



ANNO DECIMO

GEORGIIV. REGIS.

Cap. cxiii.

An Act for continuing certain Powers to the Trustees of the Road leading from the Borough of *Southwark* to the *Kent Road* in the County of *Surrey*, called *Great Dover Street*, for the Purposes therein mentioned. [1st June 1829.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for making and maintaining a Road from the Borough of Southwark to the Kent Road in the County of Surrey*: 49G.3.c.186. And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act to amend and render more effectual an Act of His present Majesty, for making and maintaining a Road from the Borough of Southwark to the Kent Road in the County of Surrey*: And whereas the Trustees for executing the said recited Acts have proceeded to put the same in execution; and several Persons have, in pursuance of the Provisions of the said Acts, subscribed and paid divers large Sums of Money for carrying the same into effect: And whereas the Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence of such Subscriptions has been expended for the Purposes therein mentioned, and the said Trustees have from Time to Time made various Payments for Interest or Dividends upon the Sum so advanced, rateably and in proportion to the Amount thereof, pursuant to the Provisions of the said first-recited Act: And whereas the

[Local.]

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several

Recited Acts
repealed.

several Persons who had subscribed Money towards the making of the said Road, by virtue of the said recited Act of the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, were entitled, under the Provisions of the said Act, to receive Interest or Dividends upon their said several Sums, not exceeding the Rate of Twelve Pounds *per Centum per Annum*, and the Amount of Tolls received upon the said Road has not been sufficient, after defraying the necessary Charges and Expences of making and maintaining the same, to pay to the said Subscribers more in any Instance than about the Rate of Three Pounds and Fifteen Shillings *per Centum per Annum*, and the Amount of Interest or Dividends paid to the said Subscribers on the Average has been of a Rate of less than Three Pounds *per Centum per Annum*, so that the said Trustees have been unable to repay to any of the said Subscribers the said Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence, or any Part thereof: And whereas the Term granted by the said first-recited Act will shortly expire; and for the Purpose of enabling the said Trustees to continue the Payment of Interest or Dividends to the said Subscribers, and to repay the several Sums subscribed for making the said Road, it is necessary and expedient that the Term granted by the said first-recited Act should be further continued; and it is also expedient that the said recited Acts should be repealed, and other Powers granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third *Wednesday* next after the passing of this Act the said recited Acts of the Forty-ninth and Fifty-first Years of the Reign of His said late Majesty shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Trustees.

II. And be it further enacted, That *Timothy Acocks, Thomas Burnet, Charles Baumer, Thomas Butler, James Barlowe, Benjamin Brecknell, Frederick Cass, Solomon Davies, Nathaniel Dowrick, Richard Foster, John Fell, Robert Farran, James Franck, Charles Appleby Hopkins, Robert Hillecock, Richard Knight, Abraham Lyons Moses, James Newton, David Pollock, John Peter Robinson, James Lumsden Sherriff, Samuel Sangster, Richard Seamark, John Way, George Watts, Joseph Weatherley, John Joseph West, and John Adolphus Young*, and their Successors, being duly qualified, and to be elected as herein-after mentioned, shall be and they are hereby appointed the Trustees for putting this Act into execution; and all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to or directed to be done by or before the said Trustees, may be done and executed by or before any Five or more of them, and all Matters and Things so done and executed shall be of the same Force and Effect in all respects whatsoever as if the said Matters and Things were and had been done by all the Trustees appointed or to be appointed under or by virtue of this Act.

III. And be it further enacted, That no Person shall be capable of being elected or of acting as a Trustee in the Execution of this Act while he holds any Place of Profit under this Act, nor in any particular Case wherein he shall be in that Instance personally interested otherwise than as a Creditor, nor unless he shall at the Time of acting be seised or possessed, in his own Right or in Right of his Wife, or be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, situate in the County of *Surrey*, of the clear yearly Value of Fifty Pounds above Reprizes, (or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds,) or be possessed of or entitled to a Personal Estate to the Amount or Value of One thousand Pounds, nor unless he shall at the Time of acting, in his own Right or in Right of his Wife, be possessed of or entitled to Five Shares at the least in the Capital Stock raised for making the said Road, and in the actual Receipt of the Interest and Dividends thereof, nor (except in administering the Oath or Affirmation following) until he shall have taken and subscribed the Oath or Affirmation following, before any Five or more of the said Trustees appointed or to be appointed in pursuance of this Act, who are hereby authorized and empowered to administer the same; (that is to say,)

Qualification
of Trustees.

I do swear [or, being One of the People called Quakers or Moravians, do solemnly affirm], That I truly and *bonâ fide* am, in my own Right [or in the Right of my Wife], in the actual Possession or Enjoyment of [or in the Receipt of Rents and Profits issuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments, situate in the County of *Surrey*, of the clear yearly Value of Fifty Pounds above Reprizes, [or am Heir Apparent of] who to the best of my Knowledge is seised of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes,] [or that I am possessed of or entitled to a Personal Estate of the Value of One thousand Pounds]; and that I am possessed, in my own Right [or in the Right of my Wife], of Five Shares in the Capital Stock raised for making the Road called *Great Dover Street*, leading from the Borough of *Southwark* to the *Kent Road* in the County of *Surrey*.
' So help me GOD.'

Oath of
Qualifica-
tion.

And if any Person, not being so qualified, or not having taken the said Oath or Affirmation, shall presume to act in the Trust aforesaid, (except in administering the said Oath or Affirmation,) every such Person shall for every such Offence forfeit the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and the Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act; provided nevertheless, that any Person qualified, and having taken the Oath or Affirmation as aforesaid, shall be capable of acting in the said Trust in the Execution of this Act; any thing contained in the said recited Act

Act of the Third Year of the Reign of His present Majesty, or in any other Act, to the contrary in anywise notwithstanding.

New Trustees may be chosen.

IV. And be it further enacted, That in case of the Death, Refusal, Incapacity, Want of Qualification, Disability to act, or Disqualification of any of the Trustees hereby appointed, or their Successors as herein mentioned, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, as soon after such Vacancy as conveniently may be, from Time to Time to elect and appoint One other Person to be a Trustee in the Room of every Trustee so having vacated as aforesaid, Notice in Writing of the Time and Place of meeting for every such Election having been given by the Clerk to the said Trustees in Two or more public Newspapers circulated in the County of *Surrey*, at least Fourteen Days before every such Meeting; and every such new Trustee so to be elected and appointed as aforesaid shall be and is hereby empowered to act in the Execution of this Act to all Intents and Purposes, in as full and ample Manner as the Trustees hereby nominated are hereby empowered to act: Provided always, that the selling, transferring, or parting with his Subscription to or Share or Shares in the Capital Stock raised for making the said Road, or any Part thereof, by any Trustee, so that he shall cease to be possessed of Five Shares at the least of and in the said Capital Stock, (except by any Part of his Shares being paid off by Lot, as herein-after provided,) shall be taken and deemed to be a Disqualification of such Trustee, to all Intents and Purposes whatsoever.

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

V. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of any One or more of them, or in the Name of their Clerk or Treasurer; and no Action or Prosecution to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of any One or more of them, or in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Trustee, or such Clerk or Treasurer, or by any Act of such Trustee, Clerk, or Treasurer without the Consent of the said Trustees; but the Trustee, or Clerk or Treasurer for the Time being to the said Trustees, in whose Name such Action or Prosecution shall be brought, shall be deemed the Plaintiff or Defendant in such Action (as the Case shall be): Provided always, that every such Trustee, or Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and also the Costs and Charges of prosecuting any Indictment or Indictments or other Proceedings whatsoever which shall or may be commenced or prosecuted against any Person or Persons whomsoever, by the Order of the said Trustees.

First and other Meetings.

VI. And be it further enacted, That the said Trustees shall meet together at the *Swan Inn, Great Dover Street*, or at some other Inn or Place near or adjoining the said Road, within Fourteen Days next after the passing of this Act, or as soon thereafter as conveniently may be,

be, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves to meet at such Time, and at the same or such other Place upon or near the said Road, as the said Trustees shall think proper and appoint, as often as it shall be necessary for putting this Act in execution.

VII. And be it further enacted, That if at any Time it shall be thought necessary for the better Execution of this Act, that the said Trustees should meet before the Time to which any Meeting may be adjourned, it shall be lawful for any Two or more of such Trustees (or for the Clerk to the said Trustees, by an Order in Writing signed by any Two or more of them,) to give Notice of such earlier Meeting by Advertisement in some Newspaper circulated in the Neighbourhood of the said Road, and affixed on all the Turnpike Gates then standing on the said Road, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time not being less than Fourteen Days after the Publication of the said Notice); and all the Orders and Determinations of the Trustees at all such Meetings shall be as valid as if the same had been done at any other Meeting of Trustees held by virtue of this Act: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Meetings on
Emergencies.

VIII. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, and signed by a competent Number of the Trustees, (as the Case shall require,) shall be deemed to be Originals, and the Book or Books containing such Entries shall be admitted as Evidence in all Courts whatsoever.

Proceedings
to be entered
in a Book.

IX. And be it further enacted, That all such Officers as shall have been or shall be appointed by the said Trustees shall from Time to Time, when thereunto required by the said Trustees, deliver to the said 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, within such Time as such Trustees shall limit or appoint; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Accounts, and the Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account within the Time or in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver 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, or Writings in his Custody or Power relating to the Execution of the said Acts and this Act, then and in every or any of the said Cases it shall be lawful for any One

Officers to
account when
required by
the Trustees.

Proceedings
in case of
Neglect to
account.

Justice of the Peace for the County of *Surrey*, upon Complaint made to him by or on behalf of the said Trustees, and such Justice is hereby required, by Warrant under his Hand and Seal, to summon such Officer or Officers, Person or Persons, to appear before him, and upon his, her, or their Appearance, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, to settle such 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 Justice is hereby empowered and required to administer without Fee or Reward,) or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, on Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, 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 and 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 Justice at the Time and Place by him appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give or deliver up to the said Justice 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, then and in either of the Cases aforesaid such Justice may and he is hereby authorized and required, by a Warrant under his Hand and Seal, to commit such Officer or Officers, or Person or Persons, to the Common Gaol or House of Correction of the said County of *Surrey*, there to remain without Bail or Mainprize, in case he, she, or they shall be committed for Nonpayment of any Money received by him, her, or them, or in his, her, or their Hands, until he, she, or they shall have accounted for and paid the full Amount thereof, or compounded with the said Trustees, and paid such Composition in such Manner as the said Trustees shall appoint, (which Composition the said Trustees are hereby empowered to make,) or in case he, she, or they shall be committed for not delivering any Accounts, Books, Papers or Writings as aforesaid, until he, she, or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided 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
and Clerk
not to be the
same Person.

X. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such
Treasurer,

Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Office or Place of Profit or Trust under the said Trustees other than that of Treasurer; every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than one Imparlance, shall be allowed.

