robert Harriſon* of *Guildford*, *Henry Harland*, *Nathaniel Hillier* of *Stoke*, *William Haydon* of *Guildford*, *William Haydon* junior, of *Guildford*, *Henry Halſey* of *Henley Park*, *James* of *Eſher*, *Charles Jemmett*, *Thomas Ingram*, *John Jolly*, *Edmund James*, *George Johnſon* of *Ripley*, *Henry Knight*, *John Linfeild*, *Richard Leach*, *William Martin*, *John Martin*, *George Muras*, *John Martyr* of *Guildford*, *James More Molyneux* of *Loſely*, *James Mangles* of *Woodbridge*, the Honourable *Chapple Norton*, *William Newland* of *Guildford*, *William Newland* junior, of *Guildford*, *Arthur George Onſlow* of *Clandon*, *Cranley Onſlow* of *Clandon*, *Manwairing Onſlow* of *Clandon*, *Onſlow* Serjeant at Law, the Reverend *George Walton Onſlow* of *Ripley*, the Reverend *Arthur Onſlow* of *Send*, *Thomas Page*, *Edward Peppin*, *John Lock Penner*, *James Peto*, *John Wornham Penfold*, *Matthew Puplet*, the Reverend *James Parſon* of *Stoke*, *Paul Prickett* of *Send*, the Reverend *William Polhill* of *Albury*, *Alexander Raby*, *William Ranyard*, the Reverend *William Roberts* of *Worpleſdon*, *Gabriel Ryde* of *Tyting*, the Reverend *John Simpkinſon*, *Thomas Stevens*, *William Stevens*, *Richard Joſeph Sullivan*, Sir *Francis Searle* Knight, *William Strange*, *Thomas Sutton*, *William Speer* junior, *Joſiah Stevens*, *William Scott*, *John Smith* of *Ditton*, *William Spencer*, *George Holme Sumner*, *John Reyto Shrubb*, *Francis Skurray*, *Richard Sparkes*, *George Sparkes*, *John Sparkes* of *Shalford*, *John Smallpiece* of *Guildford*, *William Sadler* of *Guildford*, *William Shaw* of *Guildford*, *Thomas Sibthorpe* of *Guildford*, *George Smallpiece* of *Stoke*, *Job Smallpiece* of *Stoke*, *Robert Taylor*, *Thomas Taylor*, *Chriſtopher Terry*, *Johnſon Rowles Thomas*, *Henry Taylor*, *John Kemys Tynte*, *Samuel Thornton*, the Reverend *Philip Vaillant*, *John Woods*, *David Willis*, *George Wilkinſon*, *Richard Watſon*, *Caleb Woodyer*, the Reverend *James Weller* D. D. *Carey Hampton Weller*, *John Wight*, *John Webbe Weſton*, *William Winkworth* of *Guildford*, *Robert Whitburn*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and are hereby appointed Truſtees for putting this Act into Execution with reſpect to the ſaid Upper Diſtrict of Road: And that *James Andrews*, *James Arnold*, *Samuel Ballard*, *John Baker*, *James Baker*, *Thomas Bonham*, the Honourable *William Brodrick*, the Honourable *John Brodrick*, the Rector of *Bramſhot* for the Time being, *James Butler*, *Thomas Butler*, *John Butler*, the Reverend *John Flutter Chandler*, the Rector of *Chiddingfold* for the Time being, Admiral *Samuel Corniſh*, *William Clark*, *John Coleman*, *George Coleman*, *William Ellis*, *Whitehead Dennis*, the Reverend Doctor *Ekins*, the Reverend *Lawrence William Eliot*, *William Everſhed*, *John Evans*, the Reverend *Edward Fulham*, *John Fulleck*, Sir *John Frederick* Baronet, Sir *Henry Featherſtonehaugh* Baronet, the Vicar of *Godalming* for the Time being, the Reverend *George Gibſon*, *William Gill*, *Henry Streater Gill*, *Thomas Gooch*, *Nathaniel Godbold*, *Samuel Godbold*, the Rector of *Hedley* for the Time being, *John Hall Grinham*, *Thomas Haines*, *John Hawkins*, *James Hawkins*, *Richard Haydon*, *Henry Holland*, *James Joyce*, *Kent* of *Bramſhot*, *Richard Kidd*, *Daniel Knight*,

Truſtees appointed for the Lower Diſtrict.

Knight, *John Knowles*, Lord *George Lenox*, the Honourable Colonel *Lenox*, *John Leech*, *Edward Leech*, *William Lee*, *Lawrence Lee*, *Edward Buſton Long*, Sir *Thomas Miller* Baronet, *John Manſhip*, *John Miller*, *William Milford*, *James More Molyneux*, *Robert Moline*, *John Neale*, *George Oliver*, Captain *Pierrepoint*, *Richard Paine*, *William Parſon*, the Reverend *James Parſons*, *William Stephen Poyntz*, the Reverend Doctor *Price*, *Edward Patrick*, Lord *William Ruſſell*, *Aldborough Richardſon*, *John Roker*, Lord *Robert Spencer*, *John Sargent*, *William Sadler* the elder, *Daniel Sharp*, *William Smyth*, *Richard Smyth*, *Thomas Smyth*, *John Stilwell*, *Richard Smith*, *John Smith*, *William Stone*, *Henry Hare Townſend*, *Lord Turnour*, *Charles Taylor*, *John Taſker*, *James Tickner*, *John Tickner*, *Samuel Twyford*, *William Trigge*, *Trimmer* of *Pasfield*, *Wilkes* of *Mill Land*, *George Wyndham*, *James Weale*, *Frederick Winkworth*, *Arthur Winkworth*, *John Woods*, *Henry Woods* Attorney at Law, *Edmund Yalden*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for putting this Act in Execution with reſpect to the ſaid Lower Diſtrict of Road.

Power to chooſe new Truſtees.

III. And be it further enacted, That when and as often as any of the ſaid Truſtees, hereby appointed or to be elected in Manner herein-after mentioned for either of the ſaid Two Diſtricts, ſhall die, or by Writing under his or their Hand or Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees of the reſpective Diſtricts, or any Nine or more of them, from Time to Time to elect One other fit Perſon to be a Truſtee in the room of each Truſtee ſo dying or refuſing to act, provided that publick Notice of the Meeting for every ſuch Election be given by the Clerk to the Truſtees of the reſpective Diſtricts as herein-after mentioned, Fourteen Days at leaſt before the Meeting for every ſuch Election; and every Perſon who ſhall be ſo choſen a Truſtee purſuant to the Directions of this Act, ſhall be and is hereby joined with the ſurviving or remaining Truſtees of ſuch Diſtrict, and is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes as if ſuch Perſon had been particularly named and appointed a Truſtee in and by this Act.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be qualified to act as a Truſtee in any Caſe 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 and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, Freehold and Copyhold of Inheritance, or either of them alone, or poſſeſſed of and entitled to Perſonal Eſtate alone, or Real, Copyhold, and Perſonal Eſtate together, to the Amount or Value of Two thouſand Pounds, nor (except in adminiſtering the Oath herein-after mentioned), until ſuch Perſon ſhall take and ſubſcribe the Oath following before any Two or more of the ſaid Truſtees; (that is to ſay),

Truſtees Oath.

'I do ſwear [*or*, being a Quaker, do affirm] That I truly 'and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] 'in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and 'Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds, Freehold and Copyhold of Inheritance, or 'either

'either of them alone [*or*, poſſeſſed of or entitled to Perſonal Eſtate, *or* 'Real, Copyhold, and Perſonal Eſtate together] to the Amount or 'Value of Two thouſand Pounds.

'So help me GOD.'

And if any Perſon, not being ſo qualified, ſhall nevertheleſs preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds, to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he was, at the Time of ſuch acting, qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Truſtees may act as Juſtices except where perſonally intereſted.

V. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be in the Commiſſion of the Peace for the Counties of *Surrey*, *Suſſex*, and *Southampton*, or any of them, ſhall and may nevertheleſs act as Juſtices of the Peace in the Execution of this Act (except only in ſuch Caſes where they ſhall be perſonally intereſted); but no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under the ſame or in relation thereto.

No Truſtee to hold any Place of Profit.

General Meetings.

VI. And be it further enacted, That there ſhall be General Meetings of the Truſtees of both Diſtricts holden at the Council Chamber in *Guildford* aforeſaid, for any Alteration that may be neceſſary to be made in the Tolls granted by this Act, for the borrowing of Money, and for any other Purpoſes which may jointly concern the ſaid Two Diſtricts, of which Fourteen Days Notice ſhall be given (after the Firſt General Meeting) in Manner herein-after mentioned, and that not leſs than Five Truſtees of each of the ſaid Diſtricts ſhall make ſuch Meetings; and that the Firſt General Meeting ſhall be holden on *Thurſday* the Sixth Day of *October* next after the paſſing of this Act, at the Council Chamber in *Guildford* aforeſaid, at Twelve of the Clock at Noon.

Meetings of Truſtees for each Diſtrict.

VII. And be it further enacted, That the Truſtees for the ſaid Upper Diſtrict, or any Five or more of them, ſhall, after ſuch Firſt General Meeting, meet together at the *Talbot* Inn, at *Ripley* aforeſaid, on a Day to be appointed at the ſaid Firſt General Meeting, at Twelve of the Clock at Noon, and proceed to the Execution of this Act with reſpect to the ſaid Upper Diſtrict; and the Truſtees for the ſaid Lower Diſtrict, or any Five or more of them, ſhall meet together at the *King's Arms* Inn in *Godalming* aforeſaid, on a Day to be appointed at the ſaid Firſt General Meeting, at Twelve of the Clock at Noon, and proceed to the Execution of this Act with reſpect to the ſaid Lower Diſtrict: And they the ſaid reſpective Truſtees, or any Five or more of them, may then, and from Time to Time afterwards, adjourn themſelves to the ſame Places, for any ſubſequent Meeting or Meetings for putting this Act in Execution, as they ſhall think fit; and if on the ſaid Firſt Day of Meeting,

or at any Meeting or Meetings to be appointed by virtue of this Act for either of the ſaid Diſtricts, the Truſtees preſent ſhall omit to adjourn the Meeting to any other Day, or if there ſhall not appear a ſufficient Number of Truſtees to adjourn (Two being deemed ſufficient for the Purpoſe of Adjournment only), then and in every ſuch Caſe every ſuch Meeting or intended Meeting ſhall be and is hereby adjourned to the ſame Day Three Weeks next after the Day on which ſuch Meeting was held, or ſuch intended Meeting was appointed to be held, and ſo from Time to Time until a ſufficient Number of the Truſtees do or ſhall meet and adjourn; and Fourteen Days publick Notice of every ſuch Adjournment ſhall be given by the Clerk to the ſaid reſpective Truſtees in Manner herein-after mentioned; and at any Meeting of the ſaid Truſtees no Buſineſs ſhall be begun or proceeded upon before Eleven of the Clock in the Forenoon, nor ſhall any Adjournment be made to any later Hour than Two of the Clock in the Afternoon; and the ſaid reſpective Truſtees, at all their Meetings, ſhall defray their own Expences.

