ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xlviii.

An Act for repairing the Road from *Sutton*, in the County of *Surrey*, through the Borough of *Reigate*, by *Sidlow Mill* to *Povey Croſs*, and ſeveral other Roads therein mentioned, in the ſame County.

[12th *May* 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 repairing and widening the Road from* Sutton, *in the County of* Surrey, *through the Borough of* Reigate, *by* Sidlow Mill *to* Povey Croſs, *and from* Sutton *aforeſaid through* Cheam *and over* Howell Hill *to* Ewell, *and alſo the Road from* Tadworth *by the Windmill, to the Bottom of* Pebble Hill, *in the ſaid County*: And whereas another Act was paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term granted by an Act of the Twenty-eighth Year of His late Majeſty's Reign, for repairing and widening the Road from* Sutton, *in the County of* Surrey, *through the Borough of* Reigate, *by* Sidlow Mill *to* Povey Croſs, *and from* Sutton *aforeſaid through* Cheam, *and over* Howell Hill *to* Ewell, *and alſo the Road from* Tadworth *by the Windmill, to the Bottom of* Pebble Hill, *in the ſaid County*; *and for empowering the Truſtees appointed by an Act of the Tenth Year of His late Majeſty King* George *the Firſt, for repairing ſeveral Roads in the Counties of* Surrey *and* Suſſex, *to make a yearly Allowance to the Truſtees appointed by the ſaid Act of the Twenty-eighth of* George *the Second, and for taking certain Roads out of the Power of the Truſtees appointed by the ſaid Act of the Tenth*

28 G.2. c.28.

10 G.3. c.84.

Tenth of George *the First, and putting them under the Direction of the Truſtees appointed by the ſaid Act of the Twenty-eighth of* George *the Second, and for repairing the Road from* Povey Croſs, *in the County of* Surrey, *to the Oak dividing the Counties of* Surrey *and* Suſſex, *and alſo the Road from* Woodhatch *to* Peteridge Lane, *in the County of* Surrey: And whereas another Act was paſſed in the Fortieth Year of the Reign of His preſent
40 G. 3. c. 112. 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 in the Tenth Year of the Reign of His preſent Majeſty, for repairing and widening the Road from* Sutton, *in the County of* Surrey, *through the Borough of* Reigate, *by* Sidlow Mill *to* Povey Croſs, *and ſeveral other Roads therein mentioned, in the ſame County:* And whereas the Truſtees appointed in and by the ſaid Acts, have repaired and improved the ſaid Roads, and for that Purpoſe have borrowed conſiderable Sums of Money upon the Credit of the Tolls by the ſaid Acts granted; which Money is ſtill due and owing, and cannot be repaid, and the Roads effectually amended, improved, and kept in repair, unleſs ſome of the Powers of the ſaid Acts be altered and enlarged, and the Tolls increaſed: And whereas the making, maintaining, and keeping in repair of a new Line of Road from or nearly from the South End of *Sidlow Bridge*, ſituate upon the ſaid Road leading from *Sutton* aforeſaid, through the Borough of *Reigate* aforeſaid to *Povey Croſs* aforeſaid, through certain incloſed Lands in the Pariſhes of *Horley* and *Charlwood* aforeſaid, unto the North Side of *Hookwood Common* in the Pariſh of *Charlwood* aforeſaid, and thence over the ſame Common unto a certain Bridge there upon the ſaid Road leading from *Sutton* aforeſaid to *Povey Croſs* aforeſaid, will be a great Benefit and Convenience to the Inhabitants of the ſaid Pariſhes and Places, and will alſo be of public Utility; and it is deſirable that the Powers heretofore granted by the ſaid recited Acts, and ſuch further Powers as may be neceſſary for keeping in repair the ſaid Roads, and for making, completing, and keeping in repair ſuch intended new Line of Road ſhould be contained in one Act: 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

Recited Acts repealed. of the ſame, That from and after the paſſing of this Act, the ſaid Acts of the Twenty-eighth Year of the Reign of His late Majeſty King *George* the Second, and of the Tenth and Fortieth Years of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby declared to be repealed; and inſtead thereof this Act ſhall commence and take effect on the paſſing thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually making, repairing, widening, altering, improving, and keeping in repair the ſeveral Roads herein-after deſcribed.

New Term and Tolls liable to Debts, &c. II. And be it further enacted, That this Act and the Term and Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid recited Acts, and of all Intereſt due and to grow due thereon, as fully and effectually to all Intents and Purpoſes, as if ſuch Monies had been borrowed

or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Perſon and Perſons who may owe or be ſubject or liable to the Payment of any Sum or Sums of Money to the Truſtees for executing the ſaid recited Acts, or to any other Perſon or Perſons, for the Benefit of the ſaid Truſt, or of any of the Roads to be kept in repair by virtue of the ſaid Acts, ſhall be liable to the Payment of all ſuch Sum and Sums of Money to the Truſtees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Perſon or Perſons, to or with any of the Truſtees for executing the ſaid recited Acts, according to the Proviſions and Directions of the ſaid recited Acts, ſhall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the ſame are fully ſatisfied and performed, on account and for the Benefit of the Truſt under this Act; and all Contracts or Agreements duly made or entered into by the Truſtees for executing the ſaid recited Acts hereby repealed, to or with any Perſon or Perſons, ſhall remain in full Force and Effect, and be obſerved and kept by the Truſtees under this Act, according to the Terms or Stipulations thereof reſpectively, notwithſtanding the Repeal of the ſaid recited Acts.

Recital of 42 G. 3. c. 76. whereby 200l. per Annum is directed to be paid to the Truſtees of the Reigate Road.

III. And whereas by an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for repealing an Act paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty King* George *the Third, for more effectually repairing the Roads leading from the* Stones End *in* Blackman Street, *in the Borough of* Southwark, *in the County of* Surrey, *to* Highgate, *in the County of* Suſſex, *and ſeveral other Roads therein mentioned, and for granting other Powers for thoſe Purpoſes*, it is enacted, that all the Tolls and other Money which ſhould come to the Hands of the Truſtees for putting the ſaid Act into Execution, or any of them, or their Treaſurer, by virtue of the ſaid Act, ſhould be applied in paying the annual Sum of Two hundred Pounds to the Truſtees for carrying into Execution the ſaid recited Act of the Tenth Year of the Reign of His preſent Majeſty, according to the Direction of the ſaid Act: And whereas it is juſt and reaſonable that the ſaid annual Sum of Two hundred Pounds ſhould be made payable to the Truſtees appointed for putting into Execution this Act, for and during the Continuance of the ſaid recited Act of the Forty-ſecond Year of the Reign of His preſent Majeſty; be it therefore further enacted, That the ſaid Truſtees for executing the ſaid recited Act of the Forty-ſecond Year of the Reign of His preſent Majeſty, ſhall and they are hereby authorized and required to pay or cauſe to be paid the ſaid annual Sum of Two hundred Pounds, thereby directed to be paid to the Truſtees for executing the ſaid recited Act of the Tenth Year of the Reign of His preſent Majeſty, hereby repealed, unto the Truſtees for the Time being for executing this Act, or unto ſuch other Perſon or Perſons as they ſhall appoint, at the Times and in Manner directed by the ſaid recited Act of the Tenth Year of the Reign of His preſent Majeſty, for and during the Continuance of the ſaid recited Act of the Forty-ſecond Year of the Reign of His preſent Majeſty, in lieu of and in full Satisfaction of any Share or Shares of any Toll hereafter to ariſe by virtue of the ſaid Act paſſed in the Tenth Year of the Reign of His late Majeſty King *George* the Firſt, or of any ſubſequent Act for continuing the ſame; and that the Receipt of the Treaſurer or Treaſurers, or ſuch Perſon as the ſaid Truſtees for putting this Act into Execution

ſhall

ſhall appoint to receive the ſame, ſhall be a ſufficient Diſcharge to the ſaid Truſtees for putting in Execution the ſaid Act paſſed in the ſaid Forty-ſecond Year of the Reign of His preſent Majeſty, or their Treaſurer, for the ſaid annual Sum, by the ſaid Act of the ſaid Forty-ſecond Year of His preſent Majeſty's Reign and this Act directed to be paid; which ſaid annual Sum ſhall be applied in the repairing the Roads directed to be repaired by the ſaid Act of the Twenty-eighth Year of His late Majeſty King *George* the Second, and the ſaid Act paſſed in the Tenth Year of the Reign of His preſent Majeſty, and to no other Uſe or Purpoſe whatſoever; and in default of Payment of the ſaid annual Sum of Money or any Part thereof, it ſhall be lawful for the Clerk or Treaſurer to the Truſtees for executing this Act, and he is hereby authorized and empowered to ſue for and recover ſuch annual Sum of Money, when the ſame ſhall be in arrear, in like Manner as the Truſtees appointed to put in Execution the ſaid Act of the Tenth Year of the Reign of His preſent Majeſty hereby repealed, might have ſued for and recovered the ſame at the Time of paſſing this Act, or in caſe this Act had not paſſed.

