ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 26.

An Act for making and maintaining a Road from *Stone Street Hatch*, at *Ockley*, in the County of *Surrey*, to join a Branch of the *Horſham* and *Guildford* Road at *Warnham*, in the County of *Suſſex*. [20th *March* 1812.]

WHEREAS the making, maintaining, and keeping in Repair a Turnpike Road from a Place called *Stone Street Hatch*, in the Pariſh of *Ockley*, in the County of *Surrey*, to and into the Pariſh of *Warnham*, in the County of *Suſſex*, to join a Branch there of the preſent Turnpike Road leading from *Horſham*, in the County of *Suſſex*, towards *Guildford*, in the County of *Surrey*, between *Stone Farm Houſe*, and a certain Place called *Chaffold's Gill*, in the ſaid Pariſh of *Warnham*, would be a great Accommodation to the Owners and Occupiers of Eſtates in that Part of the Country, as well as the adjacent Country, and would alſo be of public Utility: But the ſame cannot be done without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *William Anſell*, Sir *Charles Merrick Burrell*, Baronet, *Walter Burrell*, *James Shudi Broadwood*, *Joſeph Boulderſon*, *John William Commerell*, *Thomas Calhoun*, *Harry Charman*, *Charles Child*, *John Cheeſman*, *James Cheeſman*, *Peter* Appointment of Truſtees.

Peter Ducane, *Peter Du Cane* Junior, *John Dendy* of Towerhill, *Stephen Dendy*, *James Dewdney*, *George Dewdney*, *Arthur Dendy*, *Sampſon Dickinſon*, Reverend *Evan Edwards*, Reverend *George Feacham*, *Charles Grimſted*, *Richard Grimſted*, *Robert Hurſt*, *Robert Harriſon*, *Joſeph Hinde*, Reverend *William Jameſon*, *John Lanham*, *John Slade Lanham*, *William Lanham*, *John Lintott*, Reverend *George Marſhall*, *William Margeſſon*, *Joſeph Moore*, *Henry Peters*, *Thomas Piper*, *William Piper*, *Joſeph Peters*, Sir *Buſshe Shelley*, Baronet, *Timothy Shelley*, *Lee Steere Steere*, *John Sykes*, *Nathaniel Tredcroft*, *William Taſh*, *William Trew*, *James Thornton*, Reverend *John Thornton*, Reverend *Thomas Townſend*, Reverend *Thomas Woodrooffe*, Reverend *John Warneford*, *Henry Willard*, *Roger Warne*, *Samuel Thornton*, Eſquire, and *George Holme Sumner*, Eſquire, and the Knights of the Shire of the County of *Surrey* for the Time being, and their Succeſſors to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for making, maintaining, altering, improving, and keeping in Repair the ſaid Road, and for otherwiſe putting this Act in Execution.

Election of new Truſtees.

II. And be it further enacted, That when and as often as any of the ſaid Truſtees hereby appointed, or their Succeſſors (to be elected in Manner hereinafter mentioned) ſhall die, or by Writing under their Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, from Time to Time to elect and appoint another fit Perſon to be a Truſtee in the Room of every Truſtee ſo dying or refuſing to act, Notice of the Time and Place of the Meeting for every ſuch Election, ſigned by the Clerk to the ſaid Truſtees, being affixed on ſome conſpicuous Part of all and every the Turnpike Gates or Toll-houſes which ſhall be then ſtanding on the ſaid Road at leaſt Ten Days before ſuch Meeting; and each and every Perſon ſo elected a Truſtee, and being qualified as hereinafter mentioned, ſhall be and he is hereby empowered to act in the Execution of this Act to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe Room or Stead he ſhall have been elected.

Qualification of Truſtees.

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

Oath.

'I *A. B.* do ſwear, [*or*, being one of the People called Quakers, do ſolemnly affirm] That I truly and *bonâ fide* am in my own Right

'[*or*,

‘ [*or*, in the Right of my Wife, *as the Caſe may be*] in the actual Poſſeſ-
‘ ſion or Enjoyment of Lands, Tenements, or Hereditaments, of the
‘ clear yearly Value of Forty Pounds [*or*, poſſeſſed of or entitled to a
‘ Perſonal Eſtate alone, or Real and Perſonal Eſtate together] of the
‘ Amount or Value of Eight hundred Pounds.

‘ So help me GOD.’

Penalty on acting as Truſtees if not qualified.

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

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

Time and Place of firſt Meeting.

