ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. iv.

An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Roads from *Epsom* through *Ewell* to *Tooting*, and from *Ewell* to *Kingston-upon-Thames*, and *Thames Ditton*; and across *Ewell* Common Fields, to the *Ryegate* Turnpike Road on *Borough Heath*, all in the County of *Surrey*. [23d *March* 1815.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in Repair the Roads from* Epsom *through* Ewell *to* Tooting, *and from* Ewell *to* Kingston-upon-Thames, *and* Thames Ditton, *in the County of* Surrey: And whereas another Act was passed in the Twentieth Year of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act, made in the Twenty-eighth Year of the Reign of his late Majesty King* George *the Second, intituled* 'An Act for amending, widening, and keeping in Repair the Roads 'from Epsom through Ewell to Tooting, and from Ewell to Kingston-upon-'Thames and Thames Ditton, in the County of Surrey,' and for amending, widening, and keeping in repair the Road from the Turnpike Road at Ewell, across Ewell Common Fields to the Ryegate Turnpike Road on Borough Heath, in the said County: And whereas another Act was passed

28 G. 2. c. 57.

20 G. 3. c. 100.

41 G. 3. c. 9. in the Forty-firſt Year of His preſent Majeſty, intituled *An Act for continuing for Twenty-one Years and from thence to the End of the then next Seſſion of Parliament, the Term, and altering and enlarging the Powers of Two Acts, paſſed in the Twenty-eighth Year of the Reign of His late Majeſty King* George *the Second, and the Twentieth Year of the Reign of His preſent Majeſty, for amending, widening, and keeping in Repair, the Roads from* Epſom *through* Ewell *to* Tooting, *and from* Ewell *to* Kingſton-upon-Thames *and* Thames Ditton *in the County of* Surrey, *and for amending, widening, and keeping in Repair, the Road from the Turnpike Road at* Ewell, *acroſs* Ewell *Common Fields, to the* Ryegate *Turnpike Road on* Borough Heath, *in the ſaid County:* And whereas the Truſtees appointed by or in purſuance of the ſaid Acts have, in the Exerciſe of the Powers veſted in them, borrowed ſeveral Sums of Money upon the Credit of the Tolls authorized to be collected upon the ſaid Roads; which Monies ſo borrowed have, together with the Tolls, been duly applied for the Purpoſes of the ſaid Acts; a conſiderable Part of which now remains due, and cannot be repaid, nor the ſaid Roads effectually amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts be continued, and the Powers and Proviſions thereof altered, amended, and enlarged, and the preſent Tolls varied and increaſed; but as the above Purpoſes cannot be effected without the 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 the ſaid recited Acts and all and every the Clauſes, Powers, Penalties, Forfeitures, Privileges, Proviſions, Matters and Things therein contained (except ſuch Parts thereof as are varied or altered) ſhall be and continue in full force and effect, and be executed for and during the Term herein-after mentioned, in as full, ample, and beneficial a Manner 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 Alterations and Amendments herein contained; and the Term, Tolls, and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the ſaid Roads, or which ſhall or may hereafter be borrowed or become due on the Credit or on Account of the ſame by virtue of the ſaid recited Acts and this Act, and of all Intereſt due and to grow due thereon reſpectively.

Acts further continued.

II. And be it further enacted, That from and after the paſſing of this Act, *George Holme Sumner, Samuel Thornton,* Sir *James Alexander* Knight, *Edward Archbold,* Sir *Henry Bridges* Knight, *John Bridges, Richard Boulton, James Broadwood, George Barclay, John Marten Cripps, Charles Drummond, William Dowdſwell, Thomas Dickens, Solomon Davis,* the Reverend *James Dallaway* Clerk, *Richard Fermer, John Fermer, Samuel Fermer, Henry Goſſe, Joſeph Valentine Grimſtead, John Barnard Hankey,* Sir *John Jackſon* Baronet, *Benjamin Iſaac, Thomas Langley, James Lawrell, Robert Ladbroke, Felix Ladbroke,* the Reverend *James Myers* Clerk, *William Northey, Archdale Palmer, Thomas Parry,* the Reverend *Fleetwood Parkhurſt* Clerk, *Thomas Reid, Robert Sherſon* M. D. *Richard Carpenter Smith, Kennard Smith, Ralph Smith,* the Reverend *Abraham Kirkpatrick Sherſon, John Trotter, William Whitmore,* and *John Whitmore*

