



ANNO QUADRAGESIMO SEPTIMO

GEORGI II. REGIS.

Cap. 25.

An Act for making and maintaining a Road from Foxley Hatch, in the Parish of Croydon, into the Town of Reigate, in the County of Surrey.

[25th April 1807.]

WHEREAS the Road leading from a certain Place called Foxley Hatch, in the Parish of Croydon, through the several Parishes and Places called Croydon, Beddington, Coblson, Chipstead, Merstham, Nutfield, Gatton, and Reigate, in the County of Surrey, to the Town of Reigate, in the said County, being a very public and much frequented Road, is, in many Parts thereof, circuitous and narrow, and much out of Repair; and by reason of many sudden Turnings therein, and of a very steep Hill, and of the great Number of Carriages and Horses daily passing and repassing thereon, is become in many Parts exceedingly ruinous and unsafe, notwithstanding the said several Parishes have yearly performed their Statute Duty on the said Road: And whereas, the altering, widening, and amending of the said Road leading from Foxley Hatch, aforesaid, to the said Town of Reigate, would be of great Advantage to the Inhabitants of the said Towns of Croydon and Reigate, and to the circumjacent Country, and would be of great public Utility; But as such Purpose cannot be effected without the Aid and Authority of Parliament: May it therefore please your Majesty; That it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable William Russell, commonly called Lord William Russell, Sir John Frederick, Baronet, and the Knights of the Shire for the Time being for the said County of Surrey, Sir Charles Burrell, Baronet, Sir Thomas Turton, Baronet, The Honourable John William Ward, Sir James Alexander, Knight, Sir Robert Burnett, Knight, William Draper Best, Allen Apsley, George Adams, John Brickwood, Thomas Byron, Thomas Bainbridge, James [Loc. & Per.]

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Trustees.

Blackwell, Richard Bolton, Richard Bolton Junior, Robert Boxall, William Brown, John Barchard, Henry Byne, John Bristow, William Bristow, Josiah Bell, William Brown, Robert Chatfield, William Coles, Thomas Coles, George Coles, John Carter, William Chatfield, William Nevil Cameron, James Cox, William Clutton Junior, John Hodsdon Durand, John Dingwall, Fanshawe, John Fox, John Fuller, John Farley, John Grantham, William Gee, Anthony Harman, John Hill, Henry Hill, Robert Harris, John Harris, Joseph Humphrey, John Hilbert, William Holmer, William Parker Hamond, John Harris, Hylton Jolliffe, the Reverend William John Jolliffe Clerk, Thomas Ker, Jerome William Knapp, Beeston Long, Samuel Long, Thomas Leberton, Charles Shaw Lefevre, Robert Ladbroke, George Lane, Robert Lucas, Charles Minier, James Moore, Thomas Meager, Joseph Moore, Francis Meager Junior, Robert Meager, Richard Messenger, Martin, R. J. Millington, Thomas Parry, the Reverend Pooler Clerk, Thomas Penfold, George Robinson, John Rogers, the Reverend John Rose Clerk, Thomas Ridley, Edward Russell, Michael Shepley, George Smith, James Carmichael Smith M. D, James Trecothick, Christopher Taddy, Thomas Turner, Thomas Walpole, Mark Wood, Mark Wood Junior, James Athol Wood, Thomas Walker, Daniel Watney, and their Successors, to be elected in manner herein mentioned, shall be, and they are hereby declared to be Trustees, for making, amending, repairing, altering, widening, and improving the said Road; and for otherwise carrying the several Powers and Authorities of this Act into Execution.

No Act valid unless at a Meeting.

Majority empowered to act.

Chairman to have the casting Vote.

Power to appoint new Trustees.