For want of a ſufficient Number, &c. the Meetings to ſtand adjourned.

Hours of Adjournment.

Truſtees to defray their own Expences.

VIII. Provided always, and be it further enacted, That all Acts, Orders, Reſolutions, Determinations, and Proceedings of the ſaid reſpective Truſtees or any of them, in Execution of the Powers hereby granted, ſhall be made and ſigned by the Truſtees making the ſame, at ſome Meeting or Meetings to be held in purſuance of this Act for the reſpective Diſtricts; and that no Act, Order, Determination, or Reſolution ſhall be valid unleſs ſo made and ſigned at ſuch Meeting (except as herein-after particularly mentioned), and unleſs the Majority of the Truſtees then preſent at ſuch Meeting ſhall concur therein; and that no Act, Order, Reſolution, Determination, or Proceeding of the ſaid reſpective Truſtees ſo made and ſigned as aforeſaid, ſhall afterwards be altered, revoked, repealed, or ſet aſide by any ſubſequent Act, Reſolution, Proceeding, or Order of the Truſtees, unleſs at ſome publick Meeting of the ſaid Truſtees to be held for that Purpoſe (of which Meeting Fourteen Days publick Notice ſhall have been given in Manner herein-after mentioned), nor unleſs the Number of Truſtees at ſuch ſubſequent Meeting deſiring or voting for ſuch Alteration, Revocation, or Appeal, ſhall exceed the Number of Truſtees who concurred in making ſuch Act, Order, Reſolution, Determination, or Proceeding.

All Acts of the Truſtees to be done at their Meetings.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, in their reſpective Diſtricts, ſhall and may and they are hereby authorized and empowered to continue all the Gates and Turnpikes now erected upon, acroſs, or near the Sides of the Roads within each reſpective Diſtrict, and to cauſe to be erected and ſet up Three other Gates or Turnpikes in, upon, and acroſs the ſaid Roads, One of ſuch Three Gates or Turnpikes to be erected and ſet up at *Sandown Farm*, near *Eſher* aforeſaid, another in the moſt convenient Part of *Buryfield Lane*, between *Guildford* aforeſaid and *Catherine Hill*, and the other on the Weſtern Side of the Town of *Godalming* aforeſaid, between the Extremity of the ſaid Town and a certain Lane called *Aaron's Lane*; and alſo to cauſe to be erected and ſet up on the Sides of the ſaid Roads a Railing on the Southern Side of the ſaid Road from the Gate to be erected and ſet up at the ſaid *Sandown Farm* to a Place called *Hitcheners Corner*, and a Side Gate or Toll Bar in the ſaid Railing near to the ſaid *Hitcheners*

Truſtees may erect Turnpikes.

Hitcheners Corner, and also a Side Gate or Toll Bar on such Part of *Cattshill Lane*, as may be judged most convenient by the Trustees of the said Upper District, Care being taken by the Trustees of the said Upper District, that the Intercommonage upon the Common there, called *Ditton Marsh* otherwise *Weston Common*, be not interrupted by such Railing, the said Railing being only One Rail to the Posts, and that of Height sufficient for Sheep to pass under, and that a Bar of not less than Six Feet in Length be left open at each End of the said Railing for Passage for large Cattle; and also to cause to be erected and set up such Number of Toll Houses, with suitable Out-buildings and Conveniencies thereto, and to inclose such Gardens for the said Toll Houses as they may think fit, the whole Scite of each Toll House and Garden not to exceed One Quarter of an Acre; and to erect One or more Weighing Engine or Weighing Engines upon the said Roads, as they shall think necessary, and from Time to Time to cause any such Weighing Engine or Weighing Engines to be taken down, altered, or removed, as they shall judge proper; and to cause to be demanded and taken at all or any of the said Gates or Turnpikes and Toll Bars within each District the Tolls following, before any Horse, Ox, or other Beast or Cattle, or any Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Coach, Landau, Berlin, Phaeton, Chariot, Chaise, Calash, Hearse, Caravan, Chair, or such like Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof are of the Breadth of Six Inches or upwards, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof are of less Breadth than Six Inches, the Sum of Four-pence Halfpenny:

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

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

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

Which said several and respective Tolls shall be vested in the Trustees of the respective District in which the same shall be collected, and be divided, paid, applied, and disposed of in Manner herein-after mentioned; and that it shall be lawful for such Person or Persons, as any Five or more of the said respective Trustees, by Writing under their Hands, shall from Time to Time for that Purpose nominate and appoint, to demand and take the Tolls hereby granted and made payable; and if any Person or Persons, subject or liable to the Payment of any of the Tolls by this Act granted, shall, after Demand made thereof, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle or Beast upon which any Toll is by this Act imposed, or any Carriage drawn by them, or of any of the Lading thereof; and if such Tolls, and the reasonable Charges of such Distress, and of detaining and keeping the same, shall not be paid within the Space of Five Days next after such Distress made, the Person or Persons so distraining

Tolls to be levied by Distress and Sale.

training ſhall and may ſell the Horſe, Cattle, Carriage, Goods, or Things ſo diſtrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Diſtreſs, and of keeping and ſelling the ſame, ſhall be deducted.

For removing the Gate at *Liphook*.

X. Provided always, That it ſhall be lawful for the ſaid Truſtees of the ſaid Lower Diſtrict, or any Five or more of them, to remove the preſent Turnpike Gate at *Liphook* to or near to a Place called *Rake*, at any Time hereafter that they ſhall judge expedient.

Directing how certain Tolls are to be taken.

XI. Provided always, and be it further enacted, That no Perſon or Perſons travelling with any Horſe or Horſes, or other Cattle, who ſhall have paſſed through either of the Turnpike Gates to be erected near the Towns of *Guildford* and *Godalming* aforeſaid, and paid at One of them, ſhall be liable to pay any Toll at the other of them on the ſame Day; nor ſhall any Perſon or Perſons who have paſſed through either of the ſaid Turnpike Gates erected at *Cobham* and near *Ripley*, and paid at One of them, be liable to pay any Toll at the other of them on the ſame Day, although the Horſe or Horſes may have been changed between the ſaid Gates at *Guildford* and *Godalming*, or between the ſaid Gates at *Cobham* and *Ripley*.

Tolls not to be paid at Side Gates in certain Caſes.

XII. Provided alſo, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay any Toll at any of the ſaid Side Gates or Toll Bars who ſhall not travel or go more than One hundred Yards upon the Turnpike Road exiſting before the paſſing of this Act.

A Sinking Fund to be eſtabliſhed.

XIII. And be it further enacted, That the Sum of One hundred Pounds ſhall be reſerved annually out of the General Tolls, and be inveſted in the publick Funds, with the accumulating Intereſt, to ſerve as a Sinking Fund for the Reduction of the Debt charged upon this Truſt, with Power at a General Meeting to apply ſuch further Sum or Sums to the ſame Purpoſe as ſhall at any Time appear expedient; and that the ſaid Monies ſhall be inveſted in the Names of *Richard Joſeph Sullivan* of *Thames Ditton* in the County of *Surrey*, Eſquire, *William Haydon* the Elder of *Guildford* in the ſaid County, Eſquire, and *William Gill* of *Eaſhing* in the ſaid County, Eſquire; and any Vacancies in the ſaid Truſt ſhall be filled up at a General Meeting.

Directing how the Money to ariſe upon the Two Diſtricts ſhall be divided.

XIV. And be it further enacted, That the clear Income of the Monies ariſing from the Tolls upon both the ſaid reſpective Diſtricts, after Payment of the Intereſt of the Money already borrowed and now due and owing, and to be borrowed upon the Credit of the Tolls, the Officers Salaries, the One hundred Pounds annually to be appropriated for the ſaid Sinking Fund, which ſhall be paid by equal Half-yearly Payments, and ſuch other Expences as ſhall jointly concern both the ſaid Diſtricts, ſhall be divided into the following Proportions; *videlicet*, Nine-Sixteenth Parts thereof to the Repair of the Upper Diſtrict, and Seven-Sixteenth Parts to the Lower Diſtrict.

XV. And

Turnpikes and Toll Houſes veſted in Truſtees;

XV. And be it further enacted, That all Gates or Turnpikes, Bars, Toll Houſes, Weighing Engines, Implements, and Materials for repairing the ſaid Roads, erected, made, had, or gotten, by virtue of the ſaid recited Acts, or to be erected, made, had, or gotten, by virtue of this Act, and all the Right, Title, Intereſt, and Property, of, in, and to the ſame, and every Part and Parcel thereof, and all the Materials of which the ſame reſpectively do or ſhall conſiſt, ſhall be and are hereby veſted in the Truſtees of the Diſtrict where the ſame reſpectively may be, and they, or any Five or more of them, are hereby authorized and empowered to ſell and diſpoſe thereof, or of any Part thereof, as they ſhall think fit; and alſo to bring or cauſe to be brought any Action or Actions in the Name of any One of ſuch Truſtees, or of their Clerk or Treaſurer, or to prefer and proſecute, or to order or direct the preferring and proſecuting Indictments or other Proſecutions againſt any Perſon or Perſons who ſhall diſturb them in the Poſſeſſion thereof, or who ſhall pull down, break, or dig up, ſpoil, injure, or deſtroy, ſteal, take, or carry away the ſame, or any Part thereof.

who may bring Actions.