Recital of 47 G.3. c.25. whereby 200l. is directed to be paid to the Truſtees of the Reigate Road.

IV. And whereas by an Act paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a Road from* Foxley Hatch, *in the Pariſh of* Croydon, *into the Town of* Reigate, *in the County of* Surrey, after reciting the Three Acts hereby repealed, and that it was expedient that Compenſation ſhould be made to the Truſtees appointed to put the ſame Acts in Execution, for any Loſs they might ſuſtain by ſuch new Road being made, it is enacted, that the Truſtees for putting in Execution the ſaid Act paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty, ſhould, and they were thereby authorized and required, from and after the Expiration of Four Years from the Time when any Toll ſhould have become payable, and have been collected, by virtue of the ſame Act, by and out of ſuch Tolls, or out of any Money to be borrowed on the Credit of the ſaid Tolls, before any other Payments whatſoever ſhould be made, after the Expiration of the ſaid Period, to pay or cauſe to be paid to the Truſtees for putting in Execution the ſaid Three recited Acts hereby repealed, at the Times and in the Manner in the ſaid Act paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty mentioned, the yearly Sum of Two hundred Pounds, for and during the Reſidue of the Term granted by the ſame Act, to be applied and diſpoſed of by the ſaid Truſtees for executing the Three recited Acts hereby repealed, as the Tolls and Monies to be collected and raiſed under the ſame Acts are thereby directed to be applied and diſpoſed of; be it therefore further enacted, That the ſaid Truſtees for executing the ſaid recited Act of the Forty-ſeventh Year of the Reign of His preſent Majeſty ſhall, and they are hereby required to pay, or cauſe to be paid, the ſaid annual Sum of Two hundred Pounds, directed to be paid to the Truſtees for executing the ſaid Three recited Acts hereby repealed, unto the Truſtees for the Time being for executing this Act, or unto ſuch Perſon or Perſons as they ſhall appoint, for and during the Period, and at the Times and in the Manner which the ſaid Sum of Two hundred Pounds is directed to be paid to the Truſtees for executing the ſaid Acts hereby repealed; and in default of Payment of the ſaid Sum of Money, or of any Part thereof, it ſhall be lawful for the Truſtees for executing this Act, and they are hereby inveſted with the ſame Powers and Authorities to levy and recover ſuch Sum of Money, in the ſame Manner and by ſuch Ways and

and Means as the Truſtees appointed to put in Execution the ſaid Acts hereby repealed, poſſeſſed, and were authorized and empowered to levy and recover the ſame at the Time of the paſſing of this Act, or might or could have recovered the ſame in caſe this Act had not paſſed.

Truſtees. V. And be it further enacted, That *George Adams*, Sir *James Alexander*, *Alexander Apſley*, the Reverend *Peter Aubertin*, *Michael William Barnes*, *Thomas Beaumont*, the Reverend *Martin Benſon*, the Reverend *Willoughby Bertie*, *Henry Boulton*, *Charles Henry Bouverie*, *William Broadbent*, *Chriſtopher Buckle*, *Thomas Budgen*, *Tnyer Burgeſs*, *John Carter*, *Nicholas Charrington*, *Thomas Charrington*, *Thomas Charrington* the younger, *Robert Clement*, *William Clutton* the younger, the Honourable *John Sommers Cocks*, the Honourable *James Sommers Cocks*, the Honourable *Philip James Cocks*, *James Cocks*, *Thomas Sommers Cocks*, *Richard Cocks*, *Robert Saluſbury Cotton*, *Abraham Parry Cumberbatch*, *Mark Currie*, the Reverend *John Deake*, *Charles Scrarce Dickins*, *William Dalrymple Dowſon*, *Charles Drummond*, the Right Honourable *William Elliot*, *John Fanſhaw*, *Farmer*, the Reverend *John Eales Francis*, *Thomas Gale*, the Reverend Doctor *Gardiner*, *John Gooſe*, *James Haite*, *Ambroſe Hall*, *Humphrey Hall*, the Reverend *Arthur Howland*, *Humphrey Howorth*, *Robert Hudſon* the elder, *Robert Hudſon* the younger, the Reverend *William John Jolliffe*, *Hylton Jolliffe*, *Arthur Jones*, *William Kenrick*, the Reverend *Jarvis Kenrick*, the Reverend *John Taylor Lamb*, *Daniel Lambert* the elder, *Daniel Lambert* the younger, *Michael Leeming*, *Thomas Hotchkis Littler*, *Beeſton Long*, *Thomas Martin*, *Francis Maſeres*, *Thomas Miller*, *Motteaux*, *George Moubray*, the Reverend *Myers*, *Thomas Neale*, *Richard Nichol*, *Nicholas Nixon*, the Reverend *Pagett*, *Thomas Paley*, *Thomas Parry*, *Henry Peters*, *James Petty*, *Iſrael Piper*, *Thomas Piper*, *William Sanders Robinſon*, *Edward Ruſſell*, *John Sanders* of *Reigate*, *John Sanders* of *Hookwood*, *Melenchon Sanders*, the Reverend *Edmund Sandford*, *John Sharpe*, the Reverend *Richard Filewood Suelſon*, *Edward Try*, *William Turner*, the Reverend *James Weller* Doctor of Laws, the Reverend *Henry Wiſe*, Sir *Mark Wood*, Major General *George Wood*, *Mark Wood*, *James Woodbridge*, the Right Honourable *Charles Yorke*, Sir *Joſeph Sydney Yorke*, and *Joſeph Yorke*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for repairing, altering, widening, and improving the Road leading from the Twelfth Mile Stone in the Town of *Sutton*, in the County of *Surrey*, to and through the Borough of *Reigate* by *Sidlow Mill*, in the Pariſh of *Reigate*, by *Povey Croſs*, in the Pariſh of *Charlwood*, in the ſaid County; and alſo the Road leading from *Sutton* aforeſaid through *Cheam* and over *Howell Hill*, to the Town of *Ewell*; and alſo the Road leading from *Tadworth* upon *Walton Heath*, by the Windmill to the Bottom of *Pebble Hill*, leading to *Betchworth*, *Leigh*, and *Charlwood*, in the ſaid County; alſo the Road leading from *Povey Croſs*, in the County of *Surrey*, to the Oak dividing the Counties of *Surrey* and *Suſſex*; and alſo the Road from *Woodhatch* to *Peteridge Lane*; alſo the Roads leading from the Borough of *Woodhatch*, in the Pariſh of *Reigate*, to the further End of *Horſehills Lane*, in the Pariſh of *Horley*, and from the Beginning of *Peteridge Lane* to the further End of *Bonehurſt* alias *Boner's Lane*, in the Pariſh of *Horley* aforeſaid, in the County of *Surrey*; and alſo for making and keeping in repair a new Line of Road from or nearly from the South End of *Sidlow* Bridge (ſituate upon the ſaid

Road leading from *Sutton* aforesaid, through the Borough of *Reigate* aforesaid, to *Povey Cross* aforesaid), through certain inclosed Lands in the Parishes of *Horley* and *Charlwood* aforesaid, unto the North Side of *Hookwood Common*, in the Parish of *Charlwood* aforesaid, and thence over the same Common, unto a certain Bridge there upon the said Road leading from *Sutton* aforesaid to *Povey Cross* aforesaid, and for putting this Act in every other Respect in Execution.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given as is herein-after directed respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit and able Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed.

Power to elect other Trustees, on Death, &c.

VII. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in manner herein mentioned, shall die or be disqualified to act, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees in the room of all and every Trustee or Trustees dying, becoming disqualified, or refusing to act as aforesaid; provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election, be given by the Clerk to be appointed or continued by the said Trustees as herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected and being upon the said Roads, Fourteen Days at least before every such Meeting; and all and every Person and Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

Qualification of Trustees.

VIII. 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 his Wife's Right, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of One thousand Pounds; and if any Person not being so qualified 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, nor more than one Imparlance shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty,

Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all the Acts and Proceedings of any ſuch Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtees to take an Oath.

IX. Provided alſo, and be it enacted, That every Truſtee appointed or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath next herein-after mentioned, at the Firſt or Second Meeting of the ſaid Truſtees) ſhall take an Oath before Three or more of the ſaid Truſtees (who are hereby empowered to adminiſter the ſame) in the Form or to the Effect following; that is to ſay,

'I *A.B.* do ſwear, that I am in my own Right [*or*, in the Right of my Wife] truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; [*and in caſe of an Heir Apparent*] I, *A.B.* do ſwear, that I am Heir Apparent of *C.D.* who to the beſt of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes: [*and in the Caſe of Perſonal Eſtate*] I, *A.B.* do ſwear, That I am truly and *bonâ fide* poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of One thouſand Pounds; and that I will truly and faithfully execute the Powers and Truſts repoſed in me by an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Truſtees holding Places of Profit not to act.

X. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of the Peace within their reſpective Juriſdictions in the Execution of this Act, notwithſtanding their being Truſtees, except only in Caſes where they ſhall be perſonally intereſted; nor ſhall any Mortgagee or Aſſignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, be on that Account deemed unqualified to act as a Truſtee in the Execution of this Act.

Victuallers not to be Officers, or act as Truſtees.

XI. 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, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Ale Houſe, or other Place of public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other Strong Liquors by Retail; but no ſuch 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 any ſuch Incapacity.

General Meetings of Truſtees.

XII. And be it further enacted, That the ſaid Truſtees ſhall meet at the *White Hart Inn*, in the Borough of *Reigate* aforeſaid, on the Third *Monday* after the paſſing of this Act, between the Hours of Nine and Twelve in the Forenoon, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and the ſaid Truſtees ſhall then and from Time to Time afterwards adjourn themſelves, and meet at the ſame Place, or at ſuch other Place either in the ſaid Borough of *Reigate*, or in ſome one of the ſaid Pariſhes through or into which the ſaid Roads are made or are intended to be made or carried, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct; provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, acroſs, or on the Sides of the ſaid Roads, at leaſt Fourteen Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed: Provided always, that no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting, except the Firſt Meeting to be held under this Act, before the Hour of Eleven in the Forenoon; nor ſhall any Meeting be appointed to be held at any later Hour than Two in the Afternoon of the Day on which ſuch Meeting is appointed to be held.

Meetings on Emergencies.

XIII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Meeting not being leſs than Seven Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid 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 Adjournments; and the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements in the Execution of this Act, and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by this Act authorized to make any ſuch Order, Agreement, or Determination; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given at leaſt Ten Days before, by affixing the ſame in Writing upon all the Toll Gates then erected on the ſaid Roads, nor unleſs a greater Number of the Truſtees

How Orders of the Truſtees are to be made and revoked.

ſhall

ſhall concur in the Revocation or Alteration thereof, than concurred in the making of any ſuch Order, Agreement, or Determination; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences; and at every Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed, and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion, including the Vote of the Chairman, then and in every ſuch Caſe, it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Truſtees to pay their own Expences.

Chairman to have a caſting Vote.

XIV. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid; except only in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

All Acts may be done by Five Truſtees, unleſs otherwiſe directed.

XV. And be it further enacted, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or by their Chairman and Clerk, or One of them; which Book or Books, and alſo the Book and Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments or Transfers thereof, ſhall be admitted as Evidence in all Courts whatſoever, touching any Thing done in purſuance of this Act.

Orders, &c. to be entered.

XVI. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered by Writing under their reſpective Hands, to appoint or continue ſuch Collector or Collectors of the ſaid Tolls, and Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Roads, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers or any of them, from Time to Time to remove, and on Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them or any of them in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or ſhall refuſe or neglect to pay the Money due on ſuch Account in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver

Appointing Officers Salaries, &c.

How Officers ſhall account.

up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, then and in every or any of the ſaid Caſes, it ſhall be lawful for any Two or more Juſtices of the Peace for the County, City, Town, or Place, wherein ſuch Officer or Perſon ſo refuſing or neglecting ſhall be or reſide, upon Complaint made to them by any Two or more of the ſaid Truſtees, and ſuch Juſtices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced; and if upon Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes (which Oath ſuch Juſtices are hereby empowered and required to adminiſter without Fee or Reward) or upon Inſpection of the ſaid Accounts, if produced, it ſhall appear to ſuch Juſtices that any of the Monies which ſhall have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or Officers, or other Perſon or Perſons, ſhall not appear before the ſaid Juſtices, unleſs for ſome ſufficient Excuſe, at the Time and Place by them appointed for that Purpoſe, or, if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtices an Account or Accounts of all Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Roads, then and in either of the Caſes aforeſaid, ſuch Juſtices may, and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction of the County, City, Town, or Place, where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize, until he ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make) or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof, to the ſaid Truſtees: Provided always, that no Perſon who ſhall be ſo committed for want of ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act for a longer Space of Time than Six Calendar Months.

Treaſurer to give Security.

XVII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers, to be appointed or continued for the Purpoſes of this Act, for the faithful

Execution

Execution of their respective Offices; and no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon or continue in such their Offices respectively, unless they shall have given such Security.

Trustees may appoint temporary Collectors in certain Cases.

XVIII. And be it further enacted, That upon the Death, Incapacity, Absconding or Absence, of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may 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, become incapable, abscond or absent himself; which Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die, become incapable, abscond or absent himself, would have had or been subject to.

No Trustee shall vote for Officers who has not acted in the preceding Year.

XIX. Provided always, and be it further enacted, That after the first Nomination and Appointment of any Officers in pursuance of this Act, no Trustee shall be capable of voting or acting in any future Nomination or Appointment of any such Officers respectively, upon Death or any other Vacancy or Vacancies, unless such Trustee shall have acted as a Trustee in the Execution of this Act, at least once within the Space of Twelve Calendar Months next preceding the Time of such last-mentioned Nomination or Appointment.

Books, &c. relative to former Act, to be delivered to the Trustees.

XX. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money by virtue or on account of the said Acts hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things, relating to the said Roads by the same Acts directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are herein-before required to pay or account for the same.

Subscribers compellable to pay their Subscriptions.

XXI. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of making and repairing the said new Line of Road proposed to be made by virtue of this Act, or any One or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for that Purpose, shall, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees, to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt or on the Case, Bill, Plaint, or Suit, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign,

Eſſoign, Protection, or Wager of Law, nor more than one Imparlanc ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiff in all ſuch Action and Actions, and Executions ſhall iſſue thereupon as the Caſe may require.

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

XXII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk or Treaſurer for the Time being; and no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of any ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees; but the Clerk or Treaſurer for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, ſued, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

How Expences are to be paid.

Power to erect Toll Gates, Toll Houſes, &c.

XXIII. And, for the Purpoſe of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the ſaid Truſtees may, and they are hereby authorized to continue all or any of the Toll Gates and Toll Houſes which have been erected in, upon, or acroſs any Part of the ſaid Roads by virtue of the ſaid Acts hereby repealed, and ſhall and may erect or cauſe to be erected ſuch and ſo many other Toll Gates in, upon, or acroſs any Part of the ſaid Roads, and alſo in, upon, and acroſs ſuch Parts and in ſuch Places of the ſaid Roads by this Act directed to be made, widened, improved, or kept in repair; and alſo ſuch and ſo many Toll Gate or Toll Gates on the Sides of the ſaid Roads, and in, upon, or acroſs any Street, Lane, or Byeway, that does or ſhall lead into or out of the ſame reſpectively, as they the ſaid Truſtees ſhall think proper and expedient (ſubject nevertheleſs to ſuch Reſtrictions and Directions as are herein-after mentioned concerning the ſame); and alſo ſhall or may erect or provide a Toll Houſe with ſuitable Buildings, a Garden and other Conveniences, not exceeding Half a Rood of Land, at or near each of the ſaid Toll Gates.

Toll Houſes, &c. veſted in Truſtees.

XXIV. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates and Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſts, Rails, and Fences, already erected by virtue of the ſaid Acts hereby repealed, and which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereto reſpectively belonging, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided for repairing the ſaid Roads by this Act directed to be made, widened, improved, or kept in Repair, ſhall be veſted in the ſaid Truſtees for the Time being; and they are hereby authorized

authorized and empowered to apply and diſpoſe of the ſame as they ſhall think fit, and to bring or cauſe to be brought any Action or Actions, and to prefer and proſecute, or order and direct the preferring and proſecuting of any Informations or Indictments againſt any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure or damage, any of the Toll Gates or Toll Houſes, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Poſts, Rails, and Fences, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforeſaid.

Power to remove Toll Gates.

XXV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Toll Bars already erected, or which ſhall be continued or erected in, upon, or acroſs, or on the Side or Sides of any Part of the ſaid Roads, by virtue of this Act, to be removed to and erected in, upon, or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct; provided that none of the ſaid Toll Gates or Toll Bars ſhall be removed as aforeſaid, unleſs Notice in Writing of the Intention to remove the ſame ſhall have been affixed Twenty-one Days at the leaſt upon all the Toll Gates then ſtanding upon the ſaid Roads.