XI. And be it further enacted, That the said Trustees shall and they are hereby required, at some General Meeting in the Months of *January* or *February* in each Year, to examine, audit, and settle the Accounts of the Treasurer and Clerk appointed by them, to the Thirty-first Day of *December* then next preceding, and to require the said Treasurer and Clerk to produce their Books, Accounts, Papers, and Vouchers, and to examine into the Revenue of the said Road; and when the Accounts of the said Treasurer and Clerk shall be settled and allowed by the said Trustees present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any Treasurer or Clerk shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Treasurer or Clerk shall be dealt with according to the Provisions hereinbefore contained with regard to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands; or when and as soon as the said Accounts of the said Treasurer and Clerk shall be audited, allowed, and signed, the Clerk to the said Trustees holding such Meeting shall forthwith make out a Statement of the Revenue and Expenditure received and incurred on account of the said Road for which the Meeting shall be held, which Statement shall be submitted to the said Trustees assembled at such Meeting, and when approved by the Majority of them shall be signed by the Chairman of the said Meeting; and the said Statement being so approved and signed, the said Clerk shall within Thirty Days thereafter transmit the same to the Clerk of the Peace for the County of *Surrey*; and if any Clerk shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time hereinbefore mentioned, every Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered as herein-after directed.

Accounts of Treasurer and Clerk to be audited at a General Meeting.

XII. And be it further enacted, That the Justices of the Peace assembled at the *Easter* Quarter Sessions for the County of *Surrey* shall and they are hereby authorized to audit and examine the Accounts

Justices at Easter Sessions to audit Accounts of Trustees.

‘ Road called *Great Dover Street*, being Part [*or the Whole, as the*
 ‘ *Case may be,*] of my Share in a Subscription towards the said Under-
 ‘ taking, to hold to the said his or her
 ‘ Executors, Administrators, and Assigns, subject to the same Rules,
 ‘ Orders, and Restrictions, and on the same Conditions, that I held
 ‘ the same immediately before the Execution hereof; and I the
 ‘ said do hereby agree to take and accept the said
 ‘ Capital Stock or Subscription, subject to the same Rules, Orders,
 ‘ Restrictions, and Conditions. As witness our Hands and Seals, the
 ‘ Day of One thousand eight
 ‘ hundred and

And on every such Sale the said Deed of Transfer, being executed by the Seller or Sellers, and Purchaser or Purchasers of such Shares, shall be kept by such Purchaser or Purchasers, for his, her, or their Security, after the Clerk of the said Trustees shall have entered, into a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Trustees, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale and Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as herein-before directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Road, nor any Interest for such Shares paid to him, her, or them, as a Subscriber or Subscribers towards the making and maintaining of the said Road.

XV. And be it further enacted, That the Clerk to the said Trustees is hereby required fairly and distinctly to enter the Names and proper Additions of the several Persons who are or shall become entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and also the proper Number by which every Share is distinguished, in a Book or Books to be kept by the said Clerk for that Purpose.

Names of Proprietors, and Numbers of their Shares to be entered in a Book.

XVI. And whereas in Cases where the original Subscriber or Subscribers for One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the said Clerk, as in and by this Act before directed, it may not be in the Power of the said Trustees, or their Treasurer or Clerk, to know who is or are the Owner or Owners, Proprietor or Proprietors of such Share or Shares, for the Purpose of safely paying to him, her, or them the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietors or Possessors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof, as by this Act before directed, on an Affidavit being made and sworn by Two credible Persons before One of His Majesty's Jus-

For ascertaining the Proprietorship of Shares in certain Cases.

tices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk to the said Trustees, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor in the Register Book or List of the Proprietors of Shares in the said Undertaking, to be kept in the Office of the said Clerk.

Trustees not to erect any Gate to obstruct the present Entrance to Kent Street.

XVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Trustees any Power or Authority to erect or set up any Gate or Gates, Turnpike or Turnpikes, so as to prevent or obstruct the present Entrances or Avenues leading to or from a certain Street called *Kent Street*, near and adjoining to the said Road.

Power to take Tolls.

XVIII. And be it further enacted, That it shall lawful for the said Trustees, and other Persons duly authorized by them, to demand and take, at all Toll Gates, Bars, or Turnpikes and Toll Houses, now or hereafter to be erected in, upon, or across the said Road, before any Horse, Cattle, or Carriage shall be permitted to pass through the same, such Tolls or Sums of Money as they shall from Time to Time direct, not exceeding the Sums or Tolls following; (that is to say,)

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

For every Horse or other Beast drawing any Chaise, Chair, Curricule, or other such like Carriage on Two Wheels only, by whatever Name the same may be called, the Sum of Two-pence:

For every Horse or other Beast drawing any Post Coach, Post Chaise, Coach, Chariot, Landau, Berlin, Hearsé, Chaise, Sociable, Barouche, Calash, or other such like Carriage on more than Two Wheels, by whatever Name the same may be called, not being any Stage Coach or other such like public Carriage for the Conveyance of Passengers, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such like Carriage, by whatever Name the same may be called, the Sum of Two-pence:

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

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Two-pence Halfpenny *per* Score, and so in proportion for any less Number.

Tolls on Stage Coaches.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees and they are hereby required to demand and take, or cause to be demanded and taken, any Sum not exceeding the Sum of One Penny Halfpenny for every Horse or other Beast drawing any Stage Coach or other such like public Carriage for the Conveyance of Passengers, every Time they shall pass along or upon the said Road.

Tolls on Post Chaises.

XX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required to demand and take, or cause

to be demanded and taken; the Tolls hereby granted for and in respect of all Horses and other Beasts drawing any Post Coach, Post Chaise, or other such Carriage, every Time they shall pass along or upon the said Road, in case of a fresh Hiring of such Post Coach, Post Chaise, or other such Carriage.

XXI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required to demand and take, or cause to be demanded and taken, for each and every Hackney Coach, Hackney Chariot, and Cabriolet, or other such like Carriage passing through any of the Gates erected or to be erected on the said Road, the Sum of Three-pence for each Horse or other Beast drawing the same, every Time any such Hackney Coach, Hackney Chariot, Cabriolet, or other such like Carriage shall pass through any of the said Gates, save and except the Person or Persons hiring such Coach, Chariot, Cabriolet, or other such like Carriage shall produce a Ticket denoting that such Toll hath been paid on that Day for and in respect of such Coach, Chariot, Cabriolet, or other such like Carriage; and each and every Collector or Collectors of the said Tolls shall and they and he is and are hereby required to deliver to the Person or Persons hiring such Coach, Chariot, or Cabriolet, or other such like Carriage, a Ticket denoting the Payment of the said Toll; and in case any such Collector or Collectors shall refuse or neglect to deliver such Ticket *gratis* to such Person or Persons, then and in every such Case such Collector or Collectors shall forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Tolls on
Hackney
Coaches, &c.

XXII. Provided always, and be it further enacted, That all Horses, Cattle, or Carriages, which shall pass the same Day through any Side Bar or Gate to be erected on the Side or Sides of the said Road, across any Lane or Way leading into or out of the same, and through the next Turnpike Gate or Bar on the said Road, shall, on producing a Ticket, in the like Manner be exempt at the other of the same last-mentioned Gates or Bars from so much Toll as shall have been respectively paid for such Horses, Cattle, and Carriages at the other of the same Gates or Bars which they shall have so previously passed through; provided also, that no Toll shall be taken in respect of any Horse, Beast, Cattle, or Carriage which shall only cross the said Road.

Exemptions.

XXIII. Provided always, and be it further enacted, That all Persons who shall have paid the Tolls hereby granted for or in respect of the same Horse or Horses, Cattle or Carriages, at any Toll Gate, Bar, or Turnpike to be continued or erected by virtue of this Act, shall on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock on the next succeeding Night) be permitted to pass and repass any Time or Times as often as he or they shall think proper, through the same Toll Gates, Bars, or Turnpikes, or any other Toll Gate, Bar, or Turnpike which shall be continued or erected by virtue of this Act, for or in respect of the same Cattle or Carriages for which such Tolls shall have been so paid (except as by this Act is otherwise directed); and that no Person passing any of the said Toll Gates, Bars, or Turnpikes with any Horses not drawing a Carriage, and paying the Toll for such Horses, and returning the same

Tolls to be
paid put once
a Day.

same Day (to be computed as aforesaid) with the same Horses drawing a Carriage, shall be subject or liable to pay any greater Toll than will, with what shall have been paid for such Horses as aforesaid, make up the complete Toll authorized to be collected by virtue of this Act; and also that no Person passing any of the said Toll Gates or Turnpikes with any Horses drawing a Carriage, and paying the Toll for the same, and returning on the same Day (to be computed as aforesaid) with the same Horses not drawing any Carriage, shall be subject or liable to pay any Toll in respect of the Horses for returning; such Persons respectively producing a Note or Ticket denoting such respective Payments.

Not to pass more than Twice in One Day without paying a fresh Toll, unless carrying Materials for repairing the Roads.

XXIV. Provided always, and be it further enacted, That no Horse or Horses or other Cattle drawing any Cart, Waggon, Dray, or other Carriage laden with Bricks, Tiles, Clay, Sand, Chalk, Stones, Brick Earth, Rubbish, Soil, Sand, or Ashes, shall be permitted to pass through any of the said Toll Gates, Bars, or Turnpikes more than Twice in any One Day without paying again the like Tolls as if the same had not already passed through any of such Toll Gates, Bars, or Turnpikes, except such Horse or Horses or other Cattle drawing such Carts or Waggon as shall be employed and used in carrying and conveying Materials for repairing and amending the said Roads; any thing herein contained to the contrary notwithstanding.

No Person to collect Tolls but those appointed by the Trustees.

XXV. And be it further enacted, That if any Person or Persons not duly authorized and empowered by the said Trustees shall demand, take, collect, or receive any of the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Turnpikes or Toll Gates to be taken down or set up except by an Order made at General Meetings.

XXVI. And be it further enacted, That none of the Toll Gates or Turnpikes now standing or hereafter to be erected upon or on the Sides of the said Road shall be taken down or removed, or any Toll Gate or Turnpike be erected by virtue of this Act, except by Order of the said Trustees made at some General Meeting to be holden in pursuance of this Act, of which Meeting Fourteen Days Notice in Writing (specifying the Business to be done at such Meeting) shall be given in some public Newspaper printed or circulated in the said County of *Surrey*, and affixed upon the Toll Gates or Turnpikes which shall be then standing upon the said Road.