Appointing additional Truſtees.

the younger, together with Ten other Perſons to be named as Truſtees at the Firſt or any other Meeting to be held under this Act, ſhall be added to and joined with the Truſtees appointed by or in purſuance of the ſaid recited Acts, for putting the ſaid recited Acts and this Act into Execution; and the Truſtees hereby nominated, and their Succeſſors (being qualified according to the Directions of the ſaid firſt recited Act) are hereby empowered to act in the Execution of the ſaid recited Acts, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts.

Truſtees may ſue and be ſued in the Name of the Clerk or Treaſurer, who is to be reimburſed his Expences.

III. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for and concerning any Thing to be done againſt or by virtue or in purſuance of the ſaid recited Acts or this Act, in the Name either of their Clerk or Treaſurer for the Time being; and that no Action or Suit, to be brought or commenced by the Direction of or againſt the ſaid Truſtees, 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 any Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them, at any Meeting to be held in purſuance of this Act, but that the Clerk or Treaſurer for the Time being ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit; and every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted or defended, in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed out of the firſt Money to ariſe by virtue of the ſaid recited Acts and this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Suit, or any Proceeding paſt thereon, he ſhall bear, pay, expend, or be put unto, or become chargeable with or liable to by reaſon of his ſo being made Plaintiff or Defendant as aforeſaid.

For diſcontinuing the preſent Tolls and granting new ones.

IV. And be it further enacted, That the ſeveral Tolls now payable upon the ſaid Roads by virtue of the ſaid recited Acts, ſhall upon the *Monday* next after the paſſing of this Act, ceaſe, determine, and be no longer payable; and that inſtead thereof, the following Tolls ſhall be demanded and taken at each and every of the Toll Gates erected under the Authority of the ſaid Acts and this Act; (that is to ſay),

For every Horſe, Mule or Aſs, laden or unladen, and not drawing, Two-pence:

For every Horſe, Mule, or other Beaſt, drawing any Gig, Chair, Chaiſe, Chaiſe-Cart, or Taxed Cart, where only One Horſe is uſed, Five-pence.

For every Horſe, Mule, or other Beaſt, drawing any Coach, Berlin, Barouche, Chariot, Curricle, Hearſe, Calaſh, Chaiſe, Chair, Gig, Taxed Cart, or any other ſuch like Carriage, where more than one Horſe is uſed, excepting licenſed Stage Coaches and Diligences, Sixpence:

For every Horſe, Mule, or other Beaſt, drawing any licenſed Stage Coach or Diligence, Nine-pence:

For every Horſe, Mule, or other Beaſt drawing any Waggon, Cart, Dray, or other ſuch like Carriage, having the Soles of the Wheels of a leſs Breadth than Six Inches, Eight-pence:

For every Horſe, Mule, or other Beaſt, drawing any Cart, Dray, Waggon, or other ſuch like Carriage, having the Soles of the Wheels of the Breadth of Six Inches and leſs than Nine Inches, Five-pence:

For

For every Horſe, Mule, or other Beaſt, drawing any Cart, Dray, Waggon, or other ſuch like Carriage, having the Soles of the Wheels of the Breadth of Nine or more Inches, Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, or in Proportion thereto, One Shilling:

For every Drove of Calves, Hogs, Sheep or Lambs, *per* Score, or in Proportion thereto, Sixpence:

And that One Half over and above the ſaid reſpective Tolls ſhall and may be demanded and taken on every *Sunday* during the Continuance of this Act:

Extra Toll on Sundays.

Which ſaid reſpective Tolls ſhall be, and are hereby declared to be veſted in the Truſtees appointed or to be appointed for the Purpoſe of the ſaid recited Acts or this preſent Act; and that it ſhall and may be lawful for the ſaid Truſtees to demand and take, or cauſe to be demanded and taken the ſaid Tolls at the reſpective Gates erected or to be erected acroſs or near the ſaid Roads; and that they the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall authorize and appoint for that Purpoſe, ſhall have ſuch and the ſame Powers, Authorities, and Remedies, for collecting, demanding, recovering, levying, aſſigning, transferring, leaſing, and compounding for the Tolls hereby granted and made payable, as are in and by the ſaid recited Acts given and expreſſed with reſpect to the Tolls thereby granted and made payable; and that the ſaid Tolls hereby granted and made payable, ſhall be paid, applied, and diſpoſed of, to and for ſuch Uſes, Intents, and Purpoſes, as are in the ſaid recited Acts and this Act directed and appointed in that Behalf.