Power to ſell the preſent Toll Houſes.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees abſolutely to ſell and diſpoſe of any Toll Houſe or Toll Houſes erected by virtue of the ſaid Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the ſame may ſtand, with the Outhouſes, Gardens, and Appurtenances thereunto belonging, when they ſhall be conſidered by the ſaid Truſtees uſeleſs and unneceſſary for the Purpoſes of this Act, to any Perſon or Perſons whomſoever, either by public Auction or private Sale, at or for ſuch Price or Prices as they the ſaid Truſtees can obtain for the ſame; and in caſe of Sale, to convey the ſaid Toll Houſes, Gardens, and Appurtenances, to the Perſon or Perſons who ſhall purchaſe the ſame, as an Eſtate or Eſtates of Inheritance in Fee Simple; and the Perſon or Perſons who ſhall purchaſe the ſame, his, her, or their Heirs or Aſſigns, ſhall, upon Payment of his, her, or their Purchaſe Money to the ſaid Truſtees, or to their Treaſurer or Treaſurers for the Time being, hold and enjoy the Premiſes by him, her, or them ſo purchaſed, diſcharged from all Truſts and free from all Incumbrances whatſoever, and ſhall not be obliged to ſee to the Application of his, her, or their Purchaſe Money, nor be anſwerable for the Miſapplication or Non-application thereof: Provided always, that ſuch Preference of purchaſing ſhall be given to the Perſon or Perſons from whom any Land on which any ſuch Toll Houſes may have been erected was purchaſed, as is herein-after directed to be given, where any Piece or Pieces of Ground or old Roads, not wanted for the Purpoſes of this Act, is authorized to be ſold and diſpoſed of.

Power to take Tolls.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be continued or appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, ſubject to the Reſtrictions herein-after

contained, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates, already erected by virtue of the said Acts hereby repealed, and which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the Roads leading from *Sutton* or *Reigate*, and from *Sutton* to *Cheam*, and over *Howell Hill* to *Ewell*, and from *Tadworth* by the Windmill, to the Bottom of *Pebble Hill*, or on the Side of any Street, Road, or Way leading into or out of any Part of the said Roads, 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,

Tolls. For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Chariot, Calash, Hearse, Chaise, Curricle, Chair, or other such Carriage, Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, Three-pence:

For every Horse, Ox, or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and under the Breadth of Nine Inches, Four-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, Eight-pence:

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

For every Drove of Oxen or other Neat Cattle, Ten-pence *per* Score, and so in Proportion for any less Number than a Score:

For every Drove of Calves, Sheep, Lambs, or Swine, Five-pence *per* Score, and so in Proportion for any less Number than a Score:

Double Tolls on Sundays. And that on every *Sunday* during the Continuance of this Act, there shall under the Provisions and Restrictions in this Act contained, be demanded and taken at the said Toll Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, Double the said respective Tolls.

And for passing through the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates, or Side Bar or Side Gate, already erected by virtue of the said Acts hereby repealed, or which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side or Sides of the said Road leading from the Borough of *Reigate* aforesaid to the Oak dividing the Counties of *Surrey* and *Sussex*, and in or across the Road leading from *Woodhatch* to *Peteridge Lane*, and from the Beginning of *Peteridge Lane* to the further End of *Bonehurst*, otherwise *Boners Lane*, in the said Parish of *Horley*, or for passing through any Toll Gates or Toll Bars, or Toll Gate or Toll Bar, to be erected on the new Line of Road intended to be made from or nearly from the South End of *Sidlow Bridge*, situate upon the said Road leading from *Sutton* aforesaid through the Borough of *Reigate* aforesaid to *Povey Cross* aforesaid, through certain inclosed Lands in the Parishes of *Horley* and *Charlwood* aforesaid, unto the North of *Hookwood Common*, in the Parish of *Charlwood* aforesaid, and thence over the same Common unto a certain Bridge there upon the said Road leading from *Sutton* aforesaid to *Povey Cross* aforesaid, to demand and take the several and respective Tolls which

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are herein-before directed to be demanded and taken for any Horſe, Cattle, or Beaſt paſſing through the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, already erected or to be erected by virtue of this Act in or acroſs the Road leading from *Sutton* to *Reigate*, and from *Sutton* through *Cheam* over *Howell Hill* to *Ewell*, and from *Tadworth* by the Windmill to the Bottom of *Pebble Hill*; and the ſaid reſpective Tolls ſhall, ſubject to the Reſtrictions in this Act contained, be demanded and taken before any Horſe, Mule, or other Beaſt, Coach, Waggon, Cart, or other Carriage whatſoever, or Drove of Oxen, or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to paſs through any Toll Gate erected or to be erected, or continued upon the ſaid Roads by virtue of this Act, or in, upon, or acroſs any Lane, Street, or Way leading into the ſame; and upon Payment of any of the ſaid Tolls the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, on which Note or Ticket ſhall be named and ſpecified the ſeveral Toll Gates through which ſuch Perſon or Perſons may paſs Toll-free, on Production thereof.

Tolls to be paid before the Cattle paſs the Gates.

XXVIII. And be it further enacted, That all and every Perſon and Perſons having paid the ſaid Tolls, on producing a Ticket from the Collector denoting ſuch Payment, ſhall be permitted to paſs and repaſs Twice in the ſame Day, to be computed as aforeſaid, through the Toll Gates or Toll Bars mentioned in ſuch Note or Ticket, with the ſame Horſes, Mules, or other Beaſts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen, or Neat Cattle, Calves, Sheep, Lambs, or Swine, without being ſubject or liable to any additional Toll for ſo doing; and no Perſon ſhall be permitted to paſs a Third Time in any one Day (to be computed as aforeſaid) with the ſame Cattle, through any of the Toll Gates or Toll Bars aforeſaid, until he ſhall pay ſuch and the ſame Toll as may be demanded and taken from him under and by virtue of this Act, upon his firſt paſſing in any Day with ſuch Cattle through any of the ſaid Toll Gates or Toll Bars; and at every ſubſequent Time any Perſon ſhall ſo paſs in one and the ſame Day with the ſame Cattle, the ſaid Tolls ſhall be demanded of and paid by ſuch Perſon, in ſuch and the like Manner as if it had been the Firſt Time that he or they had paſſed through any Toll Gates or Toll Bars.

Perſons paying Toll may paſs and repaſs Twice on the ſame Day, without paying an additional Toll.

XXIX. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be taken, deemed, or conſtrued to extend to charge any Horſe, Ox, or other Beaſt, drawing any Waggon, Cart, or other Carriage laden with Chalk, with more than One Toll in one and the ſame Day, to be computed as aforeſaid.

Chalk to pay Toll only once a Day.

XXX. And be it further enacted, That the Tolls hereby granted ſhall not be paid at more than One of the Gates upon the Road leading from *Sutton* to *Reigate*, and from *Sutton* to *Cheam*, and over *Howell Hill* to *Ewell*, and from *Tadworth* by the Windmill to the Bottom of *Pebble Hill*; and that the Tolls hereby granted ſhall not be paid at more than One of the Gates on the ſaid Roads leading from the Borough of *Reigate* aforeſaid to the Oak dividing the Counties of *Surrey* and *Suſſex*, and from *Woodhatch* to *Peteridge Lane*, and from *Peteridge Lane* to the further End of *Boner's Lane*, and on the intended new Road from the South End of *Sidlow Bridge* to the North Side of *Hookwood Common*, and thence over the

Limitation of the Number of Tolls payable on each Line of Road.

the ſame Common unto the ſaid Bridge there upon the ſaid Road leading from *Sutton* to *Povey Croſs*.

Tolls veſted in Truſtees.

XXXI. And be it further enacted, That all the ſaid reſpective Tolls, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being; and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned, in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or other Cattle, together with their Bridles, Saddles, Harneſs, or Accoutrements, or any Carriage together with its Lading, upon which any Toll is by this Act impoſed (but no ſuch Bridle, Saddle, Harneſs, or Accoutrements ſhall be ſo ſeized, without detaining and ſeizing the Horſe or other Beaſt bearing the ſame) or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls and the reaſonable Charges of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale pay ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon demand to the Owner or Owners thereof.

Exemptions from Toll.

XXXII. And be it further enacted, That no Tolls ſhall be demanded or taken for any Horſe or Cattle drawing any Carriage paſſing through any of the Toll Gates or Toll Bars, erected or continued, or to be erected by virtue of this Act, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be uſed on or about the ſaid Roads, or for repairing any of the Highways in the Pariſhes, Diſtricts, or Places, which are liable to perform Statute Duty upon any Part of the ſaid Roads, or on returning empty, having been ſo employed; nor carrying or conveying Hay not having been ſtacked, Straw or Corn in the Straw only, not ſold or diſpoſed of, but going to be laid up in the Houſes, Out-houſes, Barns, or Yards, of the Owners thereof, in any of the ſaid laſt-mentioned Pariſhes, Diſtricts, or Places; nor any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in any of the ſame Pariſhes, Diſtricts, or Places, or to be taken to any Place for the Purpoſe of the ſame being repaired, or to be brought back from ſuch Place after the ſame ſhall have been repaired; nor any Lime, Dung, Mould, Aſhes, Soil, or Compoſt of any Kind whatſoever, to be uſed in the Cultivation or Manuring of Lands (Chalk only excepted); nor from any Clergyman going to or returning from viſiting any of his ſick Pariſhioners, or going to or returning from Church or Divine Service, or on any other his Parochial or Miniſterial Duty; nor from any other Perſon or Perſons reſiding in any of the ſaid Pariſhes, Diſtricts, or Places, who ſhall paſs through any of the ſaid Toll Gates or Toll Bars, to or from any Church, Chapel, or other Place of Religious Worſhip in the Pariſh where he, ſhe, or they may reſide, or dwell, on a *Sunday*, or on any other Day on which Divine Worſhip is ordered by