Toll Gates may be removed.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to take down and remove any Gate, Turnpike, or Toll Gate, Weighing Engine, Building, and other Convenience erected or provided by virtue of this Act, and to set up the same again in any other Place or Places in, upon, across, or on the Side or Sides of the said Road: Provided always, that no Gate or Turnpike or Weighing Engine to be erected or set up by virtue of this Act shall at any Time after the same shall be set up be taken down or removed to any other Place, except by Order of the said Trustees at a Meeting convened for that Purpose, and unless Twenty-one Days previous Notice shall be given thereof in Writing, and be affixed upon all the Turnpikes which shall be then erected by virtue of

of this Act, and also be inserted Twice in some Newspaper published or circulated in the County of *Surrey*; any thing in this Act contained to the contrary thereof notwithstanding.

XXVIII. And be it further enacted, That the said Trustees shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate on the said Road, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing severally the total Amount of Tolls payable under this Act, and the different Sorts of Carriages for which they are to be paid where there shall be any Variation therein, and also a List of the several Gates (if any) which shall be wholly or partially cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and the said Trustees shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the Gate or several Gates (if any) freed by such Payment, One of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned as being cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Trustees to put up a Table of the Tolls, with the Names of the Gates, and provide Tickets denoting the Payment.

XXIX. And be it further enacted, That if any Person shall forge, counterfeit, or alter any Note or Ticket directed to be given, with Intent to evade the Payment of the Tolls or any Part thereof, or if any Person shall fraudulently or forcibly pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage, or shall leave upon the said Road any Horse, Beast, Cattle, or Carriage whatsoever, by means whereof the Payment of any of the said Tolls shall be evaded, or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any Toll Gate, whereby the Payment of all or any of the Tolls shall or may be evaded, or if any Person shall do any other Act whatsoever, in order or with Intent to evade the Payment of all or any of the Tolls, and whereby the same shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for evading Tolls.

XXX. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or of or from any Person or Persons, for any Horse or Horses or other Beast or Cattle; or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or

Exemptions from Tolls.

[*Local.*]

30 U.

convey,

convèy, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials; for making or repairing any Turnpike Road or public Highway, or for building, rebuilding, or repairing any present or any future Bridge or Bridges on any such Road or public Highway; or of or from the Surveyor of any Turnpike Road when engaged in executing or proceeding to execute within the Limits of his own or any adjoining Trust the Powers of any Act or Acts of Parliament for repairing, maintaining, or relating to any Turnpike Road; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands; or for Horses, Carts, or Waggon employed only in carrying or conveying any Vagrant sent by a legal Pass or any Prisoner sent by any legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fètching, or guarding such Mails or Expresses, or when returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers; or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage containing Volunteer Infantry, or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for or on the Days of Exercise, Inspection, or Review, or on other Public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the said County of *Surrey*; or for any Horses or Carriages which shall only cross the said Road, or shall not pass above One hundred Yards thereon.

Toll Collectors to put up their Names.

XXXI. And be it further enacted, That every Toll Collector on the said Road shall place or cause to be placed, on some conspicuous Parts of the Fronts of the several Toll Houses at which they shall be respectively stationed, and so that the same shall appear to public

View, their Christian and Surnames, painted in Black on a Board with a White Ground, each of such Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and that such Board shall be and remain at such Toll House during the whole of the Time that the Person whose Name shall be expressed thereon shall be on Duty thereat; and if any Collector of the said Tolls shall not place such Board, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the said Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or who shall refuse to permit or suffer or shall not permit or suffer any Person or Persons to read, or shall in anywise hinder any Person or Persons from reading, the Inscriptions on such Board, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on being paid the said Tolls or any of them; or shall in answer to such Demand give a false Name or Names, or shall refuse or omit to give to the Person paying the Tolls a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate at which such Ticket has been delivered, and the Toll Gate or Toll Gates (if any) freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Passenger or Passengers from passing through any Turnpike or Toll Gate on the said Road, or shall make use of any scurrilous or abusive Language to any Trustee, Traveller, or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty for taking greater or less Tolls, or obstructing Passengers.

XXXII. 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 additional Toll, Penalty, or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithstanding.

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

XXXIII. And be it further enacted, That if at any Time there shall not be affixed at the Toll Gate or Toll Gates erected or standing by virtue of this Act such Table of Tolls as herein-before directed, it shall not be lawful for the said Trustees, or any Collector or Person on their Behalf, to take or require any Tolls whatever from any

No Tolls to be taken unless List of Tolls shall be fixed up.

Person

Person travelling on the said Road ; and if any Toll shall be exacted or taken when no such Table of Tolls shall be affixed as hereby required, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Tolls for a Time not exceeding Three Years.

Such Composition not to extend to Overweight.

Trustees may lease or farm out Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding Three Years at any One Time, with all or any of the Inhabitants of the several Parishes, Hamlets, or Places to or through which such Road may lead or pass, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or to be erected on the said Road ; 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 said Tolls are directed to be paid and applied : Provided always, that no such Composition shall extend to the additional Tolls for Overweight herein-before directed to be taken, but all such additional Tolls shall be demanded and recovered notwithstanding any Composition for Tolls.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees to let to farm the Tolls of the several Gates upon the said Road in manner following ; (that is to say,) the said Trustees shall cause Notice to be given of the Time and Place for letting the same, at least One Calendar Month before the Day to be appointed for that Purpose, by affixing the same upon every Toll Gate belonging to the said Road, and also by Insertion thereof in some public Newspaper circulated in the said County of *Surrey*, and specifying in every such Notice the Sum which the said Tolls produced in the preceding Year clear of the Salary for collecting the same, in case any hired Collector was appointed, and that they will let such Tolls by Auction to the best Bidder, on his producing sufficient Sureties for Payment of the Money monthly or otherwise (as in such Notice shall be specified), and that they will be put up at the Sum which they were let for or produced in the preceding Year, clear of the Salary of the Collector ; and to prevent Fraud or undue Preference in the letting thereof, the Trustees are hereby required to provide a Glass with so much Sand in it as will run from one End to the other End of it in One Minute, which Glass at the Time of letting such Tolls shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes, and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Times specified in such Notice, with such Surety or Sureties for Payment thereof, and under such Conditions and in such Manner as the said Trustees shall think fit ; and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall be lawful to put up the said Tolls again immediately for another Bidder, and

and in the like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm or agree to demise or let to farm such Tolls at any Sum not less than the Sum at or for which they were last let or produced, or the said Trustees may appoint a Collector of such Tolls, or fix some future Day for the letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and may in that Case put them up at such Sum as they shall think fit; and if the Person or Persons who shall be the Farmer or Renter, or Collector or Collectors of such Tolls, shall take a greater or less Toll from any Person or Persons than what is authorized or directed by the Agreement with the said Trustees, he or they shall for every such Offence forfeit the Sum of Five Pounds, and the said Agreement for renting the Tolls shall, if the said Trustees shall think fit to vacate the same, become and be null and void: Provided always, that at all such Lettings the Trustees shall be entitled to bid for the Tolls so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized; provided also, that no such Tolls shall be demised or leased for any longer Term than Three Years at any One Time.

XXXVI. And be it further enacted, That from and after the passing of this Act, if the Tire or Tires of any Wheel or Wheels of any Waggon, or Cart, or other such Carriage which shall be used or drawn on the said Road shall not be so made or constructed as not to deviate more than Half an Inch from a flat or level Surface in Wheels exceeding Six Inches in Breadth, or more than One Quarter of an Inch from a flat or level Surface in Wheels less than Six Inches in Breadth, or in case the several Nails of the Tire or Tires of every such Wheel or Wheels shall not be so countersunk as not to project above One Quarter of an Inch above the Surface of such Tire or Tires, then and in every such Case the Owner of every such Waggon, Cart, or other such Carriage shall for every such Offence forfeit and pay the Sum of Five Pounds, and every Driver thereof the Sum of Forty Shillings.

Construction of Wheels of Waggons and other Carriages.

XXXVII. And be it further enacted, That from and after the passing of this Act the said Trustees shall and they are hereby required to demand and take, or cause to be demanded and taken, for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, or for the Horse or Horses or Cattle drawing the same, One Half more than the Tolls which are or shall be payable for any Carriage of the same Description having the Wheels thereof of the Breadth of Six Inches, and for every Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, and for the Horse or Horses or other Cattle drawing the same, One Fourth more than the Tolls or Duties which are or shall be payable on any Carriage of the like Description having the Wheels of the Breadth of Six Inches by this Act, before

Waggons, &c. with Fellies of less Breadth than Four and a Half Inches to pay One Half more Toll; with Four and a Half Inches and less than Six, One Fourth more.

any such Waggon, Wain, Cart, or other Carriage respectively shall be permitted to pass through any Turnpike Gate or Gates, Bar or Bars, where Tolls shall be payable by virtue of this Act.

Power to
measure
Wheels.

XXXVIII. And be it further enacted, That it shall and may be lawful for any Trustee of the said Road, and for every Collector or other Person acting by or under the Authority of the said Trustees, or of their Lessee or Lessees of Tolls, to measure and examine or cause to be measured and examined the Breadth and Construction of the Wheels of every such Waggon, Cart, or other such Carriage passing on the said Road, such Measurement and Examination to take place, if the Trustee or other authorized Persons making the same shall so require; previously to such Waggon, Cart, or other Carriage being allowed to pass through any Toll Gate or Bar at which Toll shall be payable; and if any Owner or Driver of any such Waggon, Cart, or other Carriage shall turn or drive out of the Road, in order to avoid or evade the measuring of the Wheels of such Waggon, Cart, or other Carriage, or if any such Owner, Driver, or any such other Person shall refuse to allow the Wheels of any such Waggon, Cart, or other Carriage to be measured, and the Construction thereof examined, or shall attempt to pass through any Toll Gate or Bar before such Measurement and Examination shall be made (the same having been required), or shall in any way hinder or obstruct any such Trustee or other authorized Person in making every such Measurement and Examination, every such Owner, Driver, or other Person so misbehaving shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall not be lawful for any such Waggon, Cart, or other Carriage not permitted to be measured or examined as aforesaid to pass along the said Road; and if any Collector or any other Person appointed to collect the Tolls shall allow the same to pass before such Measurement and Examination shall be made (the same having been required), every Collector, Deputy, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for
obstructing
Measure-
ment.

Penalty on
Toll Col-
lector allow-
ing Waggons
to pass before
Measure-
ment.

Additional
Tolls for
Overweight.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Trustees or for any Person or Persons authorized by them, and they are hereby empowered, to receive, take, and demand, over and above the Tolls payable by virtue of this Act, the following Sums of Money as additional Toll for every Hundred Weight of One hundred and twelve Pounds to the Hundred which any Waggon, Cart, or other such Carriage, together with the Loading thereof, shall weigh at any Weighing Engine, over and above the Weights hereby allowed to each of them respectively; (that is to say,)

Tolls.