Tolls to be paid but Once a Day.

XVI. And be it further enacted, That if any Perſon or Perſons ſhall pay the reſpective Tolls herein-before mentioned, and by this Act granted and made payable for the paſſing of any Horſe, Beaſt, or other Cattle, at any of the Gates or Turnpikes to be continued or erected on either of the ſaid reſpective Diſtricts, then upon producing a Note or Ticket of the Day denoting ſuch Payment, he or they ſhall be permitted to return and repaſs with the ſame Horſe, Mare, Beaſt, or other Cattle, at any Time or Times as often as he or they ſhall think proper during the ſame Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock the next Night) Toll free, through the ſame Gate or Turnpike, which ſaid reſpective Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give *gratis* on Receipt of the Tolls.

Exemptions from Toll.

XVII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or other Cattle drawing or not drawing, which ſhall be employed in the Conveyance or Carriage of any Stones, Gravel, or other Materials for the repairing of any Road or Highway in any Pariſh or Place in which any Part of the ſaid reſpective Roads do lie, or in the Conveyance or Carriage of any Lime, Dung, Mould, Soil, Aſhes, or Compoſt of any Kind whatever; nor ſhall any Toll be demanded or taken for any Horſe or other Cattle employed in ploughing, ſowing, tilling, or cultivating any Land or Ground in ſuch Pariſhes or Places, or in the Carriage of any Hay, Straw, or Corn in the Straw, Hemp, Flax, Potatoes, Wood, Apples, Turnips, or other Produce of Land (except Timber) not ſold or diſpoſed of; or drawing or conveying any Plough, Harrow, Drag, or other Implements of Huſbandry, or any empty Carriage; or for any Horſe or other Cattle going to or from Water or Paſture, or to be ſhoed or farried; or for any Horſe or other Cattle, drawing or not drawing, which ſhall be employed in the paſſing of Vagrants only travelling with lawful Paſſes; or for the Horſes of any Soldiers on their March or on Duty, or of the Troops of Cavalry raiſed by Authority of Parliament, when on Duty or Exerciſe; or for any Horſe or other Cattle which ſhall be employed in the Carriage or Conveyance of the Arms or Baggage of Soldiers or Troops of Cavalry, on their March or on Duty; or for any Horſe or other Cattle or Carriage conveying Perſons that ſhall

be going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the Counties of *Surrey*, *Suſſex*, or *Southampton*, on the Days of ſuch Election, or on the Day before or the Day after ſuch Election ſhall begin or be concluded; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back therefrom; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; or from any Perſon going to or returning from their own Pariſh Church or other Place of Divine Worſhip upon *Sundays*, or any other Days on which Divine Worſhip is ordered by Authority to be celebrated; nor from any Perſon or Perſons going to or returning from the Funeral of any Perſon or Perſons, who ſhall die and be buried in either of the Pariſhes or Places in which any Part of the ſaid Roads do lie: And if any Perſon or Perſons ſhall take the Benefit of any of the ſaid Exemptions, not being entitled to the ſame, ſuch Perſon ſhall forfeit any Sum not exceeding Five Pounds nor leſs than Ten Shillings; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as other Penalties in and by this Act are directed to be applied.

Penalties for evading the Payment of Tolls.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall, with any Cattle or Carriages whatſoever, paſs through any Ground, Land, or Hereditaments, not being a publick Highway, adjoining to or lying near any of the Roads within the ſaid reſpective Diſtricts, or if any Owner or Occupier of any ſuch Ground, Land, or Hereditament, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons with any Cattle or Carriage whatſoever to paſs through the ſame, for the Purpoſe of evading the Payment of any of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons other than the Perſon or Perſons appointed to collect the ſaid Tolls, any Note or Ticket by this Act directed to be given by the Collectors of the ſaid Tolls, or ſhall forge or counterfeit any ſuch Note or Ticket, or make uſe of any ſuch forged or counterfeited Note or Ticket, knowing the ſame to have been forged or counterfeited, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall paſs through any ſuch Gate or Turnpike with any Carriage, Horſe, or other Cattle, without Payment of the Tolls for the ſame, or ſhall take off or cauſe to be taken off any Horſe or other Cattle from any Carriage, or put or add any Horſe or other Cattle to any Carriage, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Roads any Carriage, Horſe, or other Cattle, or any Goods, with an Intent to avoid the Payment of the ſaid Tolls, or whereby ſuch Payment ſhall be avoided, or any Part thereof, or ſhall in any other Manner wilfully evade the Payment of the Tolls, every Perſon ſo offending in either of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Laden Carts, *etc.* coming within 400 Yards of any Weigh-bridge ſhall, if re-

XIX. And whereas divers Evaſions frequently ariſe at Weighing Engines, by means of Waggons and other Carriages travelling through Bye or other Roads near the ſame, thereby avoiding the Engine, although they

paſs

paſs over a conſiderable Part of the Turnpike Roads; be it therefore further enacted, That all laden Carts, Waggons, or Carriages, travelling on any Part of the Roads included in either of the ſaid Diſtricts, and afterwards coming on or by any Road within Four hundred Yards of any Weighing Engine, erected or rented, or to be erected or rented by the ſaid reſpective Truſtees, ſhall from Time to Time (if the ſaid Truſtees, or any Two or more of them, ſhall require the ſame) be obliged to come to and paſs over ſuch Weighing Engine or Weighing Engines reſpectively, and to be weighed there, under a Penalty of not more than Five Pounds nor leſs than Forty Shillings, on the Owner, and of not more than Forty Shillings nor leſs than Ten Shillings, on the Driver of any ſuch Cart, Waggon, or Carriage, which ſhall not be brought to and be weighed at ſuch Weighing Engine or Weighing Engines as aforeſaid.

Carts required by the Truſtees, be brought thither to be weighed.

XX. And be it further enacted, That the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing of this Act, ſhall be paid out of any Monies already raiſed or received by virtue of the ſaid recited Acts, or out of the Firſt Monies to be raiſed or received by virtue of this Act, by the Truſtees for the ſaid reſpective Diſtricts, or any Five or more of them.

Expences of this Act to be paid.

XXI. Provided always nevertheleſs, and it is hereby enacted and declared, That the dividing the ſaid ſeveral Roads into Two ſeparate and diſtinct Diſtricts as aforeſaid, ſhall not in anywiſe affect the Securities of any Money which has been borrowed, and is now due and owing on the Credit of the ſaid recited Acts or any of them, or of the Tolls thereby granted, but that the ſame ſhall ſtill remain due and owing, and be charged upon the ſaid Roads in ſuch and the ſame Manner, to all Intents and Purpoſes, as they would have been if the ſaid Roads had not been ſo divided, or this Act had not been made.

The Diviſion of the Roads not to prejudice Securities.

XXII. And be it further enacted, That it ſhall and may be lawful for the Truſtees of the ſaid reſpective Diſtricts at a General Meeting, or any Five or more of them, of each Diſtrict, from Time to Time, upon the Credit of the Tolls hereby made payable upon the whole Roads, to borrow and take up at Intereſt not exceeding the Rate of Five Pounds for One hundred Pounds for a Year, ſuch further Sum and Sums of Money, not exceeding Five thouſand Pounds, as they, or any Five or more of them, of each Diſtrict, at a General Meeting, ſhall think needful and ſufficient for the Purpoſes of this Act, and they are hereby authorized and empowered to execute and iſſue Certificates unto the Perſon or Perſons advancing ſuch Money, each in ſuch Sum as they ſhall think proper, for ſecuring the Repayment thereof, by and out of the Tolls ariſing upon both the ſaid Diſtricts, which Monies ſo to be borrowed ſhall be divided into the Proportions of Nine-ſixteenths to the Upper Diſtrict, and Seven-ſixteenths to the Lower Diſtrict, and be laid out and applied for the General Purpoſes of this Act; provided that no ſuch further Sum or Sums of Money ſhall be borrowed on the Credit of the ſaid Tolls, unleſs Fourteen Days publick Notice be given in Manner herein-after directed, of a General Meeting to be held for the Purpoſe of determining on the Propriety of borrowing a further Sum of Money on the Credit of the ſaid Tolls; and ſuch Certificates may be drawn in ſuch Form as the ſaid Truſtees ſhall think proper, and ſhall be ſigned by any Five of the Truſtees

Truſtees empowered to borrow a further Sum of Money on the Tolls.

of

of each Diſtrict preſent at their ſaid General Meetings, and atteſted by their Clerk; and at the ſame Meeting the Clerk of the ſaid Truſtees ſhall make Entries in a proper Book to be provided for that Purpoſe, of the reſpective Dates of ſuch Certificates, and the Names of the Perſons to whom the ſame are iſſued, and by whom they are ſigned and atteſted, and ſhall mark the ſaid Certificates in this Manner, "Entered, Number I." (and ſo on as they ſtand in Courſe of ſuch Book); and after ſuch Entries ſhall be made in ſuch Book in a Series One after another, the ſaid Truſtees at ſuch Meetings, or any Five or more of them, of each Diſtrict, ſhall ſubſcribe their Names thereto in the ſaid Book; and all further and other Certificates to be at any Time afterwards granted by the ſaid Truſtees, for ſecuring any further Sums of Money to be borrowed on the Security of the ſaid Tolls, ſhall be drawn, ſigned, and atteſted, in the ſame Manner and Form, and ſimilar Entries thereof made in the ſaid Book; and the Numbers to be maked as aforeſaid, on the ſaid laſt mentioned Certificates, ſhall go on progreſſively from the laſt Number in the ſaid preceding Entry; and all Certificates granted by the ſaid Truſtees in purſuance of the Directions of this Act, ſhall be good and ſufficient Securities for the ſeveral Sums of Money and Intereſt expreſſed in the ſame.

Certificates may be transferred.

XXIII. And be it further enacted, That all and every Perſon and Perſons, to whom any Certificate or Certificates ſhall have been granted by the ſaid Truſtees as aforeſaid, and his, her, and their Executors and Adminiſtrators, may and are hereby empowered, from Time to Time, to transfer or aſſign over ſuch Certificate or Certificates, and all the Monies that ſhall be then due thereon, to any other Perſon or Perſons.