IV. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe called or known by the Name or Sign of The King's Arms, in *Ockley*, on the Firſt Day of *May* next after the paſſing of this Act, or as ſoon after as conveniently may be, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act; and that the ſaid Truſtees or any Three or more of them ſhall then and from Time to Time afterwards adjourn themſelves to meet at the ſame Place, or at ſuch other Place or Places near to the ſaid Road, and at ſuch Times as they ſhall from Time to Time order and direct; provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to defray their own Expences.

Meetings may conſiſt of Five Truſtees.

V. And be it further enacted, That all Acts, Matters, and Proceedings relative to the Execution of this Act, may be done and executed by any Three of the Truſtees appointed, or to be elected by virtue of this Act, or by the Majority of ſuch Number of Three Truſtees who ſhall attend at any Meeting to be held in purſuance of this Act, except only in the Caſes hereinafter particularly mentioned as requiring a greater or leſs Number of Truſtees to act in the Execution of this Act.

Meetings on Emergencies.

VI. And be it further enacted, That if after Adjournment of any Meeting of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by any ſuch Adjournment, or if for Want of a proper Adjournment or otherwiſe it ſhall be neceſſary to call a Meeting of the ſaid Truſtees, the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing, ſigned by Three

or

or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſes thereof mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice, and ſuch Notice being given by affixing the ſame in Writing, ſigned by the Clerk or Clerks to the ſaid Truſtees, upon ſome conſpicuous Part of all the Toll-gates or Toll-houſes then ſtanding on the ſaid Road) and ſuch Meeting may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Orders of One Meeting not to be revoked by another, unleſs, &c.

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

Victuallers, &c. incapable of acting.

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

Orders and Proceedings of Truſtees to be entered in a Book to be kept for that Purpoſe;

and the Originals or Copies thereof to be Evidence.

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

Truſtees may act as Juſtices except where intereſted.

X. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be in the Commiſſion of the Peace for the County of *Surrey* or *Suſſex*, may and they are hereby empowered to act as Juſtices of the Peace in the Execution

Execution of this Act, notwithstanding their being Truſtees, except only in ſuch Caſes where they ſhall be individually intereſted; and that any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee. Mortgagees may act.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at their Firſt or any ſubſequent Meeting, by Writing under their Hands, to elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees ſhall think proper; and from Time to Time to remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, or other Officers or any of them, as the ſaid Truſtees ſhall ſee Occaſion, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall die, reſign or refuſe, or neglect to perform, or become incapable of performing their Duty; and the ſaid Truſtees ſhall or may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries or make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Officers, and to ſuch other Perſons who ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and all ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the ſaid Truſtees or any Five or more of them, at a Meeting to be held in purſuance of this Act (which Oaths the ſaid Truſtees or either of them are and is hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall and are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes as they ſhall direct and appoint; and if ſuch Officer or Perſon (being required ſo to do) ſhall refuſe or neglect to render and give up or verify upon Oath ſuch Account or Accounts as aforeſaid, or to produce and deliver up to the ſaid Truſtees the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to be or remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, within Ten Days after being thereunto required by them, all the Books, Papers, and Writings, in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes, any Juſtice or Juſtices of the Peace for the County of *Surrey* or *Suſſex*, ſhall, upon Complaint of the ſaid Truſtees or of any One or more of them, or by ſuch Perſon or Perſons as they or any One or more of them ſhall appoint for that Purpoſe, iſſue a Summons under his or their Hand or Hands, for ſuch Officer or Perſon to appear before him or them, and upon his appearing, or having been ſummoned and not appearing, Truſtees may appoint Officers. Officers to account. Proceedings againſt Officers refuſing to account, or deliver Books, &c.

pearing, or not being to be found, ſhall make Inquiry concerning ſuch Default, and hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward) it ſhall appear to ſuch Juſtice or Juſtices that any of the Monies which ſhall have been raiſed and collected under this Act, ſhall remain due from ſuch Officer or Perſon, ſuch Juſtice or Juſtices may, and he and they is and are hereby authorized and required upon Nonpayment thereof, by Warrant under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if no Goods or Chattels of ſuch Officer or Perſon can be found ſufficient to ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling ſuch Goods and Chattels, or if any ſuch Officer or Perſon ſhall be convicted of any other of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall or may commit ſuch Officer or Perſon to the Common Gaol of the County of *Surrey* or *Suſſex* reſpectively, there to remain without Bail or Mainprize until ſuch Officer or Perſon ſhall give and make a true and perfect Account in Writing, and verify the ſame as aforeſaid, and make ſuch Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees for the ſame, and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees or their Treaſurer or Treaſurers (which Compoſition the ſaid Truſtees are hereby empowered to make and accept), or until ſuch Officer or Perſon ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no ſuch Officer or other Perſon ſo committed as aforeſaid, ſhall be confined or detained in Priſon under or by virtue of this Act, for want of ſufficient Diſtreſs, for any longer Space of Time than Six Calendar Months.