For the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred:

For every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence:

For every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence:

And for every Hundred of such Overweight exceeding Ten Hundred, the Sum of Five Shillings :

Which said additional Sums or Tolls hereby granted and made payable at any Weighing Engine shall and may be levied and recovered in any of the Cases aforesaid, in such Manner as any other Toll or Duty payable on the said Road is or shall be by Law to be levied and recovered, and the Monies arising therefrom shall be applied as other Tolls hereby authorized to be taken are hereby directed to be applied.

XL. And for regulating the Weights to be allowed to Waggon, Wain, Cart, and other Carriages, be it further enacted, That the several Weights specified in the Schedule to this Act annexed shall be allowed to every Waggon, Wain, Cart, or other Carriage, and no more ; and that for the several Purposes of this Act it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive.

Regulating Weights to be allowed.

XLI. And be it further enacted, That nothing in this Act contained relating to the Breadth of the Wheels of Carriages, or to the Regulations of Weight, or to the Tolls payable in respect of the Wheels, or of the Weight of Carriages, shall extend or be construed to extend to any Chaise Marine, Coach, Landau, Berlin, Barouche, Phaeton, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricule, Gig, Chair, or any Cart not drawn by more than One Horse or Two Oxen.

Regulations not to extend to Coaches, &c. nor to Carts drawn by One Horse.

XLII. And be it further enacted, That it shall be lawful for the said Trustees at any of their respective Meetings, if they shall think proper, to order and cause to be built and erected at any of the Turnpikes or Toll Gates on the said Road, or at such Distance therefrom as they shall think expedient, One or more Crane or Cranes, Machines or Engines, with a suitable House or other Building thereto, proper for the weighing of Waggon or Carriages conveying any Goods or Merchandize whatsoever, and by Notice on a Board for that Purpose, to be put up at every such Weighing Machine, to order and direct all or every such Waggon or Carriages which shall come within One hundred Yards of any Crane, Machine, or Engine to be weighed, together with the Loading thereof.

Power to erect Weighing Machines.

XLIII. And be it further enacted, That the Keeper of any Toll Gate or Bar where any Weighing Machine shall be erected, or any other Person appointed or to be appointed by the said Trustees, or by their Lessee or Lessees, to the Care of such Weighing Engine, shall and is hereby required to weigh all such Waggon, Cart, and other Carriages liable to be weighed which shall pass loaded through such Gates or Bars respectively, and which he shall believe to carry greater Weights than are allowed to pass without paying the additional Toll ; and if any Collector or Person so appointed shall permit any such Waggon, Cart, or other Carriage to pass by or through any such Toll Gate with greater Weights than are hereby allowed, without weighing the

Where Weighing Engines are erected Toll Keepers to weigh Waggon, &c.

Penalty on obstructing the weighing.

the same, and receiving such additional Tolls as aforesaid, he shall for every such Offence forfeit the Sum of Five Pounds; and if the Owner or Driver of any Waggon, Cart, or other Carriage shall refuse to allow the same to be weighed, or shall resist any Gate Keeper or Toll Collector in weighing the same, every Owner or Driver so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on turning out of Road to avoid being weighed.

XLIV. And be it further enacted, That if the Owner of any Waggon, Cart, or other such Carriage, or other Person, being the Driver thereof, travelling on the said Road where any Weighing Machine is or shall be erected, shall turn out of the same into any other Road, in order to avoid being weighed, or to avoid the Payment of Toll, and shall afterwards proceed with such Carriage into and on any Part of the said Road, every such Owner or other Person, convicted of such Offence before One or more Justice or Justices of the Peace for the said County of *Surrey*, upon the Oath of One or more credible Witness or Witnesses, shall forfeit, if he be the Owner, any Sum not exceeding Five Pounds, and if he be the Driver and not the Owner, any Sum not exceeding Forty Shillings, upon Conviction for every such Offence.

To prevent Connivance of Engine Keepers.

XLV. And in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall and may be lawful for any Trustee, Creditor, Clerk, or Treasurer of the said Road, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Carriage liable to be weighed by virtue of this Act, which shall have passed through any Toll Gate, or shall come upon any Part of the said Road within the Distance of One hundred Yards from the Place where such Crane, Machine, or Engine shall be erected, and shall not have passed or be above Three hundred Yards beyond or from such Toll Gate or Weighing Engine, to return to such Weighing Engine and be then weighed, with the Loading thereof, in the Presence of such Trustee, Creditor, Clerk, or Treasurer, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing, which Sum of One Shilling shall be returned to the Person so weighing the same, if upon weighing such Carriage and the Loading the same shall be found above the Weight hereby allowed; and there shall be a List of the Names of all the Trustees, and also of the Clerk and Treasurer of such Road, put up in the House or Building where any Weighing Machine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if any Engine Keeper shall not place such List as aforesaid for such Inspection, he shall forfeit and pay any Sum not exceeding Forty Shillings; and if the Driver of any such Carriage, being so requested to return with his Carriage to any such Weighing Engine, shall neglect or refuse so to do, he shall forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for any Peace Officer or other Person or Persons being then present, upon such Neglect or Refusal, to drive and take such Carriage back to any such Weighing Engine, in order that the same may be weighed as aforesaid.

XLVI. And

XLVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being so appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Toll Gatherers not incompetent Witnesses.

XLVII. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress made for the Nonpayment of any Tolls, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may be,) until the Amount of the Tolls due, and the Charges of the making, keeping, and selling the Distress, be ascertained by some Justice of the Peace for the said County of *Surrey*, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, (which Oath such Justice is hereby authorized and empowered to administer,) 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 Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, after deducting 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.

Any Justice may settle Disputes concerning Tolls.

XLVIII. And be it further enacted, That all the Tolls and other Monies raised by virtue of the said recited Acts hereby repealed, and now in the Treasurer's Hands, and all the Tolls and Monies to arise by virtue of this Act, shall be applied, in the first place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident to or in anywise relating to obtaining and passing this Act, in continuing, erecting, supporting, and lighting the several Toll Gates, Bars, Turnpikes, Toll Houses, and Direction Posts to be continued, erected, supported, or lighted by virtue of this Act, and in paying the Salaries and Allowances to the several Clerks, Collectors, and other Officers and Servants to be employed under this Act; and from and after the making of the several Payments aforesaid, the said Trustees or their Treasurer shall and they are hereby empowered and directed, out of the Surplus of the Tolls and other Monies which shall come to their Hands, to pay, until the Sum and Sums of Money subscribed for making the said Road shall be returned to the Person or Persons entitled to receive the same, Interest at the Rate of Five Pounds *per Centum per Annum* upon all Principal Sum and Sums of Money which have been so subscribed and paid as aforesaid; and the said Trustees shall then apply the Residue of the Monies arising from the said Tolls in repaying to the

Application of Tolls and other Monies.

several Subscribers the Monies which shall have been respectively subscribed or contributed towards making the said Road, by virtue of the Shares in the said Road belonging to such Subscribers respectively, and for no other Use or Purpose whatsoever.

Application
of Surplus.

Proviso as to
Qualification
of Trustees.

XLIX. And be it further enacted, That when and so often as the Surplus of the Tolls applicable to the Repayment of any Part of the said Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence shall amount to the Sum of Five hundred Pounds, the said Trustees at their next Meeting shall proceed to decide by Lot to which of the Subscribers towards the said Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence, the Shares to be paid off shall belong; and in case such Lot shall at any Time reduce the Amount of the Subscription of any acting Trustee below the Amount of Qualification hereby required to belong to such Trustee at the Time of his taking the Oath of Qualification hereby prescribed, such Reduction shall not disable such acting Trustee thenceforward to continue to act as a Trustee in the Execution of this Act; but such Trustee shall and he is hereby empowered to continue to act as such Trustee, and to do any Act or concur in any Proceeding or Measure, as fully and effectually as if such Qualification had not been so reduced as aforesaid.

Mains of
Water and
Gas Pipes
to be made
of Iron, and
not to be laid
down be-
tween the
29th Septem-
ber and 25th
March.

L. And be it further enacted, That all new and complete Mains or Pipes (not being Service Pipes fitted to any House or Building) for the Conveyance of Water or Inflammable Air or Gas, which after the passing of this Act shall be laid down beneath the Surface of the said Road, by or on account of any Water or Gas Light Company, and whether such new or complete Main or Pipes shall or shall not be substituted for or added to any other complete Main or Mains of Pipes for the Conveyance of Water or Inflammable Air or Gas, theretofore laid down for the Conveyance of Water or Inflammable Air or Gas, shall consist and be made of Iron alone, and of no other Material; and the Ground, Soil, or Pavement of the said Road, or of any Part thereof, shall not be broken or taken up for the Purpose of laying down any Main or Pipes for the Conveyance of Water or Inflammable Air or Gas, at any Time between the Twenty-ninth Day of *September* in every Year and the Twenty-fifth Day of *March* in the next following Year, without the Consent in Writing of the said Trustees; and if any Water or Gas Light Company, or any other Person, shall break or take up or cause to be broken or taken up such Ground, Soil, or Pavement for the Purpose aforesaid, during the Time aforesaid, or shall lay or cause to be laid down any Pipe or Pipes consisting or made of any Materials than Iron, then and in every such Case the Company or Person so offending shall forfeit and pay the Sum of Twenty Pounds for every Square Foot of Ground or Soil which shall be so broken or taken up by them or on their Authority, and the like Sum for every Foot in Length of Pipe which shall be so laid down consisting or made of any such Material.

Restrictions
as to breaking
up Roads.

LI. And be it further enacted, That it shall not be lawful for any Water or Gas Light Company, or any Person or Persons acting by or under the Authority of them or any of them, or on their Account, to break,

break, take up, or destroy the Ground or Soil of the said Road, for the Purpose of laying down any Mains or Pipes (except Service Pipes of a Diameter not more than Two Inches in the Bore), without the Consent in Writing of the said Trustees, signified under the Hand or Hands of their Clerk or Clerks, or other proper Officer or Officers, first had and obtained; but nothing in this Act contained shall be deemed or construed to prevent the said Company from laying down, repairing, or altering such Mains or Pipes after such Consent obtained as aforesaid, or from laying down, repairing, or altering any Service Pipes or Apparatus leading from such Main Pipes after such Consent obtained as aforesaid.