by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die, and be buried in any of the said Parishes, Districts, or Places; nor for any Horse, Mule, Ass, or Cattle, kept within such Parishes, Districts, or Places, going to or returning from Work in cultivating Lands therein; nor for any Horse or Cattle going to or returning from Water or Pasture, or going to or returning from being shod; nor for any Horse or Carriage 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; nor for the Horses of Officers and Soldiers on their March or on Duty; nor for Carriages, or Horses or other Beasts, employed in carrying the Arms or Baggage of such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, or to any Field Officer, Adjutant, or other mounted Officer of Volunteer Infantry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that all and every 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, and not otherwise; nor 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 or Barrack or other Public or Commissariat Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or returning after having been so employed; nor for any Horse or Carriage going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Surrey*, or of any Burgess or Burgesses to serve in Parliament for the Borough of *Reigate* aforesaid, 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 thereto) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that no Tolls shall be demanded or taken for any Horse, Cattle, or other Beast which shall not go or pass more than One hundred Yards upon the said Roads: Provided also, that no Toll shall be demanded or taken by virtue of this Act, of or from any of the Inhabitants of the Town of *Sutton*, at any Toll Gate or Toll Bar to be erected in the said Town, or for any Horses, Cattle, or Carriages belonging to such Inhabitants passing through the same.

Inhabitants of Sutton exempted from certain Tolls.

XXXIII. 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, 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 Waggon, Wain, Cart, or other Carriage, while so employed, 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

Carriages employed in His Majesty's Service, not to be subject to Regulations for Overweight.

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 of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Power to lessen the Tolls in respect of Overweight.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at their Meetings (such Notice of such Meetings, and of the Purpose for which they are to be holden, to be given as other Notices of Meetings are by this Act directed to be given) to lessen and reduce in such Manner and Proportion, and for such Time as to them shall seem meet, the Tolls payable for any Cart, Waggon, or other Carriage, with the Lading thereof, which upon passing over any Machine or Engine now erected, or hereafter to be erected, upon any of the said Roads, shall be of greater Weight than is allowed by any Act or Acts of Parliament now in force relating thereto; any Thing in such Act or Acts contained to the contrary thereof in anywise notwithstanding.

Tolls may be reduced.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls hereby granted or made payable, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to a major Part of the Money then due on the Security of the Tolls; but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Toll Gates then erected across the said Roads, and also inserted in One or more of the Newspapers published or generally circulated in the County of *Surrey*: Provided always, that it shall not be lawful for the said Trustees, to reduce the Tolls at any one Gate erected or to be erected on the said Roads, without reducing in the same Degree the Tolls to be taken at every other Gate then standing on the said Roads, so as that the same Toll shall be taken at each of the Gates or Bars under this Act; save and except as is in this Act particularly excepted and provided.

Trustees may compound for Tolls.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places, to or through which any Part of the said Roads do or shall pass or lead, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates erected or continued, or to be erected by virtue of this Act; which Composition shall be paid yearly in advance; and in default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

For settling Disputes concerning Tolls.

XXXVII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining

to

to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors declared competent Witnesses.

XXXVIII. 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, or any other Person or Persons acting under the Authority of the said Trustees, or under any Lessee or Lessees of the said Tolls, shall not be incompetent, on account of his or their being appointed to collect such Tolls, to give Evidence in any such Dispute, Suit, or Litigation.

To prevent Evasion of Tolls.

XXXIX. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar erected or continued or to be erected by virtue of this Act (except the Owner or Owners, Occupier or Occupiers of such Land or Ground), the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person, other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts of the said Tolls, shall be evaded, or shall leave or cause to be left upon or near to any Part of the said Roads any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods, Articles, or Things, from any Carriage; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Power to lease the Tolls.

XL. And be it further enacted, That it shall and may be lawful for the said Trustees, in such Manner and Form as is mentioned and directed in that Behalf in and by a certain Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being*

being for regulating the Turnpike Roads in that Part of Great Britain *called* England, *and for other Purposes*, from Time to Time to leaſe and demiſe the Tolls granted by this Act, and ariſing upon the ſaid Roads to be made, widened, improved, or kept in Repair, by virtue of this Act, or any Part or Parts thereof, for any Time or Terms of Years not exceeding Three Years at any one Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants as the ſaid Truſtees ſhall think fit; they the ſaid Truſtees taking a Counterpart of all ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and Perſons to whom ſuch Tolls ſhall be leaſed and demiſed, for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Enabling the Truſtees to take Poſſeſſion of the Toll Houſes, &c. when let to farm, or held by the Collectors for the Truſtees.

XLI. And be it further enacted, That in caſe all or any of the ſaid Tolls ariſing by virtue of this Act, ſhall be demiſed or let to farm to any Perſon or Perſons, in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or leaſing thereof; and in caſe the Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any Collector or Collectors who ſhall be removed or diſcharged from his or their Office of Collector, or ſhall depart this Life, then and in either of thoſe Caſes it ſhall and may be lawful for any Juſtice of the Peace for the County, Town, or Place, in which any ſuch Toll Houſe may be ſituated, by Warrant under his Hand and Seal, to order a Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or ſuch Collector or Collectors, or other Perſon or Perſons having Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, from the Poſſeſſion thereof, and from the Collection of Tolls; and thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement (if any) for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be from that Time utterly void to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants or Agreements on the Leſſees Part, which ſhall have been broken), as if ſuch Demiſe or Agreements had never been made; and it ſhall be lawful for the ſaid Truſtees, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected as if no former Demiſe, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithſtanding.

Penalty on Leſſees compounding for overweighted Carriages.

XLII. And be it further enacted, That if the Leſſee or Farmer for the Time being of any of the Tolls hereby granted, or any Perſon acting under him or her, ſhall, without the Concurrence of the Truſtees acting in the Execution of this Act, compound for or agree to permit, or ſhall ſuffer any over-weighted Waggon or other Carriage, ſubject to a Forfeiture or

Penalty by reaſon of the Weight thereof, to paſs or re-paſs through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon ſuch over-weighted Waggon or other Carriage, ſuch Leſſee or Farmer ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds, whereof one Moiety ſhall go to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as other Penalties are herein-after directed to be applied.

For borrowing Money on Security of Tolls.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Meeting, to borrow and take up at Intereſt upon the Credit and Security of the Tolls to ariſe by virtue of this Act, in ſuch Manner as they ſhall think proper, ſuch further Sum or Sums of Money as they or any Five or more of them ſhall think fit; and for ſecuring the Re-payment of all ſuch Sum and Sums with Intereſt, they the ſaid Truſtees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houſes, for collecting the ſame, during the Continuance of this Act (the Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security or Securities to any Subſcriber or Subſcribers who have advanced, or ſhall at any Time advance any Money for making, widening, improving, or keeping in Repair the ſaid Roads, or any Part thereof, or to any other Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with Intereſt for the ſame; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to ſay),

Form of Mortgage.

‘ BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], we, Five of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of in hand, advanced and paid by of to the Treaſurer of the ſaid Roads, do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, for and during the Continuance of this Act, ſuch Proportion of the Tolls to ariſe upon the ſaid Roads, and the Toll Gates, Toll Bars, and Toll Houſes, already made and erected, or hereafter to be made and erected for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum now or hereafter to become due and owing on the Security thereof; to be had and holden from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of , with Intereſt after the Rate of Five Pounds *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied, Given under our Hands and Seals this Day of , in the Year of our Lord .’

Copies to be entered.

And all ſuch Mortgages, or Mortgage Securities, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected by the ſaid Truſtees, or any Creditor or Creditors of the ſaid Truſt, without Fee or Reward; but no Money ſhall be borrowed on the Security of the Tolls beyond the Sum which ſhall be fixed

upon by the ſaid Truſtees at the Firſt or Second Meeting to be held in purſuance of this Act, unleſs Notice for that Purpoſe be affixed in Writing upon all the Toll Gates then erected or continued by virtue of this Act, at leaſt Twenty-one Days before the Meeting for borrowing thereof, nor unleſs a Majority in value of the then Creditors ſhall conſent thereto; and it ſhall be lawful for all Perſons reſpectively, to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt in and to ſuch Mortgage, and the Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever; which Aſſignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be underwritten or thereunto annexed, and ſigned in the Preſence of and atteſted by one or more credible Witneſs or Witneſſes; (that is to ſay),

'I, the within named *A. B.* or I, *C. D.* Aſſignee, Executor, or Adminiſtrator of the within named *A. B.* [*as the Caſe may happen*] do hereby aſſign and transfer this Mortgage Security, with all my Right and Title to the principal Money thereby ſecured, and all Intereſt now due and hereafter to grow due upon the ſame, unto *E. F.* of his Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord Witneſs to the ſigning hereof .'