Officers to give Security.

XII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to take ſufficient Security from every Treaſurer or Receiver to be appointed for the Purpoſes of this Act, for the due and faithful Execution of his Office; and if they think fit, may alſo take ſuch Security from any other Officer to be appointed under or by virtue of this Act.

Truſtees may remove Collectors and appoint temporary ones.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls granted by this Act, ſhall die, neglect, or refuſe to perform, or become incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting of the ſaid Truſtees to be appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver ſo neglecting or refuſing to perform, or becoming incapable of performing his Duty, or abſconding or abſenting himſelf, and to nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls (to continue until the then next Meeting of the ſaid Truſtees) in the Stead of ſuch Collector or Receiver as ſhall ſo die or be diſcharged; and ſuch Perſon ſo nominated and appointed, ſhall, until removed by order of ſuch Truſtees at ſome Meeting, have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of

of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll-house or Building to be erected or set up on the said Road for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at a Meeting) or by their Clerk or Clerks, Treasurer or Treasurers by their Orders, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County of *Surrey* or *Sussex*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as may be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Two or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Collectors or refusing to deliver up Toll-houses;

Justices empowered to grant Warrant, and Constable to enter and remove such Collectors.

XIV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law to be had, brought or prosecuted in pursuance of this Act, the said Trustees may sue and be sued in the Name of their Treasurer or Clerk, or in the Name of any One of the said Trustees on Behalf of the said Trustees, and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be so brought or commenced, nor by the Act of such Person or Persons, without the Consent of the said Trustees or any Five or more of them, at a Meeting to be held in pursuance of this Act; but no such Treasurer, Clerk, or Trustee, or either or any of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Actions to be brought in the Name of Treasurer or Clerk, or of Trustees;

who are not liable to the Payment of Costs.

XV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause to be erected and set up such and so many Turnpikes or Toll-gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same; and also such Toll-house or Houses, Weighing Engine or Engines to each Gate or Turnpike, or otherwise as they shall think necessary, with suitable Out-buildings thereto; and also may enclose from the said Road and Waste Grounds thereunto adjoining convenient Garden Spots to the said Toll-houses as they may judge proper, not exceeding One quarter of an Acre, and may cause any such Turnpikes, Toll-gates, Toll-houses, Weighing-engines, or other Buildings from Time to Time to be taken down, removed, or altered as they shall judge proper; and all such Turnpikes, Toll-houses, Weighing Engines, Buildings, and all Materials for making or repairing the same, are hereby vested in the said Trustees.

Trustees may erect Turnpikes, &c.

XVI. Provided always, and be it further enacted, That one of the Turnpikes or Toll-gates which the said Trustees are hereby empowered to erect and set up on the said Road, shall be affixed or set up on the said

Two Turnpikes to be erected at and near to Put-

tocks Lane, in Ockley.

said Road at the Entrance of a certain Lane called *Puttocks-Lane*, in *Ockley* aforesaid; and that one other of the said Turnpikes or Toll-gates shall be set up across the said Road there leading towards *Oakwood-Hill*; any Thing herein contained to the contrary thereof notwithstanding.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons by virtue of this Act to be appointed Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the respective Turnpikes or Toll gates, or Turnpike or Toll-Gate, which shall be erected in, upon, or across the said Road, by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

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

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

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

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

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

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

Double Tolls on Sundays.

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

Recovery of Tolls.

And the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever, be permitted to pass through any such Turnpike or Toll-gate; and the said respective Tolls shall be and are hereby vested in the said Trustees; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, neglect or refuse to pay the same or any