Tolls to be paid but once a Day.

V. And it is hereby further declared and enacted, That no Perſon having Occaſion to paſs through any Turnpike or Turnpikes where the Tolls are or ſhall be taken, and who ſhall return the ſame Day through the ſame or any other Turnpike or Turnpikes, continued or erected by virtue of the ſaid recited Acts or this Act, before Twelve of the Clock in the Night of that Day, with the ſame Horſe or Horſes, or other Beaſt or Beaſts, or any Sort of Cattle, for which ſuch Tolls ſhall have been paid, ſhall be liable or compelled the ſame Day to pay the ſaid Tolls more than once, ſuch Perſon producing a Ticket denoting that ſuch Toll hath been paid on that Day; all which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Toll; and each Ticket delivered upon receiving Toll for the Paſſage of any Carriage, ſhall have ſome Letter or Mark thereon denoting whether the ſame is going out or returning; and ſhall alſo denote the ſeveral Gates through which any Perſon, having once paid Toll, ſhall be allowed to paſs on the ſame Day.

Certain Carriages to pay Toll for every Time they paſs laden on the ſame Day.

VI. Provided always, and be it further enacted, That the Driver of any Horſe or Horſes, or other Beaſt or Beaſts, drawing any Waggons, Carts, Drays, and other ſuch like Carriages, which ſhall paſs laden more than Twice in the ſame Day through any Turnpike Gate or Bar where Tolls are by virtue of the ſaid recited Acts or this Act to be received, ſhall be and are hereby made liable to pay Toll a Second Time on ſuch Day; and after the Payment of ſuch Second Toll, no other Toll ſhall be demanded or taken for or in reſpect of the ſame Horſe or Horſes, Beaſt or Beaſts, on that Day; any Thing herein or in the ſaid recited Acts contained to the contrary thereof in anywiſe notwithſtanding.

VII. And

Carriages with Wheels not rolling a flat Surface, to pay the ſame Toll as for Narrow Wheels

VII. And be it further enacted, That every Waggon, Wain, Cart, or other ſuch like Carriage, drawn by any Horſe or Horſes, or other Beaſt or Beaſts, in reſpect of which any Tolls may be demanded and taken by virtue of this Act, having the Sole or Bottom of the Fellies of the Wheels thereof deviating more than Half an Inch from a flat Surface, or having the interior Diameter deviating from the exterior Diameter thereof more than One-ſixth Part of the Breadth of the Sole or Bottom of the Felly, or having One or more of the Tires of ſuch Wheels to project more than the other Tires of the ſame Wheel, ſhall be liable to pay the Toll by this Act impoſed, in reſpect of Horſes or other Beaſts of Draught drawing any ſuch Carriage, having the Fellies of the Wheels of a leſs Breadth or Gauge than Six Inches.

Carriages with Wheels of a certain Deſcription chargeable with leſs Tolls or Penalties for Overweight.

VIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, and they are hereby authorized, if they ſhall think fit, to exempt from Payment of all or any Part of the additional Tolls or Penalties for Overweight impoſed and granted by an Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled 'An Act to 'explain and amend and reduce into One Act of Parliament, the general 'Laws now in being for regulating of Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes, ſo far as the ſame 'relates to the Payment of additional Tolls at Weighing Engines, and the 'Number of Horſes to be uſed in Carriages drawn on Turnpike Roads; 'and for allowing certain Exemptions with reſpect to Weight and Payment 'of Tolls in particular Caſes;'* every Waggon, Wain, Cart, or other ſuch Carriages as aforeſaid, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, or of Nine Inches, or of Sixteen Inches or upwards, and being cylindrical, that is to ſay, of the ſame Diameter on the Inſide next the Carriage, and on the Outſide, ſo that when rolling on a flat Surface, the whole Breadth thereof ſhall bear equally on ſuch flat Surface; and that the oppoſite Ends of the Axletrees of ſuch Carriages, ſo far as the ſame ſhall be inſerted in the Naves of the Wheels, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo that in each Pair of Wheels belonging to ſuch Carriages the lower Parts which ſhall reſt on the Ground ſhall be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels: Provided always, that no ſuch Exemption from additional Tolls or Penalties for Overweight ſhall be allowed for or in reſpect of any ſuch Waggon, Wain, Cart or other Carriage, having the Fellies of ſuch Wheels of Six Inches and upwards in Breadth, and not being Nine Inches in Breadth, and the ſame being ſo placed, and the Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Eight hundred Weight; nor ſhall any ſuch Exemptions be allowed for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Nine Inches and upwards in Breadth, and not being Sixteen Inches in Breadth, and the ſame being ſo placed, and having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Fifteen hundred Weight; nor for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Sixteen Inches and upwards in Breadth, and the ſame being ſo placed, and

