


ANNO QUADRAGESIMO OCTAVO

# GEORGII III. REGIS.

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continued by the ſaid Acts is further continued, and ſome of the Powers and Proviſions thereof altered, amended, and enlarged, and it is neceſſary that the Tolls granted and continued by the ſaid Acts ſhould be encreaſed; 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 the ſaid Acts paſſed in the Fourth and Twenty-ſeventh Years of the Reign of His ſaid preſent Majeſty, and all and every the Clauſes, Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Matters, and Things therein reſpectively contained (except ſuch as relate to Exemptions from Stamp Duties, and alſo except ſo much and ſuch Part or Parts thereof as are by this Act varied, altered, or repealed) ſhall be and the ſame are hereby declared to be in full Force and Effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Variations, Alterations, and Additions herein contained, and which (except the Tolls herein-after mentioned) ſhall commence and take Effect from the paſſing of this Act; and this Act, and the additional Term and Tolls hereby granted, ſhall be ſubject and liable as well to the Payment of all Money now due and owing on the Credit of the ſaid Acts, or on the Credit of the Tolls thereby granted and continued, and now payable at the ſeveral Gates or Turnpikes now erected or hereafter to be erected on the ſaid Roads, as alſo to the Payment of all Money which ſhall hereafter be borrowed for the Purpoſes of this Act, and of the Intereſt due and to grow due for the ſame reſpectively.

The ſaid Acts further continued.

II. And be it further enacted, That ſo much of the laſt recited Act as enacts, That the ſaid Truſtees ſhall and they are thereby required to cauſe the ſaid Road leading from the Village of *Milford* aforeſaid, through *Haſlemere*, to the Forty-third Mile Stone near *Farnhurſt Lane* in the ſaid County of *Surrey*, to be repaired and amended before the other Roads comprized in the ſaid Act ſhall be repaired and amended, ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes.

So much of laſt Act as relates to the Road from Milford to Farnhurſt Lane repealed.

III. And whereas the Tolls granted and continued by the ſaid Acts have been found inſufficient, be it therefore enacted, That, from and after the Third *Monday* next after the paſſing of this Act, the ſaid Tolls ſhall be and the ſame are hereby repealed; and that inſtead thereof there ſhall be demanded and taken before any Horſe, Cattle, or Carriage, or other Animal or Thing liable to pay the Tolls herein-after mentioned ſhall be permitted to paſs through any Gate or Turnpike now erected or hereafter to be erected on the ſaid Roads or any Part thereof, ſuch Tolls as the ſaid Truſtees, or any Seven or more of them, ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums herein-after mentioned; (that is to ſay)

For repealing former Tolls and granting new ones.

New Tolls.

For each and every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Draught, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Caravan, Chaiſe Marine, Car, Hearſe, Waggon, Wain, Cart, Frame, Dray, or other Carriage with Wheels of any and every Breadth, the Sum of Four-pence Halfpenny:

For

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

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

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

Tolls veſted in Truſtees.

Which ſaid ſeveral and reſpective Tolls ſhall be and the ſame are hereby made payable, and ſhall and may be demanded, taken, and received at each and every Gate now erected or hereafter to be erected on the ſaid Roads; and the ſame ſhall be and are hereby veſted in the Truſtees for executing the ſaid Acts and this Act; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid and applied, aſſigned, leſſened, varied, and diſpoſed of, in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Powers, Proviſions, Remedies, and Reſtrictions, as are contained in the ſaid Acts reſpecting the Tolls thereby or by either of them authorized to be taken.

Tolls to be paid but once for paſſing through Gates.

IV. Provided nevertheleſs, and be it further enacted, That it ſhall and may be lawful for any Horſe, Mare, Gelding, Mule, Aſs, or other Animal liable to Toll, and whether drawing or laden or not drawing or not laden, having paſſed through any one Gate now erected or hereafter to be erected on the ſaid Road by virtue of the ſaid Acts or this Act, and having paid Toll thereat on the ſame Day, to paſs through any other Gate or Gates now erected or hereafter to be erected on the ſaid Road by virtue of the ſaid Acts or this Act, without paying any further Toll, in ſuch Caſes and under ſuch Regulations as the ſaid Truſtees, or any Five or more of them, by Writing under their Hands ſhall order or direct.