Part

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

XVIII. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken for the same Horses, Beasts, Cattle, or Carriages, for passing and repassing once on the same Day through all the Turnpikes or Toll-gates to be erected on the said Road; and that all and every Person and Persons who shall have paid the Toll by this Act granted for the passage of any Horses, Beasts, Cattle, or Carriages at any such Turnpike or Toll-gate, shall, on the same Day (to be computed as aforesaid), and producing a Note or Ticket denoting such Payment, and which Note or Ticket the Collector or Collectors is and are hereby required to deliver *gratis* on Receipt of the Toll, be permitted to pass Toll-free, with the same Horses, Beasts, Cattle, or Carriages, through any or all of the other Turnpikes or Toll-gates on the said Road, and also to return or repass through the same Turnpikes or Toll-gates, or any of them, Toll-free, on such same Day, and with the same Horses, Beasts, and Carriages, and producing such Note or Ticket as aforesaid; but that every Person who by virtue of such one Payment shall have so passed and returned, or repassed through any such Turnpike or Toll-gate, shall be again liable to the Payment of and shall again pay such Toll before he shall be permitted to pass through such Turnpike or Toll-gate a Third Time with such Horses, Beasts, Cattle, or Carriages, and so *toties quoties* for every Third Time of passing through such Turnpike or Toll-gate.

No Tolls for crossing the Road only.

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

For settling Disputes concerning Tolls.

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

tained by ſome Juſtice of the Peace for the County of *Surrey* or *Suſſex*, who upon Application made to him for that Purpoſe ſhall examine the Matter on the Oath of the Parties or other Witneſs or Witneſſes (which Oath, ſuch Juſtice is hereby empowered to adminiſter) and ſhall determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Diſtreſs and keeping or Sale of the ſame, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after the Sale thereof or any Part thereof.

Toll-bar Keepers competent Witneſſes.

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

Exemptions from Toll.

XXII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Road, or any of the Roads in the Townſhips or Pariſhes in which any Part of the ſaid Road lies; or with Seed for ſeeding the Ground; or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Paſture or Watering-place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; 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 or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on

their March or on Duty, or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning after having been ſo employed; or for any Horſes, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Surrey*, or for the ſaid County of *Suſſex*, or the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall, by any fraudulent or colluſive Means whatſoever, claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Paſſengers on Election Days for Knights of the Shire for the Counties of Surrey or *Suſſex*, exempted.

XXIII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, or Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways, or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XXIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered, at a Meeting to be holden for that Purpoſe, of which Meeting One Calendar Month's Notice ſhall by the Clerk to the ſaid Truſtees for the Time being, be inſerted in ſome Newſpaper or Newſpapers publiſhed or circulated in the ſaid Counties of *Surrey* and *Suſſex*, and ſhall be affixed on all and every the Turnpike-Gates that ſhall be ſtanding on the ſaid Road, from

Truſtees may reduce the Tolls;

from Time to Time to leſſen or reduce all or any of the ſaid Tolls, and alſo any additional Tolls payable by any Act or Acts of Parliament now in Force for Overweight, in ſuch Manner as to them ſhall ſeem fit and convenient, and for and during ſuch Time as they the ſaid Truſtees ſhall think proper; and afterwards at any Meeting to be holden as aforeſaid, from Time to Time, if they ſhall ſee Occaſion, to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with reſpect to Overweight: Provided nevertheleſs, that until the whole Money borrowed on the Credit of the ſaid Tolls ſhall have been paid and diſcharged, ſuch Tolls ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five-ſixths of the Money remaining due upon the Credit of the ſaid Tolls.

and afterwards advance them again to any Sum not exceeding the Rates before granted. Provided no Reduction be made without the Conſent of the Creditors.

Truſtees may compound.

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

Tolls may be let.

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

Leſſees of Tolls may appoint Perſons to receive the ſame.

XXVII. And be it further enacted, That during ſuch Time as the ſaid Tolls or any Part or Parts thereof ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with like Powers for the Recovery thereof to all Intents and Purpoſes as any Collector of the ſaid Tolls appointed

pointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſo demanding and taking the ſaid Tolls, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Power to borrow Money.

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

Form of Aſſignment.

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

And Copies of ſuch Mortgages and Aſſignments ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, but no Money ſhall be borrowed unleſs Notice be for that Purpoſe given in ſome Newſpaper publiſhed or circulated within the ſaid County of *Surrey*, and alſo in ſome Newſpaper publiſhed or circulated in the ſaid County of *Suſſex*, and alſo upon all the Turnpikes or Toll-gates which ſhall be then ſtanding on the ſaid Road, at leaſt Twenty-one Days before the borrowing thereof; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, ſhall be good, valid, and effectual to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time, by Writing under their reſpective Hands and Seals, transfer their Right, Title, Intereſt, or Benefit in and to the ſaid Security, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Indorſement on the Back of ſuch Security in the Preſence of any credible

Witneſs; which Tranſfer ſhall be in the Words or to the Effect following; (that is to ſay,)

Form of the Transfer.