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage Security; and every ſuch Aſſignee may in like Manner aſſign or transfer the ſame, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, his, her, or their reſpective Executors or Adminiſtrators) to releaſe, diſcharge, or make void the original Mortgage Security or the Monies due thereon, or any Part thereof; and all Perſons to whom any ſuch Mortgage or Transfer ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Toll Gates, Toll Bars, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of Priority of advancing their Monies, or of the Dates of their reſpective Securities, or otherwiſe, except as herein-after mentioned.

Old Mortgages may be cancelled, and new ones granted.

XLIV. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required, deſtroy and cancel all or any of the Mortgages, Aſſignments, Declarations of Truſt, or Securities now ſubſiſting, that have been made by virtue of the ſaid Acts hereby repealed, of the Tolls thereby authorized to be collected, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in Manner herein-before directed, for ſuch Sum or Sums of Money as may be expreſſed in any Mortgage, Aſſignment, or Security to be cancelled by virtue of this Act.

XLV. Provided

For paying Creditors by Lot.

XLV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the principal Monies due and owing upon the Credit of the said Roads, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting, and of the Purpose thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Surrey*) if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only; any Thing herein contained to the contrary thereof notwithstanding.

Application of the Money.

XLVI. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the First Place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in the applying for or obtaining and passing this Act; in the Second Place, in defraying the Expences of purchasing Land which may be necessary for the making, widening, and completing of the said intended new Line of Road; in the Third Place, in paying all Arrears of Interest on any Sums of Money which have been already borrowed and are now due and owing on the Credit of the said Acts hereby repealed; in the Fourth Place, in paying the Interest accruing from Time to Time upon the several principal Sums which shall from Time to Time be borrowed and secured in pursuance of this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in repair, and of altering, raising, widening, repairing, and preserving the said Roads by this Act directed to be made or kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act; in the Fifth Place, in reducing, paying off, and discharging the several principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed; and in the Sixth Place, in reducing, paying off, and discharging the several principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act; such Reduction, Payment, and Discharge to be made and done either rateably or by Lot, as the said Trustees shall think proper.

Trustees may form, widen, turn, or alter the Roads.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at any Time or Times during the Continuance of this Act, to make, widen, divert, turn, alter, or repair any

Part or Parts of the ſaid Roads by this Act directed to be made or kept in repair within the Limits herein-after mentioned, or beyond ſuch Limits, with the Conſent of the Owners or Proprietors of the Lands through which the ſame ſhall be carried, 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 Roads or Alterations hereby authorized to be made are intended to paſs, and alſo upon any adjoining Lands or Grounds; and to ſtake out the ſaid Roads or Alterations, 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 Roads; and alſo to make a temporary Way or Ways through or over any ſuch adjoining Lands or Grounds, to be made uſe of as a public Highway whilſt any narrow or ruinous Parts of the Roads are widening or repairing, and until the ſaid Roads 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 herein-after 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 Roads or Alterations, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Five Pounds.

New Road to be made according to Plan.

XLVIII. And whereas a Map or Plan deſcribing the propoſed new Line of Road, and the Lands through which the ſame is to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, has been depoſited with the Clerk of the Peace for the County of *Surrey*; be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and the ſaid Truſtees in making the ſaid new Line of Road ſhall not deviate more than One hundred Yards of Three Feet each from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, unleſs otherwiſe directed by this Act.

XLIX. Provided

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

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Branch of Road into, through, across, or over the Lands or Grounds of any Person or Persons who is or are, or may be Owner or Owners of Lands or Grounds over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County, Town, or Place wherein such Lands, Hereditaments, or Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace, for the said County, Town, or Place.

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

L. Provided also, 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.

Trustees to fence the new Road.

LI. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Road, or make any new Road over and through any Private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post or Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches, where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Three Years from the Time that such Fences shall have been made or set up.

Power for stopping up Footpaths.

LII. And whereas some Part or Parts of the said Roads to be made or repaired by virtue of this Act, may be made over or near Lands or Grounds which may have a Footpath or Footpaths in them, leading to the Place or Places whereto the said Roads do or will lead, whereby such Footpath or Footpaths will be rendered unnecessary; be it therefore further enacted, That when any Part of the said Roads shall be completed through any Lands or Grounds being private Property, and there shall be in any such Lands or Grounds, or in any other Lands or Grounds adjoining thereto, any Footpath or Footpaths leading only to the same Place or Places whereto the said Roads by this Act directed to be made or kept in Repair shall or may lead, it shall be lawful for any Two of His Majesty's Justices of the Peace, acting in and for the County of *Surrey* aforesaid, to order and direct all or any of such Footpaths or Footpath, within their respective Jurisdictions, to be stopped up and discontinued; and it shall not be lawful for any Person or Persons thenceforward to make use of any Footpath or Footpaths so directed to be stopped up or discontinued: Pro-

vided always, that it ſhall be lawful for any Perſon or Perſons who may think himſelf or herſelf aggrieved by any ſuch Order of ſuch Truſtees, to appeal to the Juſtices of the Peace aſſembled at any General Quarter Seſſions to be holden for the County of *Surrey*, within Four Calendar Months from the Date of ſuch Order, in the Manner as is herein-after directed in Caſes of Appeal from any Order or Proceedings of the Truſtees for executing this Act.

The Purchaſe of Lands.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time aſſembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of and Perſons intereſted in any ſuch Private Lands or Grounds, for the Purchaſe or Exchange thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted, or any of them, ſhall or may in anywiſe ſuſtain by making, widening, diverting, turning, or altering the Courſe of any Part or Parts of the Roads by this Act directed to be kept in Repair; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or Grounds, either for their own Uſe or Benefit, or for the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them all or any of ſuch Lands and Grounds, as occaſion ſhall be and require; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, 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 if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice to him, her, or them, given in Writing or left at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be uſed or taken for the Purpoſe of making, widening, or improving the ſaid Roads, or any Part or Parts of ſuch Roads, ſhall, by the Space of Forty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be hindered from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained, by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Surrey* (which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted for, upon, or on account of the uſing

and

and taking ſuch Lands or Grounds for the Purpoſes of this Act; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time as occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled, ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of or other Perſons intereſted in the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, in Fee or in Tail General or Special, Reverſion, or Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons anyways intereſted in ſuch Lands or Grounds, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, or upon depoſiting the ſame in the Bank of *England*, in the Manner directed by this Act, as the Caſe may require, thereby be thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Surrey*, thereby commanding and requiring the ſaid 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 the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear on ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear without ſufficient Excuſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give their

Verdict of Jury to be final.

Sheriff, &c. to be fined on Neglect of Duty.

their Verdict, or in any other Manner ſhall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons, who being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without ſufficient Excuſe, or appearing ſhall refuſe to be ſworn and give Evidence; and from Time to Time to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, ſo that ſuch Fines ſhall not exceed the Sum of Twenty Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Perſons aforeſaid, for any one Offence.

How Expence of Jury, &c. ſhall be paid.

LIV. 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 for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or 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 Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of any Money ariſen or to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of ſuch Jury, as a Recompence or 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 Differences, ſhall be borne and paid 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 within whoſe Juriſdiction ſuch Difference ſhall ariſe, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon 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 or 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 Clerk or Treaſurer to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where by reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees, touching the Matters aforeſaid, the whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Upon Payment of the Purchaſe Money, the Lands to be

LV. And be it further enacted, That every Sum of Money or Recompence, to be agreed for or aſſeſſed as aforeſaid, ſhall be paid by the ſaid Truſtees, or any Five or more of them, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents; and upon

Payment thereof, in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being to be met with) upon depositing the same in the Bank of *England* under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall to all Intents and Purposes become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Roads by this Act directed to be made, amended, and kept in repair; and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments. taken for the Road.

LVI. And whereas the Trustees for executing this Act may be seised of some Piece or Pieces of Ground, over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous and convenient) to such Person or Persons as shall be willing to contract for and purchase the same. Trustees empowered to sell Ground not wanted for the Purposes of the Act.

LVII. 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, and which is not by this Act directed to be otherwise disposed of, 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 of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, or Place where such Ground or Road shall lie (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 is directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; First Offer to whom to be made.

mutandis; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Money awarded above 200l.

LVIII. 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 Trustees for executing 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 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, Trusts, 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 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 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.

LIX. 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 exceed the Sum of Twenty Pounds, then and in such Cases, the

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 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 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 Two 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 herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain, the Direction or Approbation of the ſaid High Court of Chancery.

Where not more than 20*l.*

LX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall not exceed 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 Two 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 Titles, or if Perſons cannot be found, Purchaſe Monies to be paid into the Bank.

LXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for 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 in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed 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 Two 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 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

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 a diſputed Title.

LXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money 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, in purſuance of 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 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 be 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.