having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Thirty hundred Weight.

In caſe of Neglect or Refuſal to pay the Tolls, Juſtices may enquire in a ſummary Way.

IX. And be it further enacted, That if any Perſon ſhall neglect or refuſe to pay any of the Tolls hereby granted, and where no Diſtreſs ſhall have been made for the ſame, purſuant to the Powers of the ſaid recited Acts, it ſhall be lawful for any One Juſtice of the County, Liberty, Diviſion, or Place, where the Toll Gate through which ſuch Perſon ſhall have paſſed is ſituate, upon Complaint to him made, to make Enquiry concerning ſuch Neglect or Refuſal; and by Warrant under his Hand and Seal to cauſe ſuch Tolls or Money as ſhall appear to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon, rendering the Overplus (if any) after the Money remaining due and the Charges of the ſaid Diſtreſs ſhall have been firſt deducted.

Diſputes concerning Tolls to be ſettled by a Juſtice.

X. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Quantity of Toll due, or the Charge of keeping any Diſtreſs or Diſtreſſes, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by the Sale thereof (as the Caſe may happen) until the Quantity of Toll due, and the Charges of ſeiſing, diſtraining, keeping, and ſelling ſuch Diſtreſs or Diſtreſſes ſhall be aſcertained by ſome Juſtice of the Peace for the County, Liberty, Diviſion, or Place, where ſuch Diſtreſs ſhall have been made; who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or any credible Witneſs or Witneſſes, and determine the Quantity of the Toll due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon, before he ſhall be obliged to return any Diſtreſs, or the Overplus Money after the Sale thereof, or of any Part thereof.

Collectors of Tolls not to be deemed incompetent Witneſſes.

XI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, or any of them, or the Recovery of any of the Penalties by the ſaid recited Acts or this Act to be laid, or to the Execution of any of the Powers of the ſaid recited Acts or this Act, no Perſon or Perſons appointed to collect the ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect the ſaid Tolls.

Exemptions from Tolls.

XII. And be it further enacted, That from and after the paſſing of this Act, no Toll ſhall be demanded or taken upon the ſaid Turnpike Roads, for any of the Coaches or Carriages or Horſes of their Majeſties, or any other of the Royal Family, or for any of the Horſes of His Majeſty's Guards, or any of the Servants attending their Majeſties, or any other of the Royal Family; or for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying on the ſame Day, any Stone, Brick, Gravel, or other Materials for repairing the ſaid Roads, or for repairing the Highways in any Pariſh or Place through which any Part of the ſaid Roads paſs; nor for any Cattle drawing