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

'Witneſs *E. F.*'

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

Application of the Tolls and Money borrowed.

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

Power to widen or alter the courſe of the Road, and to enter Lands.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to make the ſaid Road, within the Limits hereinafter mentioned, through or over any Commons or Waſte Grounds, without making any Satisfaction for the ſame, and alſo in, upon, through or over any Private Lands, Grounds, Tenements, or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time, to enter upon the Lands and Premiſes through which or whereupon the ſaid Road hereby authorized to be made is intended to paſs, and alſo upon any adjoining Lands or Grounds,

Grounds, and to ſtake out the ſaid Road, and alſo to cut and make any Drains or Ditches through, or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Road; and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds, until the ſaid Road ſhall be made ſafe and convenient for the Paſſage of Travellers and Carriages, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively for any of the Purpoſes of this Act, making Satisfaction to the Owners and Occupiers of ſuch Lands and Grounds for the Damages that ſhall be thereby occaſioned, ſuch Damages to be aſcertained and ſettled, in caſe of Diſpute concerning the ſame, in the ſame Manner as diſputed Value of Lands to be purchaſed or uſed by virtue of this Act is hereinafter directed to be aſcertained and ſettled; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds.

Road to be made according to the Map or Plan depoſited at the Office of the Clerk of the Peace.

XXXI. And whereas Maps or Plans deſcribing the Line of the ſaid Road, and the Lands, Hereditaments, and Premiſes through which the ſame is to be made or carried, together with Books of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes, have been depoſited at the reſpective Offices of the Clerks of the Peace for the ſaid Counties of *Surrey* and *Suſſex*; be it therefore enacted, That the ſaid Maps or Plans, and the Books of Reference, ſhall remain in the Cuſtody of the Clerks of the Peace of the ſaid Counties, to the End that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Maps or Plans, and Books of Reference; and that the ſaid Truſtees in making the ſaid Road ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Maps or Plans, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Premiſes ſuch Deviation ſhall be made.

Lands marked in the Plan may be uſed, notwithſtanding Errors in the Book of Reference.

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

XXXIII. Pro-

Truſtees reſtrained from pulling down Dwelling Houſes, &c. without the Conſent of the Owners.

XXXIII. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down any Dwelling-houſe or other Building, or to take in or make Uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except ſuch as are marked or deſcribed in the ſaid Plans and Books of Reference; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Power to purchaſe Lands.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon by them duly authorized, to treat, contract, and agree with the Owners of and Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, as may be neceſſary for the Purpoſes of this Act, for the Purchaſe thereof, or for the Loſs or Damage the Perſon or Perſons intereſted therein, or in ſuch adjoining Lands as aforeſaid, or any of them, ſhall or may any ways ſuſtain by, or by means of the making, or completing the Courſe or Path of any Part of the ſaid Road; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Committees, Huſbands, Guardians, or other Truſtees for or on Behalf of any Infants, Femes Covert, *Ceſtui que Truſts*, Idiots, Lunatics, or other Perſons under Diſability, and for all and every other Perſon and Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Premiſes, to contract and agree with the ſaid Truſtees for the Sale of ſuch Lands, Tenements, or Hereditaments, or of their Intereſt therein, or for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to the ſaid Truſtees all or any Part of ſuch Lands, Tenements, Hereditaments, or Premiſes, as Occaſion ſhall be and require; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and Feoffees in Truſt, Executors, Adminiſtrators, Guardians, 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; and in caſe any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees, or other Truſtees, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Place of Abode of ſuch Perſon or Perſons, or of the Clerk or Head Officer of any ſuch Body Politic, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Premiſes, ſigned by the Clerk to the ſaid Truſtees, ſhall for the Space of Twenty-one Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating; then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to cauſe it to be inquired into, and aſcertained by

and

and upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Surrey* and County of *Suſſex* reſpectively, (which Oaths the ſaid Truſtees, or any One or more of them, are hereby empowered to adminiſter,) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted for or upon account of the taking or uſing of ſuch Lands, Tenements, or Hereditaments, for the Purpoſes of this Act, or ſuch Damages as aforeſaid; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time, to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath, (which Oath the ſaid Truſtees, or any One or more of them, are hereby empowered and required to adminiſter,) and they ſhall or may order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order or Determination ſo had and made, ſhall be final and concluſive to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers, and Perſons anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame Lands, Tenements, or Hereditaments; and for ſummoning and returning any ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by any Five or more of them, to the Sheriff of the ſaid County of *Surrey* and County of *Suſſex* reſpectively, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve: Provided always, that all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled to and the ſaid Truſtees are hereby empowered to impoſe any reaſonable

Jury may be challenged.