Entries to be made of all Aſſignments.

XXIV. Provided always, and be it further enacted, That regular and proper Memorandums and Entries of all and every Transfer and Transfers of any of the ſaid Certificates, which ſhall be executed or made by virtue of this Act, containing the Dates thereof, and the Names, Additions, and Places of Abode, of the ſeveral Parties thereto, and the material Contents of the ſame, and the Names, Additions, and Places of Abode of the Witneſſes to the Execution thereof, ſhall from Time to Time be made by the Clerk of the Truſtees of the reſpective Diſtricts, in the ſaid Book which ſhall be kept for the Entry of the ſaid Certificates; and that the ſaid Transfer or Transfers ſhall be brought to the ſaid Clerk for that Purpoſe, within Twenty-one Days after the ſame ſhall be executed and made, and which ſaid Clerk ſhall be paid Two Shillings and Sixpence and no more by the reſpective Perſons in whom ſuch Deeds Poll ſhall be veſted, for each and every ſuch Entry.

Power to demiſe the Tolls.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, from Time to Time, by Writing under their Hands, to grant, demiſe, or let out all the Tolls by this Act granted, or any Part or Parts thereof, within the ſaid reſpective Diſtricts, and all the Penalties and Forfeitures hereby inflicted for Nonpayment or avoiding the ſame, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Time, for the higheſt Rent or Rents that can be had or gotten for the ſame by publick Auction, ſuch Rent or Rents to be payable at ſuch Times and in

ſuch

ſuch Manner, and under and ſubject to ſuch Covenants, Conditions, Reſtrictions, and Agreements, and with ſuch Sureties for Payment thereof, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Monies ariſing thereby ſhall be paid to the General Treaſurer to the Truſtees, and be applied and diſpoſed of in ſuch Manner as the reſpective Tolls hereby granted are hereby directed to be applied and diſpoſed of; but Twenty-one Days publick Notice of every Meeting for demiſing the ſaid Tolls ſhall be given in Manner herein-after mentioned, and the like Notice ſhall be affixed on all the Turnpike Gates then erected on the ſaid Roads.

Truſtees may leſſen the Tolls.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, of each Diſtrict, at the Firſt General Meeting to be held in purſuance of this Act, or at any ſubſequent General Meeting, to leſſen all or any of the ſaid Tolls for ſuch Time or Times as they ſhall think proper, and to raiſe the ſame again, ſo as not to exceed the reſpective Rates herein-before mentioned, and ſo from Time to Time to leſſen and raiſe the ſaid Tolls as the ſaid Truſtees ſhall think expedient; and ſuch Tolls ſo leſſened or raiſed again, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied, but Fourteen Days publick Notice ſhall be given in Manner herein-after mentioned of any Meeting to be held for any of the ſaid Purpoſes after ſuch Firſt Meeting: Provided nevertheleſs, that 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 this Act.

Truſtees may appoint Officers,

and remove them,

and allow them Salaries.

XXVII. And be it further enacted, That the ſaid reſpective Truſtees, or any Seven or more of them, may and are hereby authorized and empowered to continue all or any of the Officers or Perſons acting under the Authority of the ſaid recited Acts, and from Time to Time to elect and appoint fit and proper Perſons to be Collectors and Receivers of Tolls by this Act made payable, and One or more proper Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Roads, and ſuch other Officer or Officers as the ſaid Truſtees, or any Seven or more of them, for each of the ſaid Diſtricts, ſhall think neceſſary and convenient to be employed in the Execution of this Act; and ſuch Collectors or Receivers, Clerks, Treaſurers, Surveyors, or other Officers, or any of them, from Time to Time to remove or diſplace, and to elect and appoint others in the Rooms and Places of ſuch of them as ſhall be ſo removed or diſplaced, or ſhall die; and the ſaid Truſtees, or any Seven or more of them, may and are hereby authorized and empowered, out of the Monies which ſhall ariſe by virtue of this Act, to allow and pay to ſuch Collectors or Receivers, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them or any of them in and about the Execution of this Act in the reſpective Diſtricts, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, and Services therein, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

Treaſurers and Clerks appointed under the former Acts, to continue in their Offices until removed.

XXVIII. Provided always, That the Treaſurers and Clerks, who have been appointed under and employed in the Execution of the ſaid recited Acts or either of them, ſhall reſpectively continue to exerciſe their reſpective Offices under this Act until they ſhall reſpectively die, reſign, or be

be removed or displaced by the said Trustees, in the Manner hereinbefore directed.

Officers and Persons receiving Money to account for the same,

XXIX. And be it further enacted, That all and every the Collectors or Receivers of the Tolls, and all and every the Clerks, Treasurers, Surveyors, and other Officers already appointed or who shall be appointed as aforesaid, and all and every other Person and Persons who have received or had or shall receive or have any of the Monies raised, collected, or received, or to be raised, collected, or received, for repairing or amending the said Roads, or any Part or Parts thereof, and his, her, and their respective Executors and Administrators, shall from Time to Time, and as often as he or they shall be thereunto ordered or required by the said Trustees of the said respective Districts, or any Five or more of them, render and give to the said respective Trustees, or any Five or more of them, a full, true, and fair Account in Writing, of all the Monies which shall have been by them respectively, or by their respective Testators or Intestates, had, collected, or received, and how, to whom, and for what such Monies, and every Part thereof, shall have been paid, together with the proper Receipts and Vouchers for such Payments; and they shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Accounts shall appear to be in their respective Hands, to the said respective Trustees, or any Five or more of them, or to such Person or Persons, and at such Times as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting or to account as aforesaid, shall, upon their several Oaths (which Oaths the said respective Trustees, or any One or more of them, are and is hereby authorized and empowered to administer) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any of the said Officers and Persons so to account as aforesaid, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said respective Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Articles or Items thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they, or any Five or more of them, shall direct or appoint, then and in either of the Cases aforesaid, the said respective Trustees, or any Five or more of them, may and are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions in the Names of the said respective Trustees, or any Five or more of them, or in the Name or Names of the Clerk or Treasurer to the said Trustees of the respective District against the said Officer or Officers, Person or Persons respectively, who shall so neglect or refuse as aforesaid; or if Complaint shall be made by the said respective Trustees, or any Five or more of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the respective County wherein such Officer or Officers, Person or Persons, shall happen to reside, such Justice may and is hereby authorized and required to summon the Officer or Officers, Person or Persons, so neglecting or refusing to appear before him at a Time and Place in such Summons to be mentioned; and upon his or their appearing, or not appearing, unless for some reasonable Excuse, the Service of such Summons being proved by the Oath of One credible Witness, (which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint

and verify their Account on Oath.

Persons refusing to account liable to an Action, to be prosecuted before a Justice of the Peace, and committed.

Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint or Complaints ſhall be made, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes (which Oath or Oaths ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received, or any Part thereof, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and is hereby authorized and required, upon Non-payment thereof, by a Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed in ſuch Summons, or if appearing, ſhall refuſe or neglect to deliver to the ſaid Juſtice ſuch Account or Accounts of the Receipts and Payments as aforeſaid, or to produce or deliver up to the ſaid Juſtice the ſeveral Receipts and Vouchers relating to ſuch Accounts reſpectively, and to verify the ſame, and the Items and Articles thereof, upon Oath as aforeſaid, then and in any of the Caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be committed to the Common Gaol for the County wherein ſuch Officer or Officers, Perſon or Perſons, ſhall then reſide, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their reſpective Accounts, and verified the Items thereof upon Oath, and ſhall have produced and delivered up the Receipts and Vouchers relating to ſuch Accounts reſpectively, and ſhall have paid all Monies which ſhall appear to be in their reſpective Hands, and the reaſonable Charges attending the Recovery thereof, or ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Monies which ſhall be thereby ſtipulated to be paid to them; which ſaid Compoſitions and Monies the ſaid reſpective Truſtees, or any Five or more of them, are hereby authorized and empowered to make and receive: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs only, ſhall be detained in Priſon for any longer Space of Time than Six Calendar Months.

Treaſurer, Clerks, *etc.* to give Security.

XXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, within each of the ſaid Diſtricts, ſhall, and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Clerk or Clerks, Collectors, Receivers, or Leſſees of the ſaid Tolls, and other Officers to be appointed for the Purpoſes of this Act, for the due and faithful Execution of their reſpective Offices, and for Payment of the Monies received by or Rent due from them, and Delivery of all the Books, Deeds, Papers, and Writings, which ſhall come to their Hands in virtue of their ſaid Offices, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think proper.

On Removal, to deliver up Books, *etc.*

XXXI. And be it further enacted, That the Clerk or Clerks, Treaſurer or Treaſurers, Collectors, or Receivers of the ſaid Tolls, and other Officers

ficers as aforesaid, in case of Removal from their said respective Offices, or their respective Executors or Administrators, in case of the Death of any such Officers, shall, at the Meeting of the said respective Trustees to be held in pursuance of this Act, next after such Removal or Death, deliver up to the Trustees then present all Books, Deeds, Accounts, Papers, and Writings, Bills, Maps, Plans, and other Things, relating to the Execution of this Act, in the Hands, Custody, or Power of such Officers respectively, their respective Executors and Administrators, without altering or in any Manner defacing the same; and every Person neglecting or refusing so to do, shall for every such Offence forfeit and pay to the said respective Trustees any Sum not exceeding One hundred Pounds nor less than Twenty Pounds.

Lessees of Tolls may appoint Persons to receive the same.