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

LXIII. 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 ſaid 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 for making and repairing the Roads, &c.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, to dig, take, and carry away any Furze, Heath, Stone, Flints, Sand, Gravel, and other Materials, proper and convenient for making, widening, altering, improving, or repairing the ſaid Roads, or for other the Purpoſes of this Act, out of any Waſte or Common, River or Brook, not being within the Diſtance of One hundred Yards of any Bridge, Dam, Weir, or Jetty, in any Pariſh, Town, Village, or Hamlet, within which the ſaid Roads or any Part or Parts thereof do lie, or is or are intended to be made and paſs; and for want of ſufficient Quantities of ſuch Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places laſt deſcribed,

ſcribed, then to dig, take, and carry away the like Materials out of any Waſte or Common, River or Brook, not being within the like Diſtance from any Bridge, Dam, Weir, and Jetty, in any adjoining Pariſh, Town, Village, or Hamlet, without making any Recompence for the ſame, the ſaid Surveyor or Surveyors filling up, fencing, and levelling all ſuch Pits and Holes as ſhall be made or occaſioned by digging for or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons through whoſe Lands or private Ways ſuch Materials ſhall be led and carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Waſtes, Commons, Rivers, and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons (not being a Garden, Yard, Paddock, Park, Planted Walk, or Avenue, to any Houſe or incloſed Grounds, planted, ſet apart, or uſed as a Plantation or Nurſery for Trees) where ſuch Materials are or may be found in any ſuch Pariſh or Place, and from Time to Time to carry away ſuch and ſo much of the ſaid Materials reſpectively, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for making, widening, improving, and repairing the ſaid Roads, paying ſuch Recompence for the ſame, and for the Damage done to the Owners and Occupiers of the reſpective Grounds where, through, and whence the ſame ſhall be dug and carried away, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers, or any of them, and the ſaid Truſtees, touching the Damages aforeſaid, then the Amount thereof to be ſettled by any Two or more Juſtices of the Peace for the County of *Surrey*, but ſubject to ſuch Appeal to the General Quarter Seſſions of the Peace to be holden in and for the ſaid County, as is herein-after directed.

Notice to be given to the Occupiers of incloſed Lands before Materials are taken.

LXV. Provided always, 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 ſuch Materials, for any of the Purpoſes of this Act, out of or from any incloſed Land or Ground, until Five Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Abode, to appear before Two or more Juſtices of the Peace acting for the County, Town, or Place where ſuch Lands ſhall lie, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for ſuch Juſtices, by their Order, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyor.

LXVI. And be it further enacted, That if any Perſon or Perſons ſhall take or carry away any Materials which ſhall have been dug or gathered for

for the Purpoſes of this Act, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any Private Ground, and the Perſon or 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 for every ſuch Offence any Sum not exceeding the Sum of Five Pounds.

Surveyor may remove Annoyances.

LXVII. 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, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Stones, Carriages, Saw Pits or other Pits, Aſhes, Dung, Filth, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Gutters, Conduits, or Drains, running into the ſame to the Prejudice thereof, and to open, ſcour, cleanſe, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſes adjoining or near to the ſaid Roads, or any Part or Parts thereof.

Occupiers to cut their Hedges.

LXVIII. And be it further enacted, That the Poſſeſſors and Occupiers of the Lands next adjoining to the ſaid Roads, ſhall cut, prune, and plaſh their Hedges, ſituate within the Diſtance of Thirty Feet from the Centre of ſuch Roads, and reduce the ſame to an Height of not more than Four Feet; and alſo cut down or prune and lop at proper Seaſons of the Year the Trees growing in or near ſuch Hedges or other Fences (except ſuch Trees as ſhall have been planted for Ornament or Shelter to the Houſe, Building, or Court-yard of the Owner thereof) in ſuch Manner that the ſaid Roads ſhall not be prejudiced by the Shade thereof reſpectively, and that the Sun and Wind may not be excluded from the ſaid Roads to the Damage thereof; and that if ſuch Poſſeſſors or Occupiers ſhall not within Ten Days after Notice given by the ſaid Surveyor or Surveyors for that Purpoſe, cut, prune, and plaſh ſuch Hedges, and reduce them to ſuch Height as aforeſaid, and cut down or prune and lop ſuch Trees in Manner aforeſaid, it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and he and they is and are hereby required to make Complaint thereof to ſome Juſtice of the Peace acting in and for the ſaid County of *Surrey*, who ſhall ſummon the Poſſeſſor or Occupier, or Poſſeſſors or Occupiers of the ſaid Lands, to appear before the Juſtices of the Peace at ſome Special Seſſion for the Diſtrict in which the ſaid Lands ſhall lie, to anſwer the ſaid Complaint; and if it ſhall appear to the Juſtices at the ſaid Special Seſſion, that ſuch Poſſeſſor or Occupier, or Poſſeſſors or Occupiers, ſhall not have complied with the Requiſites of this Act, it ſhall and may be lawful for the ſaid Juſtices, upon hearing the ſaid Surveyor or Surveyors, and the Poſſeſſor or Occupier, or Poſſeſſors or Occupiers of ſuch Lands, or his or their Agent (or in default of his or their Appearance, upon having due Proof of the Service of ſuch Summons) and conſidering the Circumſtance of the Caſe, to order ſuch Hedges to be cut, plaſhed, and pruned, and ſuch Trees to be cut down or pruned, in ſuch Manner as may beſt anſwer the Purpoſes aforeſaid; and if the Poſſeſſor or Occupier, or Poſſeſſors or Occupiers of ſuch Lands, ſhall not obey ſuch Order within Ten Days after it ſhall have been made, and he or they ſhall have had due Notice thereof, he or they ſhall forfeit the Sum of Two Shillings for every Twenty-four Feet

Feet in Length of ſuch Hedge which ſhall be ſo neglected to be cut and plaſhed, and the Sum of Two Shillings for every ſuch Tree which ſhall be neglected to be cut down or pruned and lopped as aforeſaid; and the ſaid Surveyor or Surveyors, in caſe of ſuch Default made by ſuch Poſſeſſor or Occupier, or Poſſeſſors or Occupiers, ſhall and is and are hereby required to cut, prune, and plaſh ſuch Hedges, and to cut down and prune and lop ſuch Trees in the Manner directed by ſuch Order; and ſuch Poſſeſſor or Occupier, or Poſſeſſors or Occupiers, ſhall be charged with and pay, over and above the ſaid Penalties, the Charges and Expences of doing the ſame; or in default thereof, ſuch Charges and Expences ſhall be levied, together with the ſaid Forfeitures, upon his, her, or their Goods and Chattels, by Warrant from a Juſtice of the Peace, in ſuch Manner as is authorized for Forfeitures incurred by virtue of this Act.

Surveyors may make Cauſeways, &c. and cut Drains.

LXIX. And be it further enacted, That it ſhall be lawful for ſuch Surveyor and Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by the ſaid Truſtees, to make Footpaths or Cauſeways in or along the Sides of the ſaid Roads, and to cut or make Drains or Watercourſes upon and through any Grounds lying contiguous to the ſaid Roads, and to erect and keep in Repair the Bridges and Arches thereupon; and alſo to make Ditches or Trenches in ſuch Places and in ſuch Manner as ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, ſhall judge neceſſary, and make ſufficient Fences, Barriers, and other Erections on any Part or Parts of the ſaid Roads, in order to prevent any Rivulet or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors ſhall judge neceſſary.

Roads to be meaſured and Mile Stones erected, &c.

LXX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time, to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Roads; and alſo cauſe to be erected Guide Poſts upon ſuch Parts of the ſaid Roads where the ſame are croſſed or joined by other Roads, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed or to be erected or fixed in or near the Side or Sides of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Footpath or Cauſeway formed upon or on the Side of or adjoining to the ſaid Roads, or ſhall drive any Horſe, Beaſt, or Swine, or any Carriage upon, or cauſe any Damage to be done to any Footpath or Cauſeway; or if any Perſon ſhall cauſe to be hauled or drawn upon any Part of the ſaid Roads, any Timber, Stone, or other Thing (otherwiſe than upon wheeled Carriages) or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon wheeled Carriages to drag upon the ſaid Roads, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſame, or the Fences on either Side thereof; or if any Perſon driving any Carriage upon the ſaid Roads ſhall ride on the Shafts or other Part of the ſaid Carriage, without holding the Reins of the Horſe or Horſes, or meeting another Carriage ſhall not keep his or her Carriage on his or her left or near Side of the ſaid Roads, and alſo keep on the ſame Side himſelf; or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care, upon the ſaid Roads;

Roads; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Roads; or if any Perſon ſhall leave any Carriage (except in Caſes of Accident, and when ſuch Carriage ſhall be placed as near to the Side of the ſaid Road as may be) upon or on the Side of the ſaid Roads longer than may be neceſſary to load or unload the ſame, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Roads, or on the Side or Sides thereof, between the ſaid Roads and the Fences now ſtanding or hereafter to be erected on the Sides thereof; or ſhall plough up, dig up, or break up any of the Soil between any Part of the ſaid Roads and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt, or Manure, or otherways ſhall ſcrape off any Soil or other Thing from the ſaid Roads or the Sides thereof, or ſhall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compoſt, or Manure, from the Sides thereof, except ſuch as may be lying in his own Ground, and be carried away without being brought over any Part of the ſaid Roads, or that the ſame be done at ſuch Times and under ſuch Regulations as the Truſtees or their Surveyor ſhall direct and order; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Gates to be made to open into the adjoining Lands, and not into the Road.