Sheriffs, &c. may be fined for neglect of Duty.

Fine or Fines on such Sheriff or his Deputy who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear without some reasonable Excuse, or after having appeared, shall refuse to be sworn on the said Jury, or after having been sworn, shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear without some reasonable Excuse, or refuse to be sworn or examined, or give Evidence touching the same; but no such Fine shall exceed Ten Pounds upon any such Sheriff or Deputy, nor more than Five Pounds upon any other Person for one Offence.

Expences of Jury how to be defrayed.

XXXV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by or on Behalf of the said Trustees before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or less Money, than shall have been agreed to and offered by or on Behalf of the said Trustees, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said Counties, not interested in the Matter in question (who is hereby authorized and required to settle the same) shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment 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 on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expence shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

XXXVI. And

XXXVI. And be it further enacted, That all Sums of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be and the ſame are hereby charged upon the Monies which ſhall be collected or raiſed by virtue of this Act, and ſhall be paid thereout accordingly by the ſaid Truſtees, or by their Treaſurer or Treaſurers, to the Perſons reſpectively entitled thereto, or to their Agents; and upon Payment thereof to ſuch Perſons or their Agents, or in caſe of refuſal to accept the ſame after Tender thereof, on depoſiting the ſame in the Bank of *England*, in Manner by this Act directed (as the Caſe ſhall be) the ſaid Lands, Tenements, Hereditaments, and Premiſes ſhall be by virtue of this Act veſted in the ſaid Truſtees; and it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to enter into the Poſſeſſion of ſuch Lands, Tenements, Hereditaments, and Premiſes, and to cauſe the ſame to be laid into and made Part of the ſaid Road; and the ſaid Lands and Premiſes ſhall from thenceforth to all Intents and Purpoſes whatſoever become and be deemed and taken to be a public and common Highway, and Part of the ſaid Road, for ever, and ſhall be fenced and repaired and kept in Repair by the ſaid Truſtees, and alſo by ſuch Ways, Means, and Methods, as any other Turnpike Road or Highway is, was, or ought to have been kept in Repair; and all Parties and Perſons ſhall for ever thereafter be diveſted of all Right and Title to ſuch Lands, Hereditaments, and Premiſes; and after ſuch Road ſhall be completed, it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of any Piece or Pieces of Ground, of which they may become poſſeſſed by virtue of this Act, and which may not be wanted for the Purpoſes thereof, and the Money ariſing by ſuch Sale or Sales ſhall be applied for the Purpoſes of this Act; and the Conveyance to be made of ſuch Piece or Pieces of Ground being executed by any Five or more of the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County, ſhall be good and effectual in the Law to all Intents and Purpoſes.

On Payment of the Purchaſe Money, Land may be made uſe of.

XXXVII. And be it further enacted, That as ſoon as the ſaid Road ſhall have been made paſſable for Horſes and Carriages, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by and with the Order and Concurrence of any Two Juſtices of the Peace for the County of *Surrey* and County of *Suſſex* reſpectively, to ſhut up and diſcontinue, or cauſe to be ſhut up and diſcontinued, a certain Bridleway, or ſuch Part thereof, as to the ſaid Truſtees ſhall appear neceſſary for the Purpoſe of this Act, leading from a certain Place in *Ockley* aforeſaid, nearly oppoſite to a Limekiln belonging to the Rectory of *Ockley*, through Part of the ſaid Glebe Lands belonging to the ſame Rectory, towards *Warnham* aforeſaid; and alſo to ſhut up and diſcontinue, or cauſe to be ſhut up and diſcontinued, a certain other Bridleway, or ſuch Part thereof as to the ſaid Truſtees ſhall appear neceſſary, for the Purpoſe of this Act, leading from a certain Barn called *Wood Barn* in *Warnham* aforeſaid, through *Denne Farm* there, by the ancient Manſion of that Farm, over the River *Oak*, to *White Sand Gate* on the ſaid Farm, as the ſaid Road, when ſo made paſſable as aforeſaid, will be more eaſy and convenient for Paſſengers.

For ſhutting up Two Bridleways.

XXXVIII. And be it further enacted, That in all Caſes wherein by reaſon of the making the ſaid intended Road, any old Road or Way, Roads

For ſtopping up any other old Roads or Ways.