XXXII. And be it further enacted, That, during the Time the Tolls granted by this Act, or any Part or Parts thereof, shall be granted or demised, or in farm to any Person or Persons under and by virtue of the Power herein-before given, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his or their Hand or Hands, authorize or appoint to demand, receive, take, and levy the said Tolls so leased or farmed, as amply and effectually, to all Intents and Purposes, as the Collector or Collectors, Receiver or Receivers thereof, appointed by the said respective Trustees, or any Seven or more of them, are hereby authorized and empowered to demand, receive, take, and levy the same; and the Person or Persons neglecting or refusing to pay any such Tolls to such Lessee or Lessees, Farmer or Farmers thereof, or to such other Person or Persons as he or they shall authorize or appoint as aforesaid, after Demand made thereof, shall incur and be subject and liable to such and the same Forfeitures, Penalties, and Prosecutions for the same, as are herein-before laid or directed in case of Neglect or Refusal to pay the said Tolls to the Collector or Collectors, Receiver or Receivers thereof, to be appointed by the said respective Trustees; and all and every Person or Persons authorized or appointed to collect the said Tolls, or any Part thereof, by or for any such Lessee or Lessees, Farmer or Farmers thereof as aforesaid, shall from Time to Time account with and pay the same to such Lessees or Farmers respectively, in like Manner as the Collectors or Receivers of the said Tolls, appointed by the said respective Trustees, are herein-before required to account for and pay such Tolls; and in case of Neglect or Refusal so to account or pay the same, shall incur and be liable to the like Actions, Penalties, Punishments, and Prosecutions for the same, as the Collectors or Receivers of the said Tolls, appointed by the said respective Trustees, are herein-before made subject or liable to.

Persons appointed to receive Tolls to account for and pay the same.

Trustees, on the Death or Removal of a Gatekeeper may put in another until the next Meeting.

XXXIII. Provided always, and be it further enacted, That upon the Death, Incapacity, absconding, or Absence of any Collector or Receiver of the said Tolls, any Two or more of the Trustees for the said respective Districts, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully nominate and appoint some other fit Person to be Collector or Receiver of the said Tolls, to continue until the next Meeting of the Trustees of the District, in the room of such Collector or Receiver so dying, incapacitated, absconding, or absenting,

abſenting, which Perſon ſo to be 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 ſo dying, becoming incapable, abſconding, or abſenting, would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or any Seven or more of them, or the Widow (if any) or the Children or Family of any Collector or Receiver of the ſaid Tolls, who ſhall die, or the Wife (if any) or the Children or Family of any ſuch Collector or Receiver who ſhall abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building already erected or to be erected or ſet up by virtue of this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any One or more of the ſaid reſpective Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County wherein the ſame ſhall be ſituate, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officers, with ſuch Aſſiſtance as ſhall 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 One or more of them, or their new appointed Officer, into the Poſſeſſion thereof.

Gatekeeper diſcharged, or others in Poſſeſſion of Toll Houſes, may be put out therefrom.

XXXIV. And be it further enacted, That the Surveyor or Surveyors appointed by virtue of this Act, or any Perſon or Perſons appointed by ſuch Surveyor or Surveyors, may, and is and are hereby authorized and empowered to cut, dig, gather, take, and carry away any Stones, Gravel, Sand, Furze, Heath, or any other Materials proper for repairing of Roads, in, upon, out of, or from any River or Brook, Waſte Ground or Common, in any Pariſh, Townſhip, or Place, in, adjoining to, or lying near the ſaid Roads, to be uſed in repairing the ſaid Roads, without paying any Thing for the ſame, they the ſaid Surveyors or other Perſons filling up the Pits and Holes, and levelling the Ground from whence the ſame ſhall be taken, or making ſufficient Fences round the ſame, to prevent any Misfortune or Accident happening by reaſon of ſuch Pits or Holes; and alſo to cut, dig, gather, take, and carry away any Stone, Gravel, Sand, Furze, Heath, or other Materials proper and ſufficient for repairing the ſaid Roads, in, upon, or out of any Lands of any Perſon or Perſons where the ſame may be had or found, to be uſed towards repairing the ſaid Roads, (ſuch Land not being a Yard, walled Garden, Orchard, Park, Paddock, Plantation, or Nurſery of Trees), they the ſaid Surveyors, or other Perſon or Perſons, paying or offering to pay the reſpective Perſons or Occupiers of ſuch Land, ſuch Sum or Sums of Money for the Damages occaſioned by getting the ſaid Materials, and for carrying the ſame over their Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or Perſon or Perſons by them appointed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning the Money to be paid for ſuch Damages, any One or more Juſtice or Juſtices of the Peace of the County or Place where the ſaid Materials ſhall be ſo cut, dug, gathered, taken, and carried away, ſhall and may, on Six Days Notice thereof to be given by the ſaid Surveyor or Surveyors to the ſaid Owners or Occupiers reſpectively, or by the ſaid Owners or Occupiers given

Surveyors may dig Gravel, *etc.* on Waſte Grounds,

without paying for the ſame, levelling the Pits;

or from private Grounds;

making Satisfaction to the Owners:

given to the ſaid Surveyor or Surveyors, to be left at their reſpective Places of Abode, with ſome or One of their reſpective Families, hear, ſettle, and determine the ſame.

Notice to be given to Occupiers of private Grounds before any Materials are to be taken therefrom.

XXXV. Provided always, and be it further enacted, That it ſhall not be lawful for ſuch Surveyor or Surveyors, or ſuch other Perſon or Perſons as aforeſaid, under the Authority of this Act, to dig, gather, take, or carry away any ſuch Materials as aforeſaid, for any of the Purpoſes of this Act, from any incloſed Lands or Grounds, until after Fourteen Days Notice in Writing, ſigned by the ſaid Surveyor or Surveyors, or ſome other Officer or Officers of the ſaid reſpective Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at their uſual Place of Reſidence, to appear before the ſaid reſpective Truſtees, or any Five or more of them, or before One or more Juſtice or Juſtices of the Peace acting for the County in which ſuch incloſed Lands lie, at a certain Time and Place ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhall not be taken away; and in caſe ſuch reſpective Owners or Occupiers ſhall, by themſelves or their reſpective Agents, attend purſuant to ſuch Notice, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices, ſhall, if he or they ſhall think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or ſuch Juſtice or Juſtices, ſhall ſeem proper; or if ſuch reſpective Owners or Occupiers ſhall neglect or refuſe to appear by themſelves or their reſpective Agents, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtice or Juſtices, ſhall and may make ſuch Order therein as they or he ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch reſpective Owners or Occupiers had attended in Manner aforeſaid.

Penalty on taking away Materials gathered for repairing the Roads.

XXXVI. And be it further enacted, That in caſe any Perſon or Perſons ſhall for any other Purpoſe than repairing the ſaid Roads, load, take, or carry away any Gravel, Furze, Heath, Sand, or other Materials, got, gathered, or dug, for the Purpoſe of repairing the ſaid Roads or any Part thereof, or dig, gather, get, take, or carry away any Gravel, Sand, Stones, or other Materials, out of any Pit, Holes, or Quarry, which any of the ſaid Surveyors or other Perſons ſhall have made or opened for the Purpoſe of getting Materials for the Repairs of the ſaid Roads, before the ſaid Surveyors or other Perſons ſhall have diſcontinued getting any ſuch Materials thereout or working therein for the Space of Three Calendar Months, every Perſon ſo offending (other than and except the Owner or Occupier of ſuch private Ground, who ſhall have originally opened any ſuch Pit, Hole, or Quarry therein, or Perſons by him lawfully authorized to get Materials therein, for the proper Uſe of ſuch Owner or Occupier only, and not for Sale) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Surveyors may make Cauſeways, Drains, Bridges, temporary Roads, *etc.*

XXXVII. And be it further enacted, That the ſaid Truſtees for the ſaid reſpective Diſtricts, or any Five or more of them, or the Surveyors, or any Perſon by them appointed or employed reſpectively, may, and are hereby authorized and empowered to make, or cauſe to be made, any Cauſeway or Cauſeways in or along the Side or Sides of any Part or Parts of

of the ſaid Roads, and alſo Ditches and Drains along or by the Sides of the ſame Roads or any Parts thereof, or into or through any Land lying contiguous thereto, and to build or cauſe to be built any Bridge or Bridges, or Arches, in or upon the ſaid Roads or any Part thereof, or over or acroſs any River, Brook, Ditch, Drain, or Watercourſe, running upon, over, or acroſs the ſame, and alſo to make, or cauſe to be made, a Road or Way through or over the Lands or Grounds adjoining to any narrow or ruinous Part of the ſaid Roads, to be made uſe of by all Paſſengers, Carriages, and Cattle, as a publick Highway whilſt the old Road is repairing, and until it ſhall be convenient and ſafe for Paſſengers, Carriages, and Cattle, to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands or Grounds through which any ſuch Drain or temporary Road ſhall be made, or upon which any ſuch Bridge or Arch ſhall be erected, for the Damages they ſhall thereby ſuſtain, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

Surveyors to remove Annoyances, *etc.* and cut Trees, Buſhes, *etc.*

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they, or any Five or more of the ſaid reſpective Truſtees ſhall appoint, to remove all Annoyances in the ſaid Roads or any Part thereof, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſe, Sinks, or Drains, running into, along, or out of the ſame, to the Prejudice thereof, and to open, ſcour, or cleanſe any Watercourſe or Ditches adjoining thereto, and to make the ſame as wide and deep as he or they ſhall think neceſſary, and to erect or ſet up any Trunks or Bridges over the ſame, and (having an Order from the ſaid Truſtees, or any Five or more of them, for that Purpoſe) to cut, lop, or top any Tree or Trees, Hedge or Hedges, or Buſhes, growing in the ſame Roads, or in the Lands or Banks within Twenty Feet of the Centre of any Part of the ſaid Roads, in caſe the Owners or Occupiers of the Lands to which the ſame ſhall belong, ſhall neglect or refuſe to remove ſuch Annoyances, or to open, ſcour, or cleanſe ſuch Watercourſes and Ditches, or to erect and ſet up any Trunks or Bridges over the ſame, or to lop, top, or cut any ſuch Trees, Hedges, or Buſhes, for the Space of Seven Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall be reimburſed and paid to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers, and upon Non-payment thereof, ſhall be recovered in ſuch Manner as Penalties and Forfeitures are herein-after directed to be recovered; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Manner, every ſuch Perſon for every ſuch Offence ſhall forfeit and pay to the ſaid reſpective Truſtees any Sum not exceeding Five Pounds nor leſs than Ten Shillings.

Penalty for a Second Offence.

Surveyors to remove Slides from Banks, *etc.*

XXXIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors within each reſpective Diſtrict, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Banks, or Land, into or upon any of the ſaid Roads, ſo as to narrow

narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to be no Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Land from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall, or be blown down as aforeſaid; and the Charges of carrying away the ſame (to be ſettled by the ſaid reſpective Truſtees, or any Five or more of them, in their reſpective Diſtricts) ſhall be reimburſed and paid to ſuch Surveyor or Surveyors, by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Truſtees may widen Roads and make new ones.