Power to remove Turnpikes and Toll Gates, with the Conſent of a certain Proportion of the Creditors.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby empowered, from Time to Time, when and as often as they ſhall think proper (with the Conſent and Approbation of ſuch Perſon or Perſons as ſhall be entitled to Two-third Parts at the leaſt of the Money which ſhall be then due and owing upon the Credit of the ſaid Tolls, but not otherwiſe) to cauſe any of the Turnpikes or Toll Gates erected or to be erected by virtue of the ſaid Acts or of this Act, in, upon, or acroſs the ſaid Roads, to be removed to and erected in, upon, or acroſs ſuch other Part or Parts of the ſaid Roads, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem expedient; and again from Time to Time as often as they ſhall think fit, to remove the ſame Turnpikes or Toll Gates, and to cauſe the ſame to be erected in, upon, or acroſs the Part or Parts of the ſaid Roads whereon they formerly ſtood, or in, upon, or acroſs any other Part or Parts thereof: Provided nevertheleſs, that no ſuch Removal ſhall be made without Ten Days previous Notice of the Intention to remove the ſame being given upon all the Turnpikes then erected on the ſaid Road, and inſerted in ſome Newſpaper or Newſpapers circulated in the ſaid ſeveral Counties.

Two Oxen to be charged as One Horſe.

VI. And be it further enacted, That in all Caſes in which Oxen or Neat Cattle drawing or laden ſhall be uſed, Two Oxen or Neat Cattle ſhall be conſidered as One Horſe, for all the Purpoſes of the ſaid Acts and this Act with reſpect to the ſaid Tolls.

VII. And

Trustees to vary Tolls.

VII. 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 reduce, vary, or alter all or any or either of the several Tolls aforesaid as they shall think proper and see Occasion, and to raise the same again, provided they do not at any Time exceed the Tolls granted by this Act; and provided such Reduction be with the Consent of Two-third Parts in Value of the several Persons who shall have advanced any Money on the Credit of the Tolls.

Fixing the Number of Trustees to be at Meetings.

VIII. And be it further enacted, That in all Cases where by the said recited Acts or either of them, Nine Trustees are required to be present at any Meeting for putting the said Acts or either of them in Execution, so far as relates to the said Road, it shall be lawful for any Seven or more of the said Trustees to act at such Meeting; and in all Cases where by the said Acts, or either of them, Seven Trustees are required to be present at any such Meeting for the Purposes aforesaid, it shall be lawful for any Five or more of the said Trustees to act at such Meeting; in which respective Cases all Acts, Orders, and Proceedings of such Trustees, at such respective Meetings, shall be as valid and effectual as if the Number of Trustees required by the said recited Acts, or either of them, to be present at such Meetings respectively had been then present and concerned therein; any Thing in the said recited Acts or either of them to the contrary notwithstanding.

Exemptions.

IX. And be it further enacted, That no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle, drawing any Carriage going for, or returning laden with or unladen having been laden only with Stones, Gravel, or other Materials for the repairing any Road or Highway, or any Dung, Mould, Soil, Salt, Sand, or Compost of any Kind (Chalk and Lime excepted) for the manuring of any Garden or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle that shall be actually going to or returning from being used or employed in the plowing, sowing, tilling, or cultivating of any Land or Ground, or going for or returning laden with or unladen, having been laden only with Hay, Straw, Corn in the Straw, or Wood, not carried for Hire, nor sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof, or with any Plough, Harrow, Dray, or other Implement of Husbandry; nor for any Horse or other Beast or Cattle drawing or carrying the same in order for the repairing thereof, or using the same in Husbandry; nor for any Horse or other Beast or Cattle, going to or returning from Water or Pasture, or going to be or returning from being shoed or farried, and which shall not in so going or returning pass upon any of the said Roads for more than the Space of Two Miles; nor for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons

are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; nor for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes; nor ſhall any of the Tolls hereby granted be demanded or taken from any Inhabitants of any Pariſh through which any Part of the ſaid Roads doth lie, who ſhall paſs through any of the ſaid Turnpikes to or from his, her, or their reſpective Pariſh Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on *Sundays*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon dying and to be buried in any of the ſaid Pariſhes; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his parochial or miniſterial Duty on a *Sunday* or on *Chriſtmas Day*, *Good Friday*, on on any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle, or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Berlin, Chariot, Calaſh, or Chair, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for either of the ſaid ſeveral Counties of *Surrey*, *Suſſex*, or *Southampton*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, or ſhall make uſe of any Fraud whatſoever whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be evaded, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety ſhall be applied to the Purpoſes of the ſaid Acts and of this Act, and the other Moiety ſhall be paid to the Informer or Informers.