II. And be it further enacted, That no Act of the said Trustees shall be, or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act, (except as may be herein excepted,) and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Seven; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being, (save and except as may be herein excepted); and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, (including the Vote of the Chairman,) then, and in every such Case, it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

III. And be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or of their Successors to be elected in Manner hereinafter mentioned, to act in Execution of this Act, then, and in every such Case, it shall and may be lawful to and for the surviving or remaining Trustees, from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each Trustee so dying, refusing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on all and every the Turnpikes that shall be standing on the said Road Ten Days

Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid shall be, and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as the Trustee in whose Room or Stead he shall have been so elected.

IV. Provided always, and be it enacted, That if any Person or Persons, being an Inhabitant or Inhabitants of either of the said Towns, Parishes, or Places, through, or into which the said Road shall pass, or residing within Ten Miles thereof, and a Trustee or Trustees for carrying this Act into Execution, shall for the Space of One Year neglect to attend some Meeting or Meetings of the said Trustees to be holden in pursuance of this Act, then, and in every such Case, such Neglect shall be, and be deemed and taken to be, a Refusal to act in the Execution of this Act.

Trustees not attending for a Year to be considered as refusing to act.

V. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or be possessed of, or intitled to a personal Estate, or real and personal Estate together, of the Value of One thousand Pounds, or shall be Heir apparent to some Person possessed of an Estate in Land, of the clear yearly Value of One hundred Pounds; and if any Person, not being so qualified, shall act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same 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, or Wager of Law, or more than one Imparlance shall be allowed; and every such Person so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act. Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Qualification of Trustees.

VI. Provided also and be it enacted, That no Person or Persons who shall keep a Victualling House, Alehouse, or other House of Public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, or spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee in the Execution of this Act, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of Public Entertainment, or shall sell any Wine, Cider, Beer, Ale, or spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they do employ a Person or Persons to collect such Tolls who shall not be under such Incapacity.

Victuallers, &c. incapable of acting, &c.

VII. And

Trustees may act as Justices, except where personally interested.

VII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

First Meeting of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the *Greyhound Inn Croydon*, on the *Monday* Fortnight after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall then proceed to carry this Act into Execution; and if none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be, and be deemed to be, adjourned to the next Day, (*Sunday, Good-Friday, Christmas-Day, and Fast Days* by Proclamation only excepted, and then to the next Day,) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend so as to adjourn such Meeting; and the said Trustees shall and may, at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near to the said Road, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed on all and every the Turnpikes that shall be standing on the said Road, at least Five Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act during such Time as he shall hold any Place of Profit under this Act.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary, that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then, and in every such Case, the Clerk to the said Trustees, (an Order in Writing, signed by Three or more of the said Trustees, mentioning the Time and Place, and Purpose of such earlier Meeting being given to him, or left at his last or usual Place of Abode,) shall forthwith give Notice of such earlier Meeting, in Manner before directed, and of the Time and Place, which shall be mentioned in the Order of the said Trustees, (such Time not being less than Five Days after such Notice;) and all Proceedings of the said Trustees at such earlier Meeting, shall be as good and valid as they would have been, in case such Trustees had met in pursuance of any Adjournment.

No Order to be revoked, unless at a Meeting for

X. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees, holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless

unless at a Meeting holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, be affixed on every the Turnpikes that shall be standing on the said Road, at least Ten Days before such subsequent Meeting, nor, unless a Majority of Three-fourths of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment or Proceeding was had or made.

the Purpose, nor unless a Majority of the Trustees concur.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept, a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman and Clerk then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act: and such Book or Books, shall, at all the Meetings of the said Trustees, be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and any of the said Trustees and Creditors, shall and may have, and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence and so in Proportion for any greater or less Number of Words.

Proceedings to be entered.