XL. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to widen, turn, or alter the Courſe of any of the ſaid Roads within each reſpective Diſtrict, into, upon, or through any Commons or Waſte Grounds, without making any Satisfaction to any Perſon or Perſons for ſo doing, and alſo into, upon, or through any Grounds of any Perſon or Perſons, making ſuch Satisfaction for the ſame as the ſaid reſpective Truſtees, or any Five or more of them, ſhall judge reaſonable; and for that Purpoſe the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered to treat, contract, and agree, with the ſeveral Owners, Occupiers of, and Perſons intereſted in any Lands, Grounds, or Hereditaments, into or through which the ſaid Roads ſhall be widened, turned, or altered, for the Purchaſe thereof, or for the Purpoſe of erecting any Toll Houſe or Toll Houſes, or incloſing any Garden or Gardens from any Waſte or other Land or Ground, by virtue of the Powers contained in this Act, or for the Loſs or Damage ſuch Owners, Occupiers, and Perſons intereſted, or any of them, ſhall thereby ſuſtain; and out of the Tolls granted by this Act, in the reſpective Diſtricts, or out of any Money to be borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs or Damage, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe; and it ſhall be lawful to and for all Bodies Politick and Corporate, Aggregate or Sole, Truſtees and Feoffees in Truſt, Guardians, Committees of Lunaticks or Idiots, Executors, or Adminiſtrators, and all other Truſtees whatſoever, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons whatſoever, and to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon or Perſons whatſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agreee, with the ſaid reſpective Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, and Hereditaments, and to ſell and convey the ſame to the ſaid Truſtees, or any Five or more of them; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians,

Truſtees may contract for the Purchaſe of Lands, *etc.* to be laid into the Roads.

Bodies Politick, *etc.* may treat for Sale of ſuch Lands.

and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Owners neglecting to treat, *etc.*

XLI. And be it further enacted, That if any ſuch Owners, Occupiers, Bodies Politick or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, (upon Notice to them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal or Head Officer or Officers of ſuch Body Politick or Corporate, or Corporation, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, intended to be taken in and added to any Part of the ſaid Roads, or into or through which ſuch Roads are intended to be turned or altered as aforeſaid), ſhall, for the Space of Twenty-one Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence out of the Kingdom, ſhall be prevented from treating, then and in every ſuch Caſe the ſaid reſpective Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage and Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the County wherein the ſame ſhall be ſituate; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered, from Time to Time, to iſſue out their Warrant or Warrants to the Sheriff or any Coroner of the ſaid County, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries at Aſſizes, to appear before the ſaid reſpective Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, or Coroner, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, to attend at the Time and Place ſo appointed; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees, or any Five or more of them, are hereby empowered to ſwear Twelve to be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, or Coroner, 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 any of the Jurymen; and the ſaid Truſtees, or any Five or more of them, are hereby alſo empowered and required, from Time to Time as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, (which Oath the ſaid reſpective Truſtees, or any One or more of them, are and is hereby empowered to adminiſter), all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes; and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's better Information in the Premiſes, as the ſaid Truſtees or any Five or more of them ſhall think fit; and the ſaid Jury ſhall aſſeſs what Damages ſhall be ſuſtained by ſuch Owners, Occupiers, or Perſons intereſted, by reaſon of the taking ſuch Lands, Grounds, or Hereditaments, or for turning ſuch Roads into or through any Lands, Grounds, or Hereditaments,

Truſtees to iſſue their Warrant to the Sheriff to impannel and ſummon a Jury.

Jurors may be challenged.

Witneſſes may be ſummoned and examined upon Oath.

and give in their Verdict thereupon; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage, and given in their Verdicts thereupon, they the ſaid reſpective Truſtees, or any Five or more or them, ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners or Occupiers of or other Perſons intereſted in the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and the Judgement, Order, or Determination thereupon ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Infants, Iſſue unborn, Idiots, Lunaticks, Femes Covert, Bodies Politick or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, as well abſent as preſent, claiming in Poſſeſſion, Reverſion, Remainder, or Expectancy, or otherwiſe howſoever, and againſt their ſeveral and reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, and againſt all and every other Perſon or Perſons whomſoever; and all and every ſuch Owners and Occupiers, and other Perſon or Perſons anywiſe intereſted in ſuch Lands, Grounds, or Hereditaments ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed and adjudged as aforeſaid, be thereby from thenceforth, to all Intents and Purpoſes, for ever diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and the ſaid reſpective Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, or Coroner, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or give ſome reaſonable Excuſe for not appearing, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe or ſhall not join in giving their Verdict, or ſhall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being ſummoned to give Evidence before the ſaid Jury touching the Premiſes, ſhall neglect or refuſe to appear, or give ſome reaſonable Excuſe for not appearing, or appearing ſhall refuſe to be ſworn and give Evidence, ſo as no ſuch Fine ſhall exceed the Sum of Twenty Pounds nor leſs than Ten Pounds upon any One Perſon for One Offence.

Verdict and Judgement to be final.

Truſtees may impoſe a Fine upon Sheriff, *etc.* making Default in the Premiſes.

If Jury give more Damages than Sum tendered, the Truſtees to pay Coſts.

XLII. And be it further enacted, That in caſe any ſuch Jury or Juries ſhall give in and deliver a Verdict for more Money as a Recompence or Satisfaction for ſuch Damages than what ſhall have been offered or tendered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the ſaid Jury or Juries, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the reſpective Truſtees, or any Five or more of them, out of the Money ariſing by virtue of this Act, within their reſpective Diſtricts; but if any ſuch Jury or Juries ſhall give in and deliver a Verdict for no more or for leſs Money, as a Recompence or Satisfaction for ſuch Damages, than ſhall have been offered or tendered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury or Juries, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice or Juſtices of the Peace for the

If Jury do not give more Damages than tendered, the Perſons contending to pay Coſts.

the County, not being interested in the Matter in question, (who is and are hereby empowered and required to examine, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and 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 such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines: Provided always, that in case where any Person or Persons shall, by reason of Absence as aforesaid, have been prevented from treating, the Whole of such Costs and Expences shall be paid by the said respective Trustees.

Money allowed for Lands, &c. how to be charged and tendered.

XLIII. And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act within the respective Districts, and shall be paid thereout accordingly by the said respective Trustees, or any Five or more of them, or their Treasurer, to the Persons respectively entitled thereto, or to their respective Agents; and that upon Payment or Tender thereof to the Persons entitled thereto, or to their Agents respectively, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the Trustees, for the Use of such Person or Persons; and after Fourteen Days Notice thereof given to such Person or Persons, or left at the Dwelling House of the Occupiers of the Premises respectively, such Lands, Grounds, and Hereditaments shall and may be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be and be taken and deemed to be a publick and common Highway, and shall be from thenceforth deemed Part of the said Roads, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned was and ought to have been kept in Repair; and after such new Road shall be completed, the Lands and Grounds comprized in or constituting the old or former Road (unless leading over some Common or Waste, or to some Town, Village, or Place, to which such new Road doth not lead) shall be and is hereby vested in, and shall and may be sold by the said respective Trustees, or any Five or more of them, to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and the Sale and Conveyance to be made of such Lands or Grounds being executed by the said respective Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the respective Counties of *Surry*, *Sussex*, and *Southampton*, and wherein the same shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that in widening, turning, or diverting any Part or Parts of the said Roads, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Garden, Orchard, Park, or Nursery of Trees, unless the Owners or Proprietors thereof shall consent thereto.

Buildings, &c. not to be injured.

Application of Compensation Money when exceeding 200*l.*

XLIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, 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, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for the respective District, 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, Grounds, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, 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 Messuages, Lands, Grounds, 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 Messuages, Lands, Grounds, 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said 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, Grounds, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation Money does not exceed 200*l.* nor less than 20*l.*

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with

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-after directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid reſpective Truſtees, (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 Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Purchaſe Money is leſs than 20*l.*

XLVI. Provided alſo, 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 Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Bodies Politick, &c. liable to the Repair of the Roads to continue ſo.

XLVII. And be it further enacted, That all Towns, Pariſhes, and Places, and the Inhabitants thereof, and all Bodies Politick and Corporate, Corporations Aggregate or Sole, and the Members thereof, and all other Perſon and Perſons whomſoever, who, before the making of this Act, have uſed, or of Right ought, either by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts whatſoever, to repair any Part or Parts of the Roads hereby directed to be reſpectively amended, widened, or repaired, or any Bridge or Drain lying in or upon the ſame, ſhall, notwithſtanding this Act, ſtill be ſubject and liable to and charged and chargeable with ſuch Repairs thereof, in the ſame Manner as they have heretofore uſually been or ought to be; and that the Inhabitants of the ſeveral Towns, Pariſhes, and Places, in which the ſaid Roads hereby directed to be repaired, or any Part thereof, do lie, and all and every Perſon and Perſons occupying any Lands, Tenements, Woods, Tythes, or Hereditaments therein, who by the Laws and Statutes of this Realm are or ſhall be liable to perform the Duty or Work in or upon the Highways, commonly called *Statute Duty*, ſhall ſtill be ſubject and liable to do and perform the ſame, and ſhall and are hereby required to do and perform ſuch and ſo many Days Statute Duty or Work, in or upon ſuch Parts of the ſaid Roads by this Act directed to be repaired as lie within ſuch Towns, Pariſhes, or Places reſpectively, and at ſuch Times and Places, and in ſuch Manner, as any Two Juſtices of the Peace for the reſpective Counties in which ſuch Roads, do lie, ſhall direct or appoint; and the Surveyor or Surveyors of the Highways of and for every of the ſaid Towns, Pariſhes, and Places, ſhall and they are hereby required, Once in every Year, at ſuch Time and Place as ſhall be appointed by the ſaid reſpective Juſtices (Fourteen Days Notice thereof in Writing being given to ſuch Surveyor or Surveyors, or left at his or their Place of Abode) to deliver to the ſaid reſpective Truſtees, or any Five or more of them, or to their Surveyor or Surveyors, true and perfect Liſts in Writing, under the reſpec-

Inhabitants to do Statute Work.