Roads or Ways, now paſſing through, over, or between any old incloſed Lands, ſhall appear to have become uſeleſs and unneceſſary, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by and with the Order and Concurrence of any Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Surrey* or *Suſſex* reſpectively, acting in and for the Diviſion or Hundred where ſuch old Road or Way, Roads or Ways, ſhall reſpectively be ſituate, aſſembled at any Special Seſſion of the Highways to be upon due Notice holden for ſuch Diviſion or Hundred, to abate and ſtop up ſuch old Road or Way, Roads or Ways, as well as the Bridleways hereinbefore deſcribed, and the Ground conſtituting the former Road (unleſs leading to ſome Village, Town, or Place, to which ſuch new Road doth not lead) ſhall be veſted in, and ſhall or may be ſold and conveyed by the ſaid Truſtees for the beſt Price that can be gotten for the ſame, to ſuch Perſon or Perſons in ſuch Way and Manner, and by, with, and under ſuch Methods, Rules, Powers, and Regulations, as the ſaid Truſtees, or any Five or more of them, are hereby empowered to ſell and diſpoſe of any Piece or Pieces of Ground which they may happen to be ſeiſed of, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act, ſubject to an Appeal to the Quarter Seſſions in Manner herein mentioned.

First offer to whom to be made.

XXXIX. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for ſale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter, or Maſter Extraordinary, in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of Ground ſhall be ſituate (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner by this Act directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as by this Act directed, with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to arife by the Sale or Sales which may be made by the ſaid Truſtees, of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof

thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Money awarded above 200l.

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

Where less than 200l. and above 20l.

XLI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Per-

sons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20l.

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

In case of not making out a good Title, or Persons cannot be found, the Purchase-Money to be paid into the Bank, subject to the Order of Chancery on Petition.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Per-

ſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In caſe of diſputed Titles.

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

Court may order reaſonable Expences to be paid by the Truſtees.

XLV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For getting Materials to repair the Road.

XLVI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, Chalk, or other Materials for making and repairing the ſaid Road, out of and from any Common or Waſte Ground, River, Brook, or Pit, in any Pariſh,

Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired, ſhall lie, or in any adjoining Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict, or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and it ſhall alſo be lawful for ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, on being authorized by Order of the ſaid Truſtees (ſuch Order to be made at ſome Meeting of the Truſtees, to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk or Clerks to the ſaid Truſtees) to ſearch for, cut, dig, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found (ſuch Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Walks, or Avenue to a Houſe, or any Piece of Ground planted or ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the ſame, and for any Damages done thereby, to the Owners and Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Ground, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall be lawful for any Two or more Juſtices of the Peace of the County, Diſtrict, or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Ten Day's Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgment or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

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

XLVII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Road, out of or from any incloſed Lands or Grounds, until Notice in Writing ſigned by the Surveyor or Surveyors ſhall have been given to the Owner and Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner and Occupier at their reſpective uſual Places of Reſidence, to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the County, Diſtrict, or Place wherein ſuch Lands or Grounds ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner and Occupier, or either of them, or his Agent, ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, then the ſaid Truſtees or ſuch Juſtices ſhall or may authorize ſuch Surveyor

Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees or ſuch Juſtices ſhall or may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier or his Agent had attended.

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

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

Surveyors may remove Annoyances.

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

aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyors to make Drains, &c.

L. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and any Person or Persons whom he or they shall appoint, by Order of the said Trustees, to make any Cause-ways or Foot-paths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, or to erect Bridges over any Drains or Water-courses, in such Manner as such Surveyor or Surveyors shall deem and adjudge necessary and proper for amending or keeping in Repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees) to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drains shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and such Trustees touching such Damage, then and in such case the Justices of the Peace, at any General or Quarter Sessions of the Peace to be holden for the said County of *Surrey* or *Sussex* next after the Expiration of Twenty-one Days from the Time of doing such Damage, upon Application to them made, shall and are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive; and all Arches, Bridges, Trunks, Tunnels, and Materials, Mile-Stones, Posts, Tools, Implements, Matters, and Things, to be erected upon or provided for the Purposes of the said Road by virtue of this Act, shall be and are hereby declared to be vested in the said Trustees.

making reasonable Satisfaction.

In case of any Difference, Justices in Sessions to determine the same.

Road to be measured and Mile Stones and Guide Posts erected.