ing or going with, or going empty or returning empty after being laden only with any Ploughs, Harrows, or other Implements of Huſbandry, or with Manure, belonging to any Inhabitant or Occupier of Land within the ſaid reſpective Pariſhes or Places; nor for any Horſe or Horſes or other Cattle going to or from Water, Paſture, or Plough, or other Work in Huſbandry, upon or in any of the Lands within any of the ſaid ſeveral Pariſhes or Places, or going to be or returning from being ſhoed or farried; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, or of or from any Perſon or Perſons in any of the ſaid Pariſhes or Places, for paſſing through any of the ſaid Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, to or from his, her, or their reſpective Pariſh Churches, or other uſual Place of Religious Worſhip, licenſed according to Law, for the Purpoſe of attending, or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpſe or attending the Funeral of any Perſon who ſhall have died in and is to be interred in any of the ſaid Pariſhes or Places; or for any Horſes or Carriages employed or to be employed in conveying, fetching or guarding the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt Maſter General, or in returning back from conveying or guarding the ſame, or for the Horſes of Soldiers upon their March or upon Duty, or for Horſes, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in 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 for Horſes or Carriages travelling with Vagrants ſent by legal Paſſes, or for any Coaches, Berlins or Landaus, Sociables, Chariots, Curricles, Calaſhes, Chaiſes, Phaetons, Whiſkies, Chairs or other Carriages, or Paſſengers on Horſeback going to or returning from any Election of any Knight or Knights of the Shire to ſerve in Parliament for the County of *Surrey* during ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay, for every ſuch Offence, 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; and ſhall be recoverable in the Manner directed by the ſaid recited Acts.

Carriages conveying Military

XIII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided

Stores, not to be ſubject to Penalties for Overweight, &c.

provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, 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 or the ſaid recited Acts contained to the contrary notwithſtanding.

Certain Carriages to pay Tolls on the Days of Election of Members for Surrey.

XIV. Provided always, and be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful to and for the ſaid Truſtees to cauſe the ſaid Tolls to be demanded and taken on the Day or Days of Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Surrey*, for and in reſpect of Horſes or other Cattle drawing Waggons, Wains, and Carts, paſſing through any of the ſaid Toll Gates or Bars, on ſuch Day or Days of Election, loaded with Goods; any Thing in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

Carriages returning and drawn by different Horſes not to be exempt.

XV. And be it further enacted, That nothing in this Act or the ſaid recited Acts contained, ſhall extend or be conſtrued to extend to exempt from the Payment of Toll, Horſes or other Cattle drawing any Coach, Berlin, Landau, Chariot, Chaiſe, or Chair, (except all ſuch Carriages as are herein-before exempted), which having paſſed through the ſaid Gates or Bars ſhall return through the ſame, drawn with other Horſes than thoſe with which ſuch Carriage was drawn when firſt paſſing through ſuch Gates or Bars in the ſame Day.

Application of Compenſation Money when amounting to 200l.

XVI. 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 recited Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid recited Acts 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 recited Acts or this Act; to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then

then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or 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 and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court of Chancery, upon Application thereunto, 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, or Hereditaments, by the ſaid recited Acts or this Act directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and amounting to 20l.

XVII. 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 amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, 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 by 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, to be placed to his Account as aforeſaid, in order to be applied in Manner 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 for executing the ſaid recited Acts and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

XVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt-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 the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and 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.

Directions in Caſes of not making out Titles.

XIX. 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 recited Acts or 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 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 ſaid Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery 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 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.

Reſpecting diſputed Titles.

XX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Acts or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Acts or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under 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 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 of Chancery may order Truſtees to pay Expences.

XXI. 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 the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the 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 the ſaid recited Acts or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes, from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, 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 ſuch Purpoſes as the ſaid Court ſhall direct.

Reſpecting Statute Work.

XXII. Provided always, and be it further 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 ſaid Roads, 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 the County, Liberty, Diviſion, or Place through which any Part of the ſaid Roads paſs, and they are hereby empowered and required, (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or 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 in Force and Effect, for the Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days, and at ſuch Times

(not

(not being Hay Time or Harveſt) and upon ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons, who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts authothorized 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, 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 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 ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes 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.

For compounding for Statute Work.

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Statute Work to be by them done on the ſaid Roads, or any Part thereof; and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Pariſhes or Places in which the ſaid Roads are 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 any Part of the Statute or other Work, to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer 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.

XXIV. And

Truſtees to take Poſſeſſion of Toll Houſes, &c. in the Hands of Leſſees, Farmers or Collectors.