Surveyors of the Highways to give in Liſts of Perſons who are liable to do Statute Work.

tive Hands of such Surveyor or Surveyors for such Towns, Parishes, or Places, of the Names of all the Inhabitants of or Occupiers of Lands, Tenements, Woods, Tythes, or Hereditaments, within such Towns, Parishes, and Places respectively, and of all other Person or Persons who are liable to do Statute Duty in or upon the said Highways, and shall in such Lists distinguish the Names of the several Persons who do or shall keep a Team, Waggon, Wain, Putt, or Cart, and what Number of Horses or other Beasts of Draught, and the Names of the several Inhabitants and other Persons who occupy therein any Lands, Tenements, Woods, Tythes, or Hereditaments, and the yearly Value thereof respectively, and likewise which of the said Inhabitants, not occupying Lands, Tenements, Woods, Tythes, or Hereditaments of the yearly Value of Fifty Pounds, do keep One or more Cart or Carts, or One or more Horse or Horses, or Beast or Beasts of Draught, only used to draw in such Carts upon the said Highways, or a Coach, Post Chaise, Chair, or other Wheel Carriage; and shall also in such Lists set forth an Account of all the Highways within such Towns, Parishes, and Places respectively, which are liable to be repaired by Law, and of the Extent, Length, and Condition thereof; and the said Surveyor or Surveyors of every such Town, Parish, or Place, shall from Time to Time give to, or cause to be left at the House or usual Place of Abode of every Person or Persons liable to do or perform any such Statute Duty or Labour upon the said Roads, or any Part thereof, Three Days Notice at the least of the Day, Hour, and Place, upon which the said Statute Duty or Labour shall by the said respective Justices, be directed or appointed to be performed; and if any such Surveyor or Surveyors of any Town, Parish, or Place, shall not deliver to the said respective Trustees, or to their Surveyor or Surveyors, such true and perfect Lists as aforesaid, at such Times and in such Manner as shall be appointed as aforesaid, or shall refuse to verify the same on Oath as aforesaid, or shall not give or leave in Manner aforesaid, such Notices of the Times and Places to be directed or appointed for performing such Statute Duty, every such Surveyor shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and every Person liable by Law to send One or more Waggon or Waggons, Cart or Carts, Wain or Wains, Putt or Putts, or other Carriage or Carriages, furnished after the Custom of the Country, or furnished with not less than Three Horses or Four Oxen, and One Horse or Two Oxen, and Two Horses and Two able Men to each, making Default therein, shall for every such Default forfeit any Sum not exceeding Twelve Shillings nor less than Ten Shillings; and every Person liable by Law to send One or more Cart or Carts with One or Two Horses or Beasts of Draught, only used to draw such Carts upon the Highways, with One Labourer to attend each Cart, who shall make Default therein, shall forfeit for every Default in sending a Cart with Two Horses and One Man, any Sum not exceeding Seven Shillings nor less than Five Shillings; and for every Default in sending a Cart with One Horse and One Man, any Sum not exceeding Four Shillings nor less than Three Shillings; and every Person making Default in sending such Labourer or Labourers as by Law he or she is liable to send at the Time and Place and in Manner to be directed as aforesaid, shall for every such Neglect or Default forfeit any Sum not exceeding Two Shillings nor less than One Shilling and Sixpence; and if any Person sending a Waggon, Wain, Cart, Putt, or Carriage as aforesaid, shall not send therewith a sufficient

And to give Notice of doing Statute Work.

Penalty for not giving such Lists or Notice.

Penalties for not performing Statute Duties.

ſufficient Labourer beſides the Driver (except with Carts with One or Two Horſes or Beaſts of Draught only); or if any ſuch Labourer or Driver, or the Driver of any Carts required to perform the Statute Duty as aforeſaid, ſhall refuſe to work and labour during the Space of Eight Hours in each Day, according to the Direction of the Surveyor or Surveyors to the ſaid reſpective Truſtees; or if any Driver ſhall refuſe or omit to carry ſufficient Loads (which are hereby declared to be Twenty-ſix Hundred Weight for every Cart or Putt, and Forty Hundred Weight for every Waggon), it ſhall be lawful for the ſaid Surveyor or Surveyors to the ſaid Truſtees to diſcharge every ſuch Wain, Waggon, Cart, Putt, Carriage, or Labourer; and the ſaid reſpective Truſtees, or any Five or more of them, ſhall recover from the Owner of every ſuch Waggon, Wain, Cart, Putt, or Carriage, and from every ſuch Labourer, the Forfeiture which every ſuch Perſon or Perſons would have incurred by virtue of this Act in caſe no ſuch Waggon, Wain, Cart, Putt, Carriage, or Labourer reſpectively, had come or been ſent to work upon the ſaid Roads: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to empower any Highway Surveyor to perform or prepare the Liſt or Account in Writing of the annual Value of Lands, Tenements, and Hereditaments by this Act required to be returned and delivered, in any other Manner nor by any other Means than are preſcribed or authorized by the Laws now in force for the Regulation of the Turnpike Roads within this Kingdom.

Perſons not working may be turned away.

XLVIII. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them, (not being anyways intereſted therein), may and are hereby authorized and empowered to compound with any Perſon or Perſons whomſoever, for the Repairs to be by them done upon the ſaid Roads within each reſpective Diſtrict, and alſo with the ſeveral Inhabitants of and Occupiers of Lands, Tenements, Woods, Tythes, and Hereditaments in the ſeveral Towns, Pariſhes, and Places in which the ſaid Roads hereby directed to be repaired, or any Part or Parts thereof, lie, or with the Surveyor or Surveyors of the Highways of the ſaid Towns, Pariſhes, or Places reſpectively for the Statute Duty to be by them reſpectively done upon the ſaid Roads, at and for ſuch Rates or Sum and Sums of Money by the Year or otherwiſe, as the ſaid reſpective Truſtees, (not intereſted therein), or any Five or more of them, and the ſaid Perſon or Perſons ſo compounding ſhall agree upon; and ſuch Surveyor or Surveyors of the Highways, having the Conſent of the Inhabitants of their reſpective Pariſhes or Places, or the Majority of them at any publick Meeting to be held for that Purpoſe, is and are hereby empowered to contract and agree with the ſaid reſpective Truſtees (not intereſted), or any Five or more of them, for any Groſs annual Sum, to be paid by their reſpective Pariſh or Place, for or in lieu of the Statute Duty to be done and performed by all the Inhabitants of ſuch Pariſh or Place; which ſaid Money, ſo to be compounded or agreed for, ſhall be paid in Advance to the ſaid reſpective Truſtees, or any Five or more of them, or to their Treaſurer, and ſhall be applied and laid out in repairing ſuch Part of the ſaid Roads, in reſpect whereof ſuch Compoſition was paid; and the Surveyor of the Highways ſo compounding and paying ſuch Compoſition Money as aforeſaid, for the whole Statute Duty of ſuch Pariſh or Place, ſhall be repaid and reimburſed the ſame, in ſuch Manner, and by ſuch Methods as Surveyors of the Highways are by Law authorized to raiſe Money

Truſtees may compound for Statute Work.

Money for buying Materials for repairing Highways; and Fourteen Days publick Notice of every Meeting of the ſaid reſpective Truſtees for making ſuch Compoſition, ſhall be given as herein-after mentioned.

Surveyors may appeal to Quarter Seſſions to proportionate the Statute Duty.

XLIX. And be it further enacted, That if the Surveyor or Surveyors of the Highways of any of the ſaid Towns, Pariſhes, or Places, wherein any Part or Parts of the ſaid Roads directed by this Act to be repaired, doth or do lie, ſhall think the ſaid reſpective Truſtees, or their Surveyor or Surveyors, have or hath directed or appointed too large a Portion of Statute Duty to be performed by the Inhabitants of any Town, Pariſh, or Place, to be done on the ſaid reſpective Diſtricts of Road, it ſhall and may be lawful for ſuch Surveyor or Surveyors of the Highways to appeal to the General Quarter Seſſions of the Peace for the County wherein the ſame ſhall be ſituate, next after ſuch Direction or Appointment ſhall be made or given, unleſs the ſame ſhall be made within Fourteen Days next preceding ſuch Quarter Seſſions, and then to the Second Quarter Seſſions next after ſuch Direction or Appointment; and the Juſtices in their ſaid reſpective Quarter Seſſions are hereby authorized and empowered finally to adjuſt and determine what Portion of Statute Work for any Town, Pariſh, or Place, ſhall be done on the ſaid Roads by this Act directed to be repaired, ſuch Surveyor or Surveyors of the Highways having firſt given Ten Days Notice in Writing of ſuch Appeal to the Surveyor or Surveyors appointed by the ſaid reſpective Truſtees.

All Contracts entered into by Truſtees and others deemed valid.

L. And it is hereby further enacted, That all Contracts and Agreements made and entered into by or between the ſaid reſpective Truſtees, or any Five or more of them, at any of their Meetings to be held in purſuance of this Act, or by their Clerk or Treaſurer, by the Direction or Order of the ſaid reſpective Truſtees, or any Five or more of them, and any Perſon whomſoever, relating to any Act, Matter, or Thing, to be done or performed in Execution of any of the Powers hereby granted, and reduced or put into Writing, and ſigned by the Parties thereto, ſhall be good, valid, and binding, as well upon the ſaid reſpective Truſtees as upon all other Parties thereto, his, her, and their Executors, Adminiſtrators, and Aſſigns; and in caſe of Breach thereof Actions may be brought and maintained, and Damages and Coſts may be recovered thereon, againſt the Party or Parties not performing the ſame, or ſpecific Performance thereof may be decreed, as in any other Caſe of Contracts or Agreements between any other Perſon whomſoever.

Penalty on hauling Timber, *etc.* otherwiſe than on Wheel Carriages.

LI. And be it further enacted, That if any Perſon ſhall cauſe to be hauled or drawn upon any Part of the ſaid reſpective Diſtricts of Road, any Trees, or Tree Pieces, or Piece of Timber, or any Stone or Stones, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree, or Piece of Timber, or Stone, which ſhall be conveyed by any Wheel Carriage, to drag upon any Part of the ſaid Roads to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Penalty on deſtroying Mileſtones.