LXXI. And be it further enacted, That all Doors and Gates to be hereafter made and placed in any Building, Field, or Ground adjoining any of the ſaid Roads, ſhall be made and hung to open reſpectively into ſuch Building, and inwards towards ſuch Field or Ground, and not outwards towards the ſaid Roads; and it ſhall be lawful for the ſaid Truſtees to order all ſuch Doors and Gates as may hereafter be erected and open outwards towards the ſaid Roads to be altered and made to open inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Building or Lands in or upon which any Door or Doors, Gate or Gates, are or ſhall be conſtructed ſo as to open outwards towards the ſaid Roads, ſhall (after Ten Days Notice from the Surveyor of the ſaid Roads, requiring him or them to alter ſuch Door or Doors, Gate or Gates, and make the ſame to open inwards) refuſe or neglect to make ſuch Alteration, it ſhall and may be lawful for the ſaid Truſtees to exerciſe and apply the ſame Powers for this Purpoſe, with which they are by Law inveſted for the Removal of any Nuiſances, Obſtructions, or Annoyances made or committed upon the ſaid Roads.

Truſtees may contract for Repairs or any other Work.

LXXII. 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 contract and agree with any Perſon or Perſons for forming, making, widening, altering, improving, or repairing the ſaid Roads, or any Part or Parts thereof, or for doing any other Work in purſuance or Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money annually, or for a Term of Years or otherwiſe, as the ſaid Truſtees or any Five or more of them ſhall think proper.

Perſons liable to repair the

LXXIII. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, Rents,

and Annuities, or any Sum or Sums of Money which have been given, or are liable to the maintaining or amending of any Part or Parts of the ſaid Roads, or any Bridge or Bridges, or other neceſſary Things thereon, or any Part or Parts thereof, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner and to the ſame Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the paſſing of this Act. Roads to continue ſo.

LXXIV. 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 be lawful for any Two or more Juſtices of the Peace acting in and for the ſaid County of *Surrey*, within their reſpective Juriſdictions, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Treaſurer, 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 ſame do 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 or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; 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 reſpectively 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 public Highways; and out of ſuch Liſts ſuch Juſtices ſhall or may 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 being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, 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 to 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 authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid Statute Labour.

(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 diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places reſpectively 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 Forty Shillings.

Statute Work may be compounded for.

LXXV. 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 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 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 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 *October* 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.

To enforce the uſing of Skidpans or Machines to Waggon and Cart Wheels in certain Caſes.

LXXVI. And whereas by an Act of Parliament paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being, for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, the Truſtees of any Turnpike Road, or any Seven of them, are empowered to allow ſuch Number of Horſes as they ſhall judge neceſſary to be uſed in Waggons and Carts, for the Purpoſe of drawing the ſame up Hill or Hills, in certain Caſes in the ſaid Act ſpecified: And whereas great Injury is done to the Roads, in conſequence of the Perſon or Perſons who drive ſuch Waggons and Carts, not uſing Skidpans or Machines at the Bottom of the Wheels during the Time the ſaid Waggons or Carts are deſcending or going down ſuch Hill or Hills; for Remedy whereof, be it further enacted, That all and every Perſon or

Perſons who ſhall drive or act as the Driver or Drivers of any ſuch Waggon or Cart, ſhall, in deſcending all and every Hill or Hills, on any of the Roads to be kept in Repair by virtue of this Act, where ſuch increaſed Number of Horſes are or ſhall be allowed to be uſed as aforeſaid, uſe, or cauſe to be uſed and placed, a Skidpan or Machine at the Bottom of one of the Wheels of every ſuch Waggon or Cart, to prevent the Wheels of ſuch Waggon or Cart deſtroying or injuring the ſaid Roads, which Skidpan or Machine ſhall be placed or affixed under ſuch Wheel, at the Poſt or Stone erected or to be erected at or near the Top of any ſuch Hill or Hills, and be continued and kept thereon until ſuch Waggon or Cart ſhall arrive at or reach the Poſt or Stone erected or to be erected at or near the Bottom of ſuch Hill or Hills; and in caſe any ſuch Perſon or Perſons as aforeſaid, ſhall fail or neglect to put on, continue, and uſe ſuch Skidpan or Machine in Manner aforeſaid, and ſhall drive ſuch Waggon or Cart down any ſuch Hill or Hills without uſing ſuch Skidpan or Machine in Manner aforeſaid, it ſhall and may be lawful to and for any Conſtable, Tythingman, Surveyor, or any other Perſon or Perſons, to apprehend and take, or cauſe to be apprehended and taken, every ſuch Perſon or Perſons ſo driving or acting as Driver or Drivers as aforeſaid, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*; and upon the Conviction of ſuch Offender, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before ſuch Juſtice or Juſtices of the Peace, every ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Penalty for aſſaulting Collectors or obſtructing the Execution of this Act.

LXXVII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector of the Tolls or Gatekeeper, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

For ſecuring tranſient Offenders.

LXXVIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons as ſhall commit any ſuch Offence or Offences, and to take him, her, or them before any Juſtice of the Peace for the County, Town, or Place where ſuch Offence ſhall be committed, to be dealt with according to Law.

Puniſhing Collectors miſbehaving.

LXXIX. And in order to prevent the Miſconduct of the Perſons employed as Collectors of the ſaid Tolls, Gatekeepers, and other Officers as aforeſaid; be it further enacted, That every Perſon employed as Collector, Gatekeeper, or otherwiſe, to collect any of the Tolls hereby granted and made payable, ſhall from Time to Time affix his Chriſtian and Surname on a Board on ſome conſpicuous Part of the Toll Houſe at which he ſhall be ſo appointed, on each and every Day that he ſhall continue ſuch Collection, under the Penalty of any Sum not exceeding Forty Shillings; and if any ſuch Collector ſhall wilfully miſbehave himſelf in

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the Collection of the ſaid Tolls or otherwiſe, by taking exceſſive Toll, demanding or taking Toll from Perſons entitled to Exemption or otherwiſe not liable, or where none is due or payable, uſing abuſive or improper Language to or otherwiſe miſconducting himſelf to any Perſon or Perſons paſſing or claiming to paſs through or coming to any of the Toll Gates or Toll Bars to be erected or continued by virtue of this Act, and ſhall be thereof convicted on his own Confeſſion, or on the Oath of One or more credible Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County, Town, or Place where ſuch Offence ſhall be committed, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in default of Payment thereof, ſhall be committed to the Common Gaol or Houſe of Correction for ſuch County, Town, or Place, for any Time not exceeding One Calendar Month.

Penalties and Forfeitures how to be recovered and applied.

LXXX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed) ſhall, upon Proof of the Offence reſpectively before any One Juſtice of the Peace for the County, Town, or Place wherein the Offence ſhall be committed, or wherein the Offender ſhall be and reſide, either by Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant for thoſe Purpoſes), and the Overplus after ſuch Penalties, Forfeitures, and Fines, and the Charges of the Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwiſe directed to be applied by this Act) ſhall be from Time to Time paid One Half thereof to the Informer, and the other Half Part thereof to the Treaſurer or Clerk to the ſaid Truſtees, and applied to the Purpoſes of this Act; and in caſe ſuch ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for any Juſtice of the Peace as aforeſaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for ſuch County, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, or Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Offenders againſt the Act.

LXXXI. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtices and Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, (as the Caſe ſhall happen) or in any other Form of Words to the ſame Effect; that is to ſay,

Form of Conviction.

To wit. ‘ BE it remembered, That on the Day of in the Year of His Majeſty's Reign, and in ‘ the Year of our Lord *A. B.* is convicted ‘ before

'before me, One of His Majesty's Justices of the Peace for the said 'County [*or* Town, *as the Case may be*] by virtue of an Act of the 'Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here 'set forth the Title of this Act, and specify the Offence, and when and 'where committed.*] Given under my Hand and Seal the Day and 'Year above written.'

Persons aggrieved may appeal to the Quarter Sessions.

LXXXII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, either by the said Trustees, or by any One or more of His Majesty's Justices of the Peace, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the County of *Surrey* (if sufficient Time after the Cause of such Complaint shall have arisen) first giving or causing to be given Eight Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days next after such Notice, entering into Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such First or Second Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; 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 or neglect to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

LXXXIII. And be it further enacted, That no Order made, touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such

Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action on the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXXXIV. 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, until Twenty Days Notice thereof ſhall be given to the Clerk or Treaſurer of the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead ſpecially, or the General Iſſue, Not Guilty, 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 that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant ſhall have appeared, or if upon Demurrer, Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any Caſes by Law.

Treble Coſts.

Public Act.

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

Commencement and Continuance of this Act.

LXXXVI. And be it further enacted, That this Act ſhall commence on the Day of the paſſing thereof, and ſhall continue and be in force 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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