LII. And be it further enacted, That after such Consent as aforesaid, it shall not be lawful to or for any Water or Gas Light Company, or any Person or Persons acting by or under their Authority, to break, take up, or disturb, or cause to be broken, taken up, or disturbed, the Ground or Soil of the said Road, or any Part thereof, for the Purpose of laying down or repairing any Main Pipe or Pipes (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of their Intention to break or take up such Ground or Soil, signed by the Clerk, Inspector, or Surveyor to the said Company, specifying the particular Part of the said Road in which such Ground or Soil is intended to be broken or taken up, shall have been left for the Clerk to the said Trustees at his Dwelling House or Office, for the Space of Twelve Hours at least before such Ground or Soil or any Part thereof shall be so broken or taken up (except in Cases of Fire or sudden Emergency, in which such Notice as aforesaid shall be given to such Clerk to the said Trustees immediately after such Ground or Soil or any Part thereof shall be broken or taken up); and if the said Company, or any Person or Persons acting by or under their Authority, shall break, take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground or Soil, without such Consent being obtained as aforesaid, and such Notice given or left as aforesaid (except as aforesaid), or shall break, take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground or Soil, for the Purpose of laying down any Main or Mains, without such Consent as aforesaid, then and in every such Case the said Company shall forfeit and pay to the said Trustees the Sum of Ten Pounds for every Square Yard of Ground or Soil, to be measured upon the Surface thereof, which shall be so broken or taken up without such Consent and Notice as aforesaid, (except as aforesaid.)

Notice to
be given of
breaking up
Roads.

LIII. And be it further enacted, That whenever and so often as any Company or other Persons shall have lawfully broken up or removed the Ground or Soil of the said Road or any Part thereof, such Company and other Persons shall and they are hereby required immediately thereafter to reinstate and make good, under the Superintendence and to the Satisfaction of the said Trustees, such Ground or Soil in as good State or Condition as the same was in at the Time of being so broken up; and such Company and other Persons shall carry away all the old Pipes and Materials, and all surplus Earth, Filth, and Rubbish occasioned thereby, and at their own Costs and Charges;

Requiring
Companies,
&c. to rein-
state Roads,
and to secure
the Works,
to prevent
Accidents.

Charges; and that during the Works of such Company or other Persons, and reinstating such Ground or Soil as aforesaid, such Company or other Persons shall at their own Cost provide proper Watchmen, with necessary Lights at Night, and otherwise secure and guard the said Works, so as to prevent any Accident, Injury, Damage, or Inconvenience happening to any Passengers, Cattle, or Carriages; and in case such Company or other Persons shall refuse, neglect, or make default in making good or reinstating such Ground or Soil as aforesaid, within Twenty-four Hours next after Notice given to or left for such Company or other Persons at their House or Office, it shall be lawful for the said Trustees to reinstate and make good such Ground or Soil, and the Charges and Expences thereof shall be reimbursed and repaid by such Company or other Persons, or their Treasurer, to the said Trustees or their Treasurer; and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been made by the Clerk to the said Trustees, (Proof of such Demand being made by the Oath of One credible Witness before any Justice of the Peace for the said County of *Surrey*,) such Charges and Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Company or other Persons, together with the Charges for such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant, and such Charges and Expences shall be paid to the said Trustees or their Treasurer; and in case such Company or other Persons shall refuse or neglect to provide proper Watchmen, with necessary Lights at Night, and otherwise secure and guard the said Works as aforesaid, such Company and other Persons shall for every such Refusal or Neglect forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

Pipes to be laid on Sides of Roads; and no Pipes to be laid which shall prevent the drawing of the Water off the Roads.

LIV. And be it further enacted, That such Mains or Pipes shall be laid Twelve Inches at least below the Surface of the Ground, to be measured from the upper Sides of such Mains or Pipes; and such Mains or Pipes shall be laid on the Sides of the said Road, and as near to the Footpaths as conveniently may be, (or in the Footpath of the said Road, if the said Trustees shall think proper,) unless in such Cases where the Intervention of a Common Sewer, or other unavoidable Hindrance or Obstruction, shall make a Deviation absolutely necessary, or where it shall be necessary for the Purpose of carrying any Main or Pipes across the said Road, for the Purposes of Communication from one Main Pipe to another; and no Pipe or Pipes shall be laid down under the said Road which shall in any Manner prevent the drawing of Water off the said Road.

Trustees may require Repair of Pipes.

LV. And be it further enacted, That when and so often as it shall appear to the said Trustees that any Main or Mains, Pipe or Pipes, Stopcock, Plug, or other Thing belonging to any Water or Gas Light Company, beneath the Surface of the said Road or any Part thereof, shall be broken or damaged, or in want of Repair or Alteration, it shall be lawful for the said Trustees to cause Notice to be given in Writing, signed by their Clerk, to the Company to whom such Main, Pipe, Stopcock, Plug, or other Thing doth or may belong, by either giving such Notice to a Clerk or Secretary, or to a Turncock
of

of such Company, or to some or One of them, or by leaving the same at the Place or Places of Abode of some or One of them, or at the Office or Counting-house of such Company, requiring that such Mains, Pipes, Stopcock, Plug, or other Thing be forthwith repaired, altered, amended, or renewed by such Company; and that within Forty-eight Hours after such Notice shall be so given or left as aforesaid, the said Company to or for whom, or to or for whose Officer or Servant, such Notice shall have been given or left as aforesaid, shall cause to be taken up the Ground or Soil beneath which the Main, Pipe, Stopcock, Plug, or defective Matter or Thing shall be, and shall cause the Ground to be opened, and also cause the said Main, Pipe, Stopcock, Plug, or other defective Matter or Thing to be substantially repaired, altered, amended, or renewed, and the Ground or Soil properly filled in with hard Rubbish or other good Materials, and rammed down and reinstated within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the said Trustees, and to their Satisfaction; and also within Forty-eight Hours next after such Main, Pipe, Stopcock, Plug, or other defective Matter or Thing shall be so substantially repaired, altered, amended, or renewed, and the Ground or Soil above the same shall be so filled in and rammed down and reinstated, the said Company shall cause Notice thereof to be given to the said Trustees or their Clerk, that such Reparation, Alteration, or Amendment or Renewal, hath been made, and that the Ground or Soil has been refilled, rammed down, and reinstated in the Manner directed by this Act; and in case the said Water or Gas Light Company to or for whom such Notice shall have been given or left as aforesaid, and to whom such Main, Pipe, Stopcock, Plug, or other defective Matter or Thing referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, amended, or renewed, as the Case may be, and the Ground, Soil, or Pavement to be filled in and rammed down and reinstated to the Satisfaction of the said Trustees, in manner and within the Time aforesaid, or shall neglect to give or cause to be given Notice thereof as aforesaid, then the said Company shall for every such Neglect or Offence forfeit and pay any Sum not exceeding Five Pounds.

LVI. And be it further enacted, That no Water Company, or any Person or Persons whose Mains or Pipes shall be laid beneath the Surface of the said Road or any Part thereof, shall place or set up or cause or suffer to be placed or set up any Standcock or Pump, or other Instrument, Machine, or Thing for the Supply of Water in Times of hard Frost or otherwise, in the said Road or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout, to be to the Satisfaction of the said Trustees or their Surveyor; and any Water Company or other Person or Persons who shall set up or cause or suffer to be set up any Standcock, Pump, or other Instrument, Machine, or Thing, furnished with any other than a Metal Cock and Spout, and which shall not be to the Satisfaction of the said Trustees or their Surveyor, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

For regulat-
ing Stand-
cocks during
Frost.

Works neglected by Companies may be executed by Trustees.

LVII. And be it further enacted, That in case any Water or Gas Light Company at any Time or Times shall refuse or neglect to take up the Ground or Soil in the said Road or any Part thereof, or to substantially repair, alter, amend, or renew any Main, Pipe, Plug, Stopcock, or other Thing, as the Case may be, according to the Directions of this Act, or to give the Notices required by this Act, or to remove or take away any Pipes or other Materials or Things from the said Road or any Part thereof, or to collect and carry away, or remove the old Pipes and Materials, and all Dirt, surplus Gravel, Filth, Rubbish, and other Things from the said Road, and continue all necessary Posts, Rails, Bars, or Ropes, Lanthorns, Watchmen, or to do and execute all or every such Works and Things directed and required by this Act to be done and executed by any such Company, in manner and within the Times directed by this Act, then and in every or any of such Cases, and at all Times afterwards, it shall be lawful for the said Trustees and their Surveyor, and they and he are and is hereby empowered and required, forthwith to cause all and every such several Works, Matters, and Things, which shall not be executed and performed by every such Company, or which shall not be well, substantially, and effectually executed and performed to the Satisfaction of the said Trustees, to be well and effectually performed to the Satisfaction of the said Trustees, at the Costs and Charges of such Company who shall have so refused or neglected well, substantially, and effectually to perform and execute the same and every of them and every Part thereof, and such Costs and Charges and every of them shall be reimbursed and paid by any and every such Company to the said Trustees or their Treasurer or to such Person or Persons as they shall appoint to receive the same; and the Amount of such Costs and Charges, and of the Monies so to be paid, shall be recovered and levied (over and above all and every the Penalties and Forfeitures which may be incurred for any such Refusal or Neglect by virtue of this Act) in the same Manner as Penalties and Forfeitures by this Act imposed are directed to be recovered, levied, and applied.

For regulating Signs, &c.

LVIII. And be it further enacted, That the said Trustees shall and may at any Time, or from Time to Time, cause Notice to be given to the respective Owners or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers of the several Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, or Hereditaments on the Sides of the said Road, to take down, fill up, remove, alter, or regulate all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, and all Sign Posts and Sign Irons, Bow Windows and projecting Windows, Show Boards, Window Shutters, Flaps, Water Spouts, Doors projecting over or upon any Part of the Footpaths or Sides of the said Road, and also all outer Doors opening on and Steps projecting into the Footpaths, and all Doors and Steps leading down out of the Footways into any Cellars, Vaults, and other Places belonging to any Building, Shop, Warehouse, or Tenement, and other Annoyance whatsoever on the said Footpaths or Sides of the said Road, and to cause all Signs and other Emblems as aforesaid, or such Parts thereof as the said Trustees shall think fit, to be affixed and placed on the Fronts of the Houses, Shops, Warehouses,

or Buildings whereunto the same respectively belonged or were before affixed, and not otherwise; and in case the Owners, or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers shall refuse or neglect to do, as before directed for the Space of Thirty Days next after such Notice shall be given to him, her, or them respectively, which Notice shall be given in Writing or Print, and signed by the said Trustees or their Clerk for the Time being, and delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee, Trustee, Lessee, Tenant, or Occupier respectively, it shall be lawful for the said Trustees to cause such Signs or other Emblems, and other Matters and Things herein-before mentioned, and all other Annoyances whatsoever, to be taken down, carried away, filled up, or removed, altered, and regulated, in such Manner as they shall think proper, and shall return or cause to be returned to their respective Owners, or to be left on the Spot or as near as conveniently may be to such Owner or Owners, so much of such Signs or other Projections or Annoyances whatsoever as shall not be affixed or set up or otherwise made use of in the Alterations. and the Charges and Expences attending the same shall be reimbursed to the said Trustees, and be paid and payable by the respective Tenants and Occupiers of such Houses and Premises; and if any Tenant or Occupier of any such Premises shall neglect or refuse to pay such Charges within Five Days next after Demand made thereof by Notice in Writing or Print under the Hand of the said Clerk or other Person appointed by the said Trustees, to be delivered to or left at the Dwelling House of such Tenant or Tenants, Occupier or Occupiers, the same shall and may be levied on every such Tenant or Tenants, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the said County of *Surrey*, (which Warrant the said Justice or Justices is and are hereby authorized and empowered to grant upon Oath of such Neglect or Refusal,) returning the Overplus (if any) of the Monies raised by such Distress and Sale, after deducting all Costs, Charges, and Expences attending the same, to the Owner or Owners of such Goods or Chattels, on Demand.