LII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, pull down, dig up, injure, or deſtroy any of the Mileſtones or Poſts already ſet or to be ſet on the ſaid Roads, or eraſe, obliterate,

obliterate, or deface any Inſcription made hereon, or cauſe or procure the ſame to be done, every ſuch Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Forty Shillings, for every ſuch Stone or Poſt ſo pulled down, broken, dug up, injured or deſtroyed, obliterated or defaced.

Penalty for riding on Footpaths.

LIII. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining to the ſaid Roads, or ſhall drive any Horſe, Cattle, Swine, or any Carriage thereon, or ſhall cauſe any Damage to be done to any Footway; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer them to root up or damage the ſame, or any Part thereof, or any Hedge or Fence on either Side thereof; or if any Perſon driving any Coach, Chaiſe, 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 Side of the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*; or ſhall kill any Pigs, Sheep, or Calves, in or upon any Part of the ſaid Roads, or in the publick Streets of either of the before mentioned Towns or Places; or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Roads or Streets; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Cart, Wain, or other Carriage, in, upon, or on the Side of any Part of the ſaid Roads, for a longer Time than ſhall be neceſſary in loading or unloading the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Roads, or on any Footway on the Side thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Perſons travelling or paſſing thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

For ſecuring tranſient Offenders.

LIV. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore further enacted, that it ſhall be lawful for any of the ſaid Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as they or any of them ſhall call to their or any of 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 of the County, and near to the Place where the Offence or Offences ſhall be committed; 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 the next General Quarter Seſſions to be holden within and for the County wherein the ſame ſhall ariſe, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch 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 Seſſions 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, for any Time not exceeding Three Calendar Months, or until 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.

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

LV. And be it further enacted, That the ſaid reſpective Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, within their reſpective Diſtricts, in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid reſpective Truſtees by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of any ſuch Clerk, without the Conſent of the ſaid reſpective Truſtees, or any Five or more of them, but that the reſpective Clerks for the Time being to the ſaid Truſtees, ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit.

Penalties and Forfeitures how to be recovered and applied.

LVI. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed or inflicted, the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed, ſhall, upon Proof of the Offences reſpectively before any One of the Juſtices of the Peace for the County wherein the ſame ſhall ariſe, either by Confeſſion of the Party or Parties, or by the Oath of One credible Witneſs (which Oath any ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice of the Peace (which Warrant or Warrants any ſuch Juſtice is hereby empowered to grant); and the Overplus, after ſuch Fines, Penalties, and Forfeitures, and the Charges of ſuch Diſtreſs, and of keeping and ſelling the ſame, are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the Fines, Penalties, and Forfeitures, when ſo levied and recovered, ſhall from Time to Time be paid to the Truſtees for the reſpective Diſtrict, or any Five or more of them, or to their Treaſurer or Treaſurers, and ſhall be applied (if not otherwiſe particularly directed by this Act) for and towards amending the ſaid Roads and other Purpoſes of this Act; within each reſpective Diſtrict; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Fines, Penalties, and Forfeitures, ſhall not be forthwith paid, it ſhall and may be lawful for any ſuch Juſtice, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol for the ſaid Counties of *Surrey*, *Suſſex*, and *Southampton*, or ſuch of them as the Caſe may require, there to remain, without Bail or Mainprize, for ſuch Time as

ſuch Juſtice, ſhall direct, not exceeding Six Calendar Months, unleſs ſuch Fines, Penalties, and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LVII. And be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act (except in ſuch Caſes where the final Determination is directed by this Act) and for which no particular Method of Relief hath been hereby appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County wherein the Matter in queſtion ſhall ariſe, within Three Calendar Months after the Cauſe of Complaint ſhall have ariſen, ſuch Perſon appealing firſt giving or cauſing to be given Fourteen Days Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the reſpective Clerk or Treaſurer to the ſaid Truſtees, and within Three Days after ſuch Notice entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, in any Sum not exceeding One hundred Pounds nor leſs than Fifty Pounds, conditioned to try ſuch Appeal, and abide by the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at the Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of the ſaid Juſtices in their ſaid Quarter Seſſions, ſhall be binding and concluſive to all Intents and Purpoſes.

Proceedings not to be removeable by *Certiorari*.

LVIII. And be it further enacted, That no Order, Conviction, Judgement, or other Proceeding to be had or made in purſuance of this Act, ſhall be quaſhed or vacated for want of Form, nor ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceeding relative thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover Satisfaction for the ſpecial Damage in an Action upon the Caſe; but no Plaintiff ſhall recover in an Action for any ſuch Irregularity, Treſpaſs, or other wrongful Proceeding, by virtue of this Act, if before ſuch Action is brought Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall commit or cauſe to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceeding.

LIX. And

Profecutors and Plaintiffs, by Order of Truſtees, and Defendants by the like Order indemnified.

LIX. And be it further enacted, That in all Caſes where any Action or Profecution ſhall be brought or profecuted in purſuance of this Act, or by the Order and Direction of the ſaid reſpective Truſtees, or any Five or more of them, the ſaid Truſtees, or any Five or more of them, ſhall, out of the Monies ariſing by virtue of this Act within their reſpective Diſtricts, allow and pay to the Profecutor, or the Perſon or Perſons in whoſe Name or Names ſuch Action or Profecution ſhall be brought or preſented, all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall be really and *bona fide* put unto by reaſon of every Action or Profecution, or of any Judgement or Determination therein; and ſhall and may alſo, out of the ſaid Monies, indemnify all ſuch Perſon or Perſons as ſhall be profecuted, or ſhall have any Action or Actions brought againſt him, her, or them, for or by reaſon of any Thing done or to be done in purſuance of this Act, by the Direction and under the Authority of the ſaid reſpective Truſtees, or any Five or more of them, provided the Defence of ſuch laſt mentioned Profecution, or Action or Actions, be made, undertaken, ordered, or directed, by the ſaid reſpective Truſtees, or any Five or more of them.

Proceedings to be entered in a Book.

LX. And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which ſhall be collected, borrowed, and received, laid out, expended, and paid, by virtue of this Act, and of all Debts due to or from the ſaid reſpective Truſtees, and all Orders, Acts, Reſolutions, Determinations, Matters, Proceedings, and Things, which ſhall be made or done in the Execution of this Act, with reſpect to each of the ſaid Diſtricts, ſhall from Time to Time be duly and regularly entered in One or more Book or Books to be kept for that Purpoſe by the Treaſurer, or by the Clerk or Clerks to the Truſtees of each reſpective Diſtrict; and that all and every Perſon or Perſons may peruſe and inſpect ſuch Book or Books at all reaſonable Times without Fee or Reward, and may from Time to Time take Copies of all or any Part or Parts of ſuch Book or Books; and ſuch Orders, Acts, Reſolutions, Determinations, and Proceedings ſo entered, ſhall be ſigned by the reſpective Clerk or Clerks, and being ſo ſigned, ſhall be deemed and taken to be Originals; which ſaid Books, and alſo the Book and Books directed to be kept for entering the ſaid Certificates, Aſſignments, aud Transfers, and likewiſe the Books in which are entered the Proceedings and Accounts of the Truſtees in Execution of the ſaid recited Acts, ſhall and may be produced, admitted, and read in Evidence, in all Courts and Places whatſoever.

Publick Notice to be given of Meetings.

LXI. And be it further enacted, That in all Caſes where Notice is by this Act directed to be given of any General Meeting of the ſaid reſpective Truſtees, or of any Thing to be done by them or any of them in Execution of any of the Powers hereby granted at ſuch General Meeting, ſuch Notice ſhall be ſigned by the Clerk to the Truſtees for each reſpective Diſtrict, and affixed upon a conſpicuous Part of the Outſide of the Market Houſe of the Town of *Kingſton*, the Town Hall at *Guildford*, the Market Houſe at *Godalming*, and on the Turnpike Gates of each of the Diſtricts

Diſtricts aforeſaid, or otherwiſe inſerted in ſome publick Newſpaper which ſhall then be circulated in the County of *Surrey*; and that in all other Caſes where Notice is by this Act directed to be given of any Mee ing of the ſaid reſpective Truſtees, or of any Thing to be done by the ſaid Truſtees, or any Five or more of them, in Execution of any of the Powers hereby granted, ſuch Notice ſhall be ſigned by the Clerk to the Truſtees for each reſpective Diſtrict, and affixed on the Turnpike Gates within the reſpective Diſtricts, at leaſt Fourteen Days before the intended Meeting for the doing of ſuch Act.

Limitation of Actions.

LXII. And be it further enacted, That no Action at Law ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done or to be done by virtue of this Act, until after Twenty-eight Days Notice thereof ſhall have been given to or left at the uſual Place of Abode of the Perſon or Perſons againſt whom ſuch Action is intended to be brought, thereby ſetting forth the particular Cauſe of ſuch Action, or after Tender of ſufficient Amends hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact or Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be brought and laid in the County wherein the Cauſe of Complaint ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action, ſhall and may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done by virtue and Authority of this Act; and if on the Trial of ſuch Action it ſhall appear to have been ſo done, or that ſuch Action ſhall be brought before the Expiration of Twenty-eight Days next after ſuch Notice ſhall have been given or left as aforeſaid, or after ſufficient Tender or Amends ſhall have been made to the Party or Parties aggrieved, or after the End of Three Calendar Months next after the Fact or Cauſe of ſuch Action ſhall have ariſen, or if ſuch Action ſhall be brought or laid in any other County than as aforeſaid, then and in every of the ſaid Caſes the Jury, on the Trial of ſuch Action or Actions, ſhall find a Verdict for the Defendant or Defendants therein; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants in ſuch Action, or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited, or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants in ſuch Action ſhall have Treble Coſts, and ſhall have the like Remedy for recovering the ſame as Defendants have for recovering his, her, or their Coſts, in any other Caſe by Law.

General Iſſue.

Limiting the Term of this Act.

LXIII. And be it further enacted, That this Act ſhall commence on the Fifth Day of *October* next after the paſſing thereof, and ſhall continue and be in force from that Time for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

and declaring it to be a publick Act.

LXIV. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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