LI. And be it further enacted, That the said Trustees shall cause the said Road to be measured, and Mile-Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance from Places, as the said Trustees shall think fit; and shall also cause to be erected Guide-Posts upon such Parts of the said Road, where the same is crossed or joined by other Roads, as they shall adjudge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Mile-Stone or Post erected on any Part of the said Road, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person so offending, shall forfeit and pay any Sum not

Penalty on damaging them.

not exceeding Five Pounds for each Table of Tolls, Stone, Poſt, or Parapet Wall and Arch ſo broken, thrown down, injured or deſtroyed; or on which any Letters, Figures, or Marks ſhall be ſo obliterated or defaced, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Regulating Statute Labour.

LII. And be it further enacted, That all the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places through which the ſaid intended Road ſhall paſs, ſhall be liable to do Statute Work on, and to the Repair of ſuch Parts of the ſaid intended Road as are within their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, in ſuch and the ſame Manner as they are liable to do Statute Work or to the Repair of any other Highway within the ſame; and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid reſpective Counties of *Surrey* or *Suſſex*, and they are hereby empowered and required, (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or to their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons,) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in default of Payment thereof, the ſame ſhall or may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act

Juſtices to determine Differences touching Statute Work.

authorized

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

Statute Work may be compounded for.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Road, or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any the Pariſhes or Places in which the ſaid Road is ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees in advance, on or before the Firſt Day of *May* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Truſtees may contract for Repairs.

LIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, to contract with any Perſon or Perſons for making, altering, raiſing, widening, and repairing the ſaid Road, or any Part or Parts thereof reſpectively, or any Arches or Bridges upon the ſame, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into purſuant to an Order made at any Meeting of the ſaid Truſtees,

tees, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and Actions and Suits may be maintained therein, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Penalty for Persons riding on Footpaths, &c.

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

so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for permitting private Passage, or evading Tolls.

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

Penalty on obstructing the Execution of this Act.

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

Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County or District where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer), and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress;

Diſtreſs; and ſuch Forfeitures and Penalties, when recovered, (if not hereinbefore directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Forfeitures and Penalties ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender to be committed to the Common Gaol or Houſe of Correction for ſuch County or Diſtrict where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and Coſts ſhall be ſooner fully paid and ſatisfied.

For ſecuring tranſient Offenders.

LIX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it ſhall be lawful for any of the ſaid Truſtees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as he or they ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace for the County or Diſtrict near to the Place where the Offence or Offences ſhall be committed, or ſuch Offender or Offenders ſeized or apprehended; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Preſcribing Form of the Conviction.

LX. And be it further enacted, That for the more ſpeedy Conviction of Offenders againſt this Act, all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall cauſe the Conviction to be drawn up in the Form or to the Effect following:

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

Diſtreſs not to be unlawful for Want of Form.

LXI. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Notice, Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers

paſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Proceedings not to be quaſhed for Want of Form.

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

Power to compel Payment of Subſcriptions.

LXIII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or who ſhall ſubſcribe any Sum or Sums of Money towards making the ſaid Road, or for or towards defraying the Expences of obtaining and paſſing of this Act, and their reſpective Heirs, Executors, or Adminiſtrators, ſhall and they are hereby required to pay the reſpective Sums ſo ſubſcribed, to the Treaſurer or Treaſurers to the ſaid Truſtees, within ſuch Time or Times, and in ſuch Parts and Proportions, as the ſaid Truſtees ſhall order and direct; and in Default thereof, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame in the Name or Names of their Treaſurer or Treaſurers, Clerk or Clerks, in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe; and all ſuch Monies ſhall be and are hereby declared to be veſted in the ſaid Truſtees for the Purpoſes of this Act.

Appeal.

LXIV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the County or Diſtrict where the Offence ſhall be committed next after the Expiration of Three Months from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Fourteen Days Notice at the leaſt of his, her, or their Intention to bring ſuch Appeal and of the Matter thereof, to the Treaſurer or Treaſurers, or Clerk to the ſaid Truſtees, and within Seven Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices in ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they ſhall judge proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured, as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding,

binding, and conclusive upon all Parties to all Intents and Purposes whatsoever; and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress, commit such Person or Persons to the Common Goal or House of Correction of or for the said County wherein such Quarter Sessions shall be held, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Notice of Action to be given; Plaintiff not to recover after Tender of Amends;

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

and if no Tender, Money may be paid into Court.

Limitation of Actions.

LXVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, after Twelve Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County where the same shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may plead at his or their Election specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing such Action or Suit, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

General Issue.

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

Commencement and Continuance of the Act. LXVIII. And be it further enacted, That this Act shall commence and take place on the Thirtieth Day of *April* One thousand eight hundred and twelve; and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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