LIX. Provided always, and be it further enacted, That where any House, Shop, Warehouse, Stable, Building, Courts, Yard, Garden, Land, Tenement, or Hereditament shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the actual Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act, and the said Charges shall be levied by Distress and Sale of all or any of the Goods and Chattels in such respective Premises.

Any One
Tenant liable
for such
Charges.

LX. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such House, Shop, Warehouse, Stable, Building, Courts, Yard, Garden, Land, Tenement, or other Hereditament, before such Charges shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to defray such

For Recovery
of such
Charges in
case of the
Removal of
Tenants.

Charges,

Charges, or if it shall happen that any of the said Premises shall be untenanted, then and in every such Case such Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments shall be and the same are hereby made a Security for and chargeable with all such Costs, Charges, and Expences, and the same shall be levied by Distress and Sale (by Warrant as aforesaid) of any Goods and Chattels which shall afterwards be found in or upon the said respective Premises, or if the Goods and Chattels of the Owner or Proprietor, Feoffee or Trustee thereof, in case such Owner or Proprietor, Feoffee or Trustee, shall neglect or refuse to pay the same for the Space of Five Days next after the same shall have been demanded of him, her, or them, by Notice in Writing or in Print, signed by the said Surveyor, Clerk, or other Person, to be delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee or Trustee, and all such Charges shall be levied in like Manner by Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, City, Town, or Place where such Owner or Proprietor, Feoffee or Trustee, shall reside, or where such Goods and Chattels shall be found; and it shall be lawful for any Tenant or Occupier who shall have performed any of the Works, Matters, or Things in manner as directed by this Act, or who shall have paid and reimbursed to the said Trustees the Expences of doing the same, or on whom any such Expences shall have been levied, to deduct out of his or her Rent the Charges and Expences which such Tenant or Occupier shall pay, or which shall have been levied upon him or her on any of the Accounts aforesaid, and the Owner or Proprietor, Feoffee or Trustee, of such Premises, is hereby required to allow such Deductions and Payments upon Receipt of the Residue of his or her Rent; and in case any Tenant or Occupier shall pay or have levied upon him or her more Money, on account of any thing done by virtue of this Act, than shall be due from him or her for Rent of his or her House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall be levied on the Owner or Proprietor, Feoffee or Trustee, of such respective Premises, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, City, Town, or Place where such Goods or Chattels shall be found, such Owner or Proprietor, Feoffee or Trustee, having refused or neglected to pay the same for the Space of Five Days after Demand made thereof by such Tenant or Occupier, his or her Attorney or Agent: Provided also, that nothing in this Act contained shall prevent the said Trustees, at their Discretion, if they shall think fit so to do, from making any Allowance or paying Part of the Expences incurred by the Proprietors, Tenants, or Occupiers of any such House or Building, in removing any of the Obstructions, Nuisances, or Annoyances as aforesaid, in such Cases where the said Proprietors, Tenants, or Occupiers shall or may be materially injured by such Removal, and whereby such Cases may be particularly entitled to some Compensation.

LXI. And whereas Persons, without any sufficient Leave for that Purpose, inclose or otherwise occupy Part of the said Road for the making of Mortar and depositing of Bricks, Lime, Timber, and other Materials, Matters, and Things, to the great Annoyance, Obstruction, and Danger of Passengers and Carriages, and to the Detriment of the said Road; be it therefore further enacted, That if any Person or Persons shall erect, build, or set up, or cause or procure to be erected, built, or set up, any Inclosure, Post, Bar, or Rail, or lay or deposit any Bricks, Lime, Timber, or other Matter, Materials, or Things in or upon any Part of the said Road or Footpaths, without the Consent of the said Trustees in Writing first had and obtained, or beyond such Bounds or Limits as shall be expressed in such Consent, or without such Inclosure, or continue the same beyond the Time directed or allowed by the said Trustees, it shall be lawful for the said Trustees, or their Clerk, in any or either of the said Cases, to cause the same to be removed, taken, or carried away, and deposited in such Place or Places as the said Trustees shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all Costs, Charges, and Expences attending the removing and taking away, depositing and keeping the same as aforesaid, such Costs, Charges, and Expences being first settled and ascertained by any One Justice of the Peace for the said County of *Surrey*; and in case the said Owner or Owners, Offender or Offenders, shall refuse, neglect, or omit to pay such Costs, Charges, and Expences, within Five Days next after the same shall have been so settled and ascertained, it shall be lawful for the said Trustees, or their Clerk, to sell all such Materials, Matters, and Things, and reimburse themselves and himself such Costs, Charges, and Expences as aforesaid, and of such Sale or Sales, rendering the Overplus (if any) to such Owner or Owners, Offender or Offenders, on Demand.

No Inclosures to be made, or Materials for building to be laid on the Road, without Consent of Trustees.

LXII. And whereas the said Trustees have, under the Direction and Superintendence of the Commissioners of Sewers for the Limits extending from *East Moulsey* in *Surrey* to *Ravensborne* in *Kent*, made and constructed a spacious Main Sewer or Drain along the said Road, and it is expedient that such Sewer or Drain should be made available for the Benefit of the Persons inhabiting near thereunto; be it therefore further enacted, That it shall be lawful for all or any Person or Persons having a House or Houses on the Side or Sides of the said Road, to make and construct a Gun Drain or Gun Drains, under the Inspection and Direction of the said Commissioners of Sewers for the said Districts, or their Surveyor, to communicate with such Main Sewer or Drain, upon paying to the said Trustees the Sum of Five Pounds for each and every House from which such Gun Drain shall run or communicate as aforesaid; and every Person or Persons so making any such Gun Drain or Gun Drains shall pay and defray all Costs, Charges, and Expences of making and constructing the same, and of opening the Ground and removing any Pavement for that Purpose, and shall immediately on the Completion of such Gun Drain, at his, her, or their own Expence, repair and make good all Ground or Pavement so opened or removed, to the Satisfaction of the said Trustees; and also that it shall and may be lawful for any Person or Per-

Gun Drains may be made into the Main Sewer.

sons having any Land or Ground lying or being behind any House or Building on the Side of the said Road, and not being more than One hundred and twenty Feet distant from the nearest Part of the said Road, (unless the same shall be connected with and in the same Occupancy as the said last-mentioned House or Building,) to make and construct any such Gun Drain leading from such last-mentioned House or Building to communicate with such Main Sewer or Drain, upon paying to the said Trustees for each and every such last-mentioned Gun Drain the Sum of Two Pounds and Ten Shillings for each and every House from which such last-mentioned Gun Drain shall run or communicate as aforesaid; and such Person or Persons shall pay and defray all Costs, Charges, and Expences of making such Communication, and of opening Ground or removing Pavement as aforesaid, and shall in like Manner repair and make good all such Ground or Pavement as shall be opened or removed, to the Satisfaction of the said Trustees; and if any such Person or Persons shall make any such Gun Drain without having first paid such Sum of Five Pounds, or Two Pounds and Ten Shillings, (as the Case may be,) to the said Trustees, he, she, or they shall for every such Offence forfeit and pay the Sum of Twenty Pounds to the said Trustees, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; to be applied, when recovered, to the Purposes of this Act.

For securing
transient
Offenders.

LXIII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors or other Officers; be it therefore further enacted, That it shall be lawful for any of the said Trustees, or their Clerk or Clerks, or their Collectors 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 unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Surrey*; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to Law.

Penalty on
Persons com-
mitting Nui-
sances.

LXIV. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway upon the Side of the said Road, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, or any Wheelbarrow, Truck, or Sledge, or any single Wheel of any Waggon, Cart, or Carriage apart therefrom, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Wall, or any other Building or Erection made by the Trustees of the said Road; or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Timber, Stone, or other Thing other than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in part upon wheeled Carriages to drag or trail upon the said Road to the Prejudice thereof; or shall use any Tipstick, Joggle, or other Instrument, in such Manner as to destroy, injure, or disturb the Surface of the said Road; or shall in or upon the said Road, or by the Side or Sides thereof,

thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Horse or other Beast on the said Road, carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Road; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of His Majesty's Subjects on the said Road; or if any Hawker, Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop situate near the said Road, and having a Window or Windows fronting the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Road; or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Eighty Feet of the Centre of the said Road; or bait, or run for the Purpose of baiting, any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games, upon the said Road, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, Cart, or other Carriage whatever upon the said Road, or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, except in Cases of Accident, and in Cases of Accident for a longer Time than may be necessary to remove the same, and shall not place such Waggon, Wain, or other Carriage, during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing, upon the said Road, or on the Side or Sides thereof, or on the Footpaths or Causeways adjoining, to the Prejudice of the said Road or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person driving any Pigs or Swine upon the said Road shall suffer such Pigs or Swine to root up or damage the said Road;

Road ; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of the said Road or Toll House erected thereon, or shall extinguish the Light of any such Lamp ; every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Penalty on
Persons
throwing
Night Soil,
&c. upon the
Road.

LXV. And for the more effectually preventing the Commission of Nuisances in or near to the said Road, by the casting or throwing Night Soil thereon, or within Two hundred Yards thereof, be it further enacted, That if any Person or Persons whomsoever (save and except Persons who have before used and followed the Trade of Nightmen, who may continue to use any Place or Places which they have heretofore used for that Purpose,) shall, from and after One Calendar Month next after the passing of this Act, throw, cast, lay, or spill, or permit or suffer to be thrown, cast, laid, or spilt, any Night Soil in or upon the said Road or any Part thereof, or into the Drains and Watercourses belonging thereto, or within Two hundred Yards of the said Road, every such Person, being thereof convicted, upon the Oath of One or more Witness or Witnesses, or by his, her, or their own Confession, before One or more Justice or Justices of the Peace for the County of *Surrey*, shall forfeit and pay for every such Offence the Sum of Ten Pounds, over and above the Charge of removing such Nuisance ; and the said Trustees are hereby authorized to remove or cause to be removed all such Night Soil, and to procure a proper and suitable Place and Laystall for casting and depositing the same.

Owners of
Carts conveying
Night Soil
liable to
Penalty for
casting the
same.

Owners to
recover back
from their
Servants any
Sum paid for
their Neglect,
&c.