XXIV. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Turnpikes or Toll Gates erected or to be erected on the ſaid Roads, ſhall at any Time or Times be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers, to whom the ſaid Tolls ſhall reſpectively be demiſed or let, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, or any Part or Inſtalment thereof, ſhall be in Arrear and unpaid by the Space of Five Days next after the Days on which the ſame ought to be paid, purſuant to the Contract or Agreement for letting the ſame, or if any Collector or Receiver of the Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow or any of the Children, Family, or Repreſentatives of any Collector or Receiver, who ſhall die, abſcond, abſent himſelf, or be diſcharged, or if any other Perſon or Perſons ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Toll Houſes, with the Buildings and Appurtenances thereto belonging, for the Space of Five Days next after Demand made thereof in Writing, ſigned by any Five of the Truſtees, or by their Clerk or Treaſurer, with their Authority, and left in ſuch Toll Houſe, or in any Toll Houſes erected or to be erected, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees, or any Two or more of them, or the Clerk or Treaſurer, or any other Perſon, authorized by Writing under the Hands of any Five or more of the ſaid Truſtees, with ſuch Aſſiſtance as ſhall be thought neceſſary, to enter into and upon the Poſſeſſion of ſuch Toll Houſe or Toll Houſes, Weighing Engine or Weighing Engines, and other Buildings and Premiſes in the Day-time, and remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and from the Collection of the Tolls there payable, and to put the ſaid Truſtees, or any of their Officers, or any other Perſon or Perſons appointed by the ſaid Truſtees, or any Five or more of them, in Poſſeſſion thereof; and on ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons employed by or in Poſſeſſion under them, being ſo put out of Poſſeſſion as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, if they ſhall think fit, to vacate and determine the Contract or Agreement, for leaſing and letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall accordingly be utterly void to all Intents and Purpoſes, as if ſuch Demiſe, Contract, or Agreement had never been made (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved or made payable); and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe, to demiſe, let, or farm, the ſaid Tolls again to any other Perſon or Perſons, in the ſame Manner as if no former Demiſe, Contract, or Agreement, had been made or entered into relative to the ſame.

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

XXV. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons, under the Authority of the ſaid recited Acts or this Act, to dig, gather, get, take or carry away, any Materials for repairing the ſaid Roads or any Part thereof, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor or Surveyors for the Time being, ſhall have been given to the Owner and Occupier of the Premiſes, or the known Agent of any

such Owner 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 Two or more Justices of the Peace acting for the said County of *Surrey*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers or any of them, or their or his Agent or Agents shall not attend, or shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases, the said Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper, and shall and may make such Order therein as they shall think fit, making or tendering such Satisfaction for the Materials, and for the Damage done to the Owners or Occupiers respectively of such Lands or Grounds, where or from whence the same shall be dug, gathered, taken, or carried away, or upon, over, or through which the same or any other Materials so dug for repairing the said Roads, and gathered as aforesaid, shall be conveyed, as the said Justices shall adjudge reasonable.

Penalty for riding on Footpaths.

XXVI. And be it further enacted, That if any Person shall ride upon the Foot or raised Path, made for the Convenience of Foot Passengers, along the Side of the said Roads, or shall wilfully drive, suffer, or cause any Horse or other Cattle or Beast, or any Cart, or any other Carriage, to be on such Foot or raised Path, or shall in any Manner injure such Foot or raised Path, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered on the Oath of One credible Witness, or the Confession of the Party offending, before any Justice of the Peace for the said County; and in case of Non-payment of such Penalty, at such Time as such Justice shall order, it shall and may be lawful to and for such Justice to commit the Offender to the House of Correction, for any Time not exceeding the Space of Fourteen Days.

Power to detain Persons guilty of Offences.

XXVII. And whereas Persons guilty of Offences against the said recited Acts or this Act, may be transient Persons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it shall be lawful for the Surveyors or other Officers duly authorized by the Trustees, to seize any unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them, before any One or more Justices of the Peace for the County, Liberty, Division or Place, where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

For paying the Expences of this Act.

XXVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged by the said Trustees, or any Five or more of them, out of the first Monies received or to be received or borrowed by virtue of the said recited Acts or this Act, in Preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for the Expences of obtaining and passing this Act, such Person or Persons shall be repaid the same, together with lawful Interest thereon, from the Time of advancing such Money.

Public Act.

XXIX. 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.

XXX. And

Commencement and Term of the Act.

XXX. And be it further enacted, That the Term granted by the said recited Acts shall, upon the *Monday* next after the passing of this Act, cease and determine; and the said recited Acts (subject to the Alterations, Variations, and Additions herein-before contained) and this Act, shall from thenceforth commence, continue and be in force, and be executed 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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