Penalty for unlawfully claiming Exemptions.

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

Collectors of Tolls, &c. to be competent Witneſſes.

XI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer; and that no Action to be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or on account of the ſaid Act, or of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk or Treaſurer for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action (as the Caſe ſhall be): Provided always, that every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid Acts or this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of the ſaid Acts and this

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

this Act, all such Costs, Charges, Damages, and Expences, as by the Event of any such Proceedings he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Directing the Application of the Money paid for Compensation for Lands, &c. when amounting to or exceeding 200l.

XII. 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 the said Acts or either of them, and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, 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 Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts 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, the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would (for the Time being) have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. and exceeding 20 l.

XIII. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled

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, Lunacy, or other Disability or Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Order, Direction, or Approbation of the said Court of Chancery.

When less than 20*l.*

XIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be paid to or 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 the said Acts or this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy, Lunacy, or other Disability or Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if Persons cannot be found;

Purchase Money to be paid into the Bank;

XV. 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 the said Acts and 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 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 and may be lawful to and 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 Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to any such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof,

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

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

Upon any Queſtion of Title to the Money ſo to be paid, Perſons then in Poſſeſſion to be deemed entitled to the Money.

XVI. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid Acts, or either of them, or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of the 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 Court of Chancery; and the Dividends and Intereſt of ſuch 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.

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

XVII. Provided always, 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 by the ſaid Truſtees under the Authority of the ſaid Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid as herein-before directed, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this or the ſaid Acts, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for the laſt mentioned Purpoſes as the ſaid Court ſhall direct.

Perſons chargeable to Statute Work, to continue ſo.

XVIII. And be it enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the Roads by the ſaid Acts or either of them, or by this Act, directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the

Peace for any or either of the ſaid ſeveral Counties of *Surrey*, *Suſſex*, and *Southampton*, and they are hereby required and empowered within their reſpective Juriſdictions, upon Application made to them by the ſaid Truſtees, or any Two or more of them, or by their Clerk or Surveyor, or by their Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do lie; and alſo what Proportion of the Monies received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or any Two or more of them, or to their Treaſurer; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute now in Force and Effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Haytime or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Two or more of them, or their Surveyor or Surveyors ſhall, from Time to Time, order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees, or any Two or more of them, or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſon or Perſons liable to the Payment thereof, in like Manner as any Penalty or Forfeiture is by the ſaid firſt-recited Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode, for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or of the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, ſo directed 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 and liable to in the like Caſes, by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid

Juſtices to determine Differences touching Statute Work.

Roads, 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 ſending any ſuch Perſon ſo found idle or negligent as aforeſaid, ſhall be ſubject and liable to the reſpective Pains, Penalties, and Forfeitures laſt aforeſaid, as if he the Perſon ſo found idle or negligent had not come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the ſaid Truſtees, or any Two or more of them, or their Treaſurer, and applied towards the amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or neglect to give in any ſuch Liſt as aforeſaid, or ſhall knowingly or wilfully give in any falſe or imperfect Liſt, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided that nothing in this Act contained ſhall be conſtrued to prohibit or prevent any Surveyor or Surveyors of the Highways of any Pariſh, Townſhip, or Place from compounding or agreeing for or in lieu of Statute Work, in ſuch Manner as by the ſaid firſt-recited Act is enacted, nor to prohibit or prevent the recovering of the Compoſition Monies in Manner by the ſame Act directed.

For paying the Expences of the Act.

XIX. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and all and every ſuch Sum and Sums of Money as ſhall be advanced, borrowed, or lent for Payment of the ſame, and all Intereſt to grow due thereon, ſhall be paid out of the firſt Money which ſhall ariſe or be received by virtue of the ſaid Acts or of this Act, in preference to all other Payments whatſoever.

Publick Act.

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

Term continued.

XXI. And be it further enacted, That this Act ſhall commence upon the paſſing thereof, and ſhall continue and be in Force and be executed for and during the Reſidue now to come and unexpired of the Term granted and continued by the ſaid recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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