LXVI. And for the more easily discovering and effectually punishing the Offender or Offenders so throwing, casting, laying, or spilling such Night Soil on the said Road as aforesaid, be it further enacted, That in all such Cases the Owner or Owners of the Cart, Carriage, or other Vehicle whatsoever, which shall be used for bringing and casting such Night Soil, shall be deemed and considered to be a Person or Persons throwing, casting, laying, or spilling the same, and, as well as the Person and Persons who shall actually drive or carry the Cart, Carriage, or other Vehicle so bringing and casting such Night Soil, shall be subject and liable to the Penalty hereby imposed : Provided always, that in case the Owner or Owners of any Cart, Carriage, or other Vehicle as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage, by reason of any wilful Neglect or Default done or committed by his, her, or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners ; and in case of Nonpayment, upon Demand thereof by him, her, or them, of such Penalty or Satisfaction, and Oath being made that the same hath not been repaid to him, her, or them by such Servant, (such Oath to be made before One Justice of the Peace,) the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale ; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge
of

of such Penalty and Satisfaction; and if sufficient Goods and Châttels of such Servant cannot be found to answer such Distress, then such Justice is hereby required, by Warrant under his Hand and Seal, to cause such Servant to be apprehended and brought before him the said Justice; and in case such Penalty and Satisfaction, and the Costs of such Proceeding as aforesaid, shall not be forthwith and immediately paid, such Justice is hereby required forthwith to commit such Servant to the House of Correction for the County of *Surrey*, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless the said Penalty and Satisfaction, and such Costs and Charges as aforesaid, shall be sooner paid, or unless such Servant shall have compounded for such Penalty and Satisfaction, Costs and Charges, with such Owner or Owners, and paid such Composition, which such Owner and Owners is and are hereby empowered to make and accept.

LXVII. And be it further enacted, That if any Person or Persons, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Plaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall (after having been paid or tendered a reasonable Sum for his Costs, Charges, and Expences,) refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Penalty on
Witnesses
not attending
when sum-
moned.

LXVIII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and the same, and every such Action or Suit, shall be brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and at the Trial thereof give this Act and the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall become Nonsuit, or discontinue his or her Action after the Defendant shall have appeared, or have a Verdict against him or her, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases by Law.

Limitation of
Actions.

General
Issue.

Treble Costs.

Prosecutors
and prose-
cuted indem-
nified.

LXIX. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, they the said Trustees shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgment or Determination thereof, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Order, Judgment, or Determination made, or by any Matter or Thing done, by any Justice or Justices of the Peace, or by the said Trustees, in pursuance of this Act, (except where the Order, Judgment, or Determination of any such Justice or Justices, or Trustees, are hereby declared to be final and conclusive, and except under the particular Circumstances herein-after mentioned,) and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the said County of *Surrey*, such Appellant first giving or causing to be given to such Justice or Trustee, by whose Act or Acts such Person shall think himself or herself aggrieved, Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, within Six Days after the Cause of such Complaint shall arise, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal at and abide the Order of and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions, and also to pay the Penalty or Forfeiture in case the Conviction should be affirmed; and each and every Justice of the Peace or Trustee, having received Notice of such Appeal as aforesaid, shall return all Proceedings whatever had before him respectively touching the Matter of such Appeal to the said Justices at their General or Quarter Sessions aforesaid; and the said Justices at such Sessions, upon due Proof of such Notice having been given as aforesaid, and of such Recognizance having been entered into in manner before directed, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper, to be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons against whom such Determination shall be given; and the Determination of such General or Quarter Sessions shall be final and conclusive to all Intents and Purposes; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

notwithstanding: Provided always, that in case there shall not be Time to give such Notice and enter into such Recognizances as aforesaid before the next Sessions to be held after the Conviction of the Appellant, then and in every such Case such Appeal shall be made to the next following Sessions, and shall be there heard and determined: Provided always, that no Appeal shall be allowed against any Conviction for any Penalty or Forfeiture which shall not exceed the Sum of Forty Shillings.

LXXI. And be it further enacted, That in all Cases of Distress which shall be taken by virtue of this Act for any Sum or Sums of Money which shall be due and unpaid for or in respect of any Tolls, Duties, Compositions, Rates, Charges, or otherwise, (except for Penalties and Forfeitures as aforesaid,) every such Distress shall and may be kept and detained for the Space of Four Days from the Time of taking thereof, unless the Sum or Sums for which such Distress shall be so taken, together with the reasonable Charges of taking and keeping the same, be sooner paid; and after the Expiration of the said Four Days it shall be lawful for the said Person or Persons making such Distress to sell and dispose of the same, returning the Overplus (if any be) to the Owner or Owners thereof, on Demand, after such Sum or Sums of Money for which such Distress had been so made, with the reasonable Charges of taking, keeping, and selling such Distress, shall be deducted and paid.

Manner of
Distress.

LXXII. And be it further enacted, That when any Distress shall be made 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 in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other Proceeding relating thereto, nor shall the said Party or Parties be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall happen to be done in making such Distress, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties so aggrieved.

Distress not
to be unlaw-
ful for Want
of Form.

LXXIII. Provided nevertheless, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made, by or on the behalf of the Party or Parties distraining, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law.

Plaintiff not
to recover if
Tender of
Amends
made.

LXXIV. And

Recovery
and Applica-
tion of Pe-
nalties.

LXXIV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof and Conviction of the Offences respectively before any Justice of the Peace for the County of *Surrey*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such Case hereby fully authorized to administer,) be levied, together with the Costs attending the Information and Conviction, 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), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such 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 the County or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid, one Moiety thereof to the Informer or Person suing for and recovering the same, and the other Moiety to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

Convictions
to take place
within Three
Months.

LXXV. Provided always, and be it further enacted, That no Conviction before any Justice or Justices of the Peace for any Offence committed against this Act shall take place after Three Calendar Months from the Day of the Offence being committed; any thing in any Act or Acts contained to the contrary notwithstanding.

Power to re-
ward Inform-
ers.

LXXVI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Trustees, if they shall see Cause, from Time to Time to pay and apply any Part of any Penalty or Forfeiture for Offences committed against this Act, to and for the Use of the In-
former

former or Informers, or any Person or Persons (not being a Witness or Witnesses) aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them; any thing herein contained to the contrary notwithstanding.

LXXVII. And be it further enacted, That if any Person or Persons whomsoever, whether being the Owner or Proprietor of any Erection, Building, Shed, Stall, Portico, Porch, Penthouse, Awning, Covering, Inclosure, Post, Bar, Rail, Bricks, Lime, Mortar, Furniture, Goods, Matters, Materials or Things, shall by any Ways or Means rescue or attempt to rescue the same or any of them, or any Part thereof, from the Person or Persons who by Authority of this Act shall have the same in his, her, or their Custody, Possession, or Power, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

To prevent rescuing of Goods, &c

LXXVIII. And be it further enacted, That it shall not be lawful for the said Trustees to make use of the said Road, or any Part thereof, for the erecting of any Buildings whatsoever (other than such Toll Houses, Weighing Engines, Cart Houses, and other Buildings, as may be erected by the Order of the said Trustees for the Use of the said Road).

No Buildings to be erected on Road, except Toll Houses, &c.

LXXIX. And be it further enacted, That if any Person or Persons shall water the said Road without the Consent and under the Direction of the said Trustees or their Clerk, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

To prevent watering the Road without Consent of Trustees.

LXXX. And be it further enacted, That no Person or Persons shall stand or ply for Hire with any Hackney Coach, Hackney Chariot, Cabriolet, or other such like Carriage, on the said Road, except in such Place or Places as the said Trustees may from Time to Time direct; and the said Trustees shall have full Power to fix such Place or Places, and from Time to Time, and as often as to them shall seem fit, to alter, vary, or extend such Place and Places, or any of them, and may direct such other Place or Places as to them shall seem fit to be used in lieu thereof or in addition thereto; and if any Driver of any Hackney Coach, Hackney Chariot, Cabriolet, or other such like Carriage, shall put or place his Coach, Chariot, Cabriolet, or Carriage, or shall ply therewith for Hire, in or upon any other Place or Places on the said Road than shall have been ordered and directed by the said Trustees for that Purpose, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees to appoint Stands for Hackney Coaches.

LXXXI. And whereas His Majesty's Subjects, in travelling and using the said Road, are subject and liable to great Danger and Injury by reason of the excessive Height to which Waggons, Caravans, Carts, and other such Carriages are loaded with Hops, Wool, and other Articles; for remedy whereof be it further enacted, That no Waggon, Caravan, Cart, or other such Carriage, which shall travel upon or use the said Road, shall carry any Load or Loading which shall, together

For regulating the Height of loaded Waggons, Caravans, &c.

with and including the Height of the Bottom of such Waggon, Caravan, Cart, or Carriage, exceed the Height of Fourteen Feet from the Ground; and if any Person or Persons, being the Owner or Owners of any such Waggon, Caravan, Cart, or Carriage, shall infringe or act contrary to the Provision herein-before contained, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Driver of any such Waggon, Caravan, Cart, or other Carriage, shall forfeit and pay any Sum not exceeding Forty Shillings.

Saving the Rights of the Commissioners of Sewers from East Moulsey to Ravensbourne.

LXXXII. And be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers from the Limits extending from *East Moulsey* in the County of *Surrey* to *Ravensbourne*, in the County of *Kent*; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Act not to affect the Powers of Commissioners of the West Division of Borough Pavements.
6 G. 3. c. 24.

LXXXIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to or invest the said Trustees, or any other Person or Persons whomsoever, with any Right, Power, or Authority which may at all interfere with the Rights, Powers, and Authorities heretofore granted by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein*; and by an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled *An Act to explain and amend so much of an Act of the Sixth Year of His present Majesty, for paving the Town and Borough of Southwark in the County of Surrey, as relates to the Commissioners of Sewers; and for regulating the Manner of taxing the Churches and other public Buildings within the Limits of the said Act*; and also of an Act passed in the Forty-fourth Year of His said late Majesty, intituled *An Act for altering and amending an Act passed in the Sixth Year of His present Majesty, for paving the Streets and Lanes within the Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein, so far as the same relates to the West Division thereof as therein mentioned*; but all the Rights, Powers, and Authorities vested in the Commissioners for carrying the several Acts into execution shall be as good, valid, and effectual as if this Act had not been made.

11 G. 3. c. 17.

44 G. 3. c. 86.

Forms in the Schedule annexed to be used.

LXXXIV. And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedules hereunto annexed, may be used upon all Occasions, with such Additions and Variations only as may be necessary to adapt them to the particular Exigencies of the Case, and that no Objection shall be made or Advantage taken for

Want of Form in any such Proceedings by any Person or Persons whomsoever.

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. Public Act.

LXXXVI. And be it further enacted, That this Act shall commence and take effect on the said Third *Wednesday* next after the passing thereof; and when and so soon as the said Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence, subscribed for the making of the said Road, shall have been fully repaid to the Proprietors of the Shares of the said Undertaking, all Tolls on the said Road shall cease, and the Toll Gates, Toll Houses, and other Erections and Buildings upon the said Road, erected and set up by the said Trustees, shall be forthwith taken down and removed, and the same, or the Materials constituting the same, shall be sold for the best Price or Sums of Money that can be got for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act; and from and immediately after such Sale all the Powers granted to the said Trustees by virtue of this Act shall thereupon cease and determine, and this Act and every Part thereof shall thereupon become wholly void and of no effect, as if the same had been wholly repealed: Provided always, that in case the said Sum of Thirty-four thousand six hundred and forty-eight Pounds Twelve Shillings and Four-pence shall not be wholly and fully repaid, then and in such Case this Act shall continue in force for the Term of Thirty-one Years, and from thence until the End of the then next Session of Parliament, and no longer. Commence-
ment and
Continuation
of Act and
Tolls.

The SCHEDULES to which the foregoing Act refers.

No. 1.

Order of Trustees for erecting a Weighing Engine.

At a Meeting of the Trustees under an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, for [state the Title of this Act,] held at the Day of

IN pursuance of the Powers given to us by the said Act, we do hereby order that an Engine proper for the weighing of Carriages of the Constructions and Weights specified in the said Act be forthwith erected at or as near as conveniently may be to the Toll Gate or Bar now erected upon the said Road, and that A. B. the Clerk of the said Road do contract with some proper Person [or with C. D.] [in case the Trustees shall think fit to name the Person] for the making and erecting such Engine, and do inspect and take care that the same is properly done; and we do order the Gatekeeper at the said Gate or Bar for the Time being to attend the said Weighing Engine, and carefully to weigh all Carriages passing loaded upon the said Road at the Place where such Engine shall be erected, together with the Loading thereof, and to take the several additional Tolls or Rates for Overweight, and give Tickets of the Weight of such Carriages and Loading, when required by the Driver thereof, and also to enter, in a separate Book to be kept by him for that Purpose, an Account of every Carriage so weighed which shall with the Loading exceed the Weights allowed by the said Act, and account to us for the Money received for all such Overweight.

No. 2.

Table of Weights allowed in Winter and Summer to Carriages directed to be weighed (including the Carriage and Loading) [state the Title of this Act.]

	Summer.		Winter.	
	Tons.	Cwts.	Tons.	Cwts.
For every Waggon with Nine-inch Wheels - -	6	10	6	0
For every Cart with Nine-inch Wheels - -	3	10	3	0
For every Waggon with Six-inch Wheels - -	4	15	4	5
For every Cart with Six-inch Wheels - -	3	0	2	15
For every Waggon with Wheels of the Breadth of Four Inches and a Half - - - - -	4	5	3	15
For every Cart with Wheels of the Breadth of Four Inches and a Half - - - - -	2	12	2	7
For every Waggon with Wheels of less than Four Inches and a Half - - - - -	3	15	3	5
For every Cart with Wheels of less than Four Inches and a Half - - - - -	1	15	1	10

No. 3.

Notice for letting Tolls.

NOTICE is hereby given, That the Tolls arising at the Toll Gate [or Toll Gates, *if more than One,*] upon the Road called Great Dover Street will be let by Auction to the best Bidder, at the House of _____ at _____ on the _____ Day of _____ next, between the Hours of _____ and _____, in the Manner directed by an Act passed in the Tenth Year of the Reign of King George the Fourth, [*here insert the Title of this Act,*] which Tolls produced the last Year the Sum of _____ above the Expences of collecting them, and will be put up at that Sum: Whoever happens to be the best Bidder must at the same Time pay One Month in advance (if required) of the Rent at which such Tolls may be let, and give Security, with sufficient Sureties, to the Satisfaction of the Trustees of the said Road, for Payment of the rest of the Money monthly [*or in such other Proportions as shall be directed*].

A. B. Clerk to the Trustees of the said Road.

No. 4.

Warrant from a Justice of the Peace to enter the Toll Gate House, and remove the Persons therein.

County of Surrey } To the [Constable] [Headborough] [Tithingman] of
to wit. } in the said County.

WHEREAS Complaint hath been made unto me, A. B. Esquire, One of His Majesty's Justices of the Peace for the said County, upon the Oath of and other Evidence now produced to me, That C. D., who now inhabits the Toll Gate House upon the Road leading from the Borough of Southwark to the Kent Road called Great Dover Street, and was appointed to collect the Tolls there, hath been duly discharged by the Trustees of the said Road from any further collecting or receiving the Tolls arising at the said Gate, and hath refused and still doth refuse to quit the Possession of the said House; and the said C. D. having been summoned to appear before me this Day to show Cause why he should not be removed from the said House, and having shown no sufficient Cause for that Purpose [*or not having appeared*], I do hereby authorize and require you, with such Assistance as shall be necessary, to enter the said Toll House, and the Buildings belonging thereto, in the Day-time, and to remove the said C. D., and all such Persons as shall be found therein, together with his and their Goods, out of such House and Buildings, and to put E. F., the Person lately appointed by the Trustees to collect such Tolls, into the Possession thereof; for which this shall be your sufficient Warrant. Given under my Hand and Seal, this _____ Day of _____

[*This Form may be varied to suit the Widow or Family of a deceased Collector.*]

No. 5.

Summons for any Person or Persons to attend a Justice or Justices.

County of Surrey } To A. B. of
to wit. }

WHEREAS Complaint and Information hath been made before me, C. D., One of His Majesty's Justices of the Peace for the said County, by E. F. of That, &c. [*here state the Nature and Circumstances of the Case, as far as it shall be necessary to show the Offence, and to bring it within the Authority of the Justice,*

[*Local.*]

31 D—E

and

and in doing that follow the Words of this Act as near as may be]: These are therefore to require you personally to appear before me [*or the Justices to be assembled at their Special Sessions to be holden*] at _____ in the said County, on the _____ Day of _____ next at the Hour of _____ in the _____ noon, to answer to the said Information made by the said *E. F.*, who is likewise directed to be then and there present to make good the same. Herein fail not. Given under my Hand, this Day of _____

No. 6.

Information.

County of Surrey } BE it remembered, That on the _____ Day of
to wit. } *A. B.* of _____ in the said County informeth me,
One of His Majesty's Justices of the Peace for the said
County, That _____ in the said County [*here describe the Offence,*
with the Time and Place, and follow the Words of this Act as near as may be],
contrary to the Statute made in the Tenth Year of the Reign of King George the
Fourth, for [*here insert the Title of this Act*], which hath imposed a Forfeiture of
_____ for the said Offence. Taken the _____ Day of
before me, *A. B.*

No. 7.

Form of Conviction.

County of Surrey } BE it remembered, That on the _____ Day of
to wit. } _____ in the _____ Year of the Reign of _____ and in the
Year of our Lord _____ *A. B.* is convicted
before me _____ One of His Majesty's Justices of the Peace for
the said County, for [*here specify the Offence, and when and where committed*], con-
trary to the Form of the Statute made in the Tenth Year of the Reign of King
George the Fourth, for [*here set forth the Title of this Act*]; and I do hereby
declare and adjudge that the said *A. B.* hath forfeited for the said Offence the
Sum of _____ [*or shall be committed to _____ for the*
Space of _____ *as the Case may be.*] Given under my Hand and
Seal, the Day and Year first above written.

C. D.

No. 8.

Warrant to distrain for Forfeiture.

County of Surrey, } To the [Constable] [Headborough] or [Tithingman]
to wit. } of _____
WHEREAS *A. B.* of _____ in the County of _____
is this Day convicted before me, *C. D.* Esquire, One of His Majesty's Justices of
the Peace for the said County of *Surrey*, upon the Oath of *G. H.*, a credible Wit-
ness, For that the said *A. B.* hath [*here set forth the Offence, describing it particu-
larly in the Words of the Statute as near as may be*], contrary to the Statute in that
Case made and provided; by reason whereof the said *A. B.* hath forfeited the
Sum of _____ to be distributed as herein is mentioned, which he
hath refused to pay: These are therefore in His Majesty's Name to command
you to levy the said Sum of _____ by Distress of the Goods and
Chattels

Chattels of him the said *A. B.*; and if within the Space of Four Days next after such Distress by you taken, the said Sum, together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale that you do pay one Half of the said Sum of _____ to *E. F.* of _____, who informed me of the said Offence, and the other Half of the said Sum of _____ to *I. K.*, the Clerk of the said Road [*describing it*], returning the Overplus, on Demand, to him the said *A. B.*, [the reasonable Charges of taking, keeping, and selling the said Distress being first deducted]; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of _____ that then you certify the same to me, together with this Warrant. Given under my Hand and Seal, the _____ Day of _____

C. D.

No. 9.

Return of the Constable to be made upon the Warrant of Distress where there are no Effects.

I, *A. B.*, Constable of the [Parish, &c.] of _____ in the County of _____ do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within-named _____ and that I can find no sufficient Goods whereon to levy the within Sum of _____ As witness my Hand the _____ Day of _____

A. B.

Sworn before me the Day and Year, &c.

C. D.

No. 10.

Commitment for Want of Distress.

County of _____ to wit. } To the [Constable] of _____ in the said County, and to the Keeper of the Common Gaol [*or the House of Correction*] at _____ in the said County.

WHEREAS *A. B.* of _____ in the said County was on the _____ Day of _____ convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *E. F.*, a credible Witness, For that he the said *A. B.* [*here set forth the Offence*], contrary to the Statute made in the Tenth Year of the Reign of His Majesty King George the Fourth, for [*here insert the Title of this Act,*]; by reason whereof the said *A. B.* hath forfeited the Sum of _____ : And whereas on the _____ Day of _____ in the Year aforesaid I did issue my Warrant to the [Constable] of _____ to levy the said Sum of _____ by Distress and Sale of the Goods and Chattels of him the said *A. B.*, and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to me, upon the Oath of the said [Constable], that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A. B.* as aforesaid, but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you the said [Constable] of _____ aforesaid to apprehend the said *A. B.*, and him safely to convey to the Common Gaol [*or House of Correction*] at _____ in the said County, and there deliver him to the Keeper thereof, together with this Precept: And I do also command _____

command you the said Keeper to receive and keep in your Custody the said *A. B.* for the Space of Three Calendar Months, unless the said Sum shall be sooner paid, pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant: Given under my Hand and Seal, the
Day of _____ in the Year of our Lord, 1829.

C. D.

No. 11.

Notice of Appeal to the Quarter Sessions.

A. B., Take notice, That I intend to appeal to the next General Quarter Sessions of the Peace to be holden for the [County, &c.] of _____ against an Order [Conviction, or other Proceeding, as the Case may be,] [particularly specifying the Purport of such Order, &c. and assigning the Grievance and Cause of Complaint.]

Dated the

Day of

C. D.

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