XII. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and also such other Officers and Persons for the Execution of this Act as they the said Trustees shall think proper, and from time to time to remove such Officers and Persons respectively, as they, the said Trustees, shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances, to the said Officers, and other Persons, as the said Trustees shall think reasonable; and the said Trustees shall, and they are hereby required to take such sufficient Security from every such Treasurer, and other Officer, for the due Execution of his Office; as they shall think proper; and all such Officers so to be appointed, shall under their Hands, at such Time or Times, and in such Manner, as the said Trustees shall direct, deliver to the Trustees, or to such other Person or Persons as they shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge, by virtue of this Act; and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose; together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively, to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the Twenty-fourth Day of June yearly, or at the First Meeting of the said Trustees then next following, (although not thereunto required by the said Trustees,) lay his Accounts before the said Trustees, in order that

Trustees to appoint Officers, and remove them, and allow them Salaries.

Trustees to take Security from the Treasurer.

Officers to account.

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the same may be audited, passed, and allowed by them, if approved of; and all the said Officers so accounting as aforesaid, shall upon Oath, (which Oath any one of the said Trustees is hereby empowered to administer,) verify their said Accounts; and if any such Officer shall refuse, or neglect to make and render, or to verify, upon Oath, any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse, or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Trustees, by Notice, in Writing, given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same; then, and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place, wherein such Officer so refusing, or wilfully neglecting, shall be or reside, such Justice may, and he is hereby authorized and required, to issue a Summons under his Hand, for the Officer so refusing or neglecting, to appear before him; and upon his appearing, or having been summoned, and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice, that any of the Monies that shall have been collected or raised by virtue of this Act, shall remain due from such Officer, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then, and in each and every such Case, such Justice shall commit such Offender to the common Gaol or House of Correction for the County, Town, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid, such Composition, in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) or until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof, to the said Trustees: Provided always, that no such Officer or other Person, so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

XIII. And

XIII. And be it further enacted, That it shall and may be lawful to and for Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person, in his or her Place, until the next Meeting of the Trustees of the said Road, which Person, so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner, in all respects, as the Person in whose Room or Stead he or she shall be so appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll-House, Buildings, and Appurtenances, which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll-House, in Writing, under the Hands of any Three or more of the said Trustees; or the Wife or Family of any such Collector, who shall die as aforesaid, or any other Person who shall be in Possession of the Premises, by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances, within Three Days after Notice of such new Appointment being made, as aforesaid, shall have been given to him, her, or them, or left at such Toll-House, signed by any Three or more of the said Trustees, then, and in either of the said Cases, it shall and may be lawful to and for any Justice of the Peace for the County, City, or Place, where such Toll-House shall stand or be, by Warrant, under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll-House and Premises, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll-House and other Premises, and to put the new-appointed Collector in Possession thereof.

On the Death of a Gate Keeper, Trustees may nominate another until the next Meeting.

If discharged Gate Keeper refuses to deliver up Toll Houses, &c.

Any Justice may cause him to be put out.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, to erect, or cause to be erected, such and so many Turnpikes upon or across the said Road, and on or near the Sides thereof, in, near, unto, or across any Lanes or Ways leading, or that may hereafter lead out of the same, and to erect, or cause to be erected, such and so many Toll-Houses as they shall think proper; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered, in Manner herein directed, for the purchasing or taking Land for the turning or widening of the said Road, to purchase and take Land sufficient for such Toll-House or Toll-Houses, with necessary Accommodations thereto, and to erect such Weighing Engines upon the said Road as they shall think necessary, and from Time to Time to remove, alter, or discontinue such Turnpikes, Toll-Houses, and Weighing Engines, or any of them, as they the said Trustees shall, from Time to Time, think meet and expedient; and it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, at all such Turnpikes, the Tolls following, before any Carriage, Horse, or other Beast or Cattle, shall be permitted to pass through the same; (that is to say), for every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-Vis, Chaise, Calash, Chaise-Marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage, the Sum of Four Pence Halfpenny: For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage hav-

Trustees empowered to erect Turnpikes and Toll Houses; and receive Tolls.

Tolls.

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ing the Sole or Bottom of the Fellies of the Wheels thereof, of the Breadth of Nine Inches or upwards, the Sum of Three Pence: For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and under Nine Inches, the Sum of Four Pence: For every Horse or other Beast of Draught drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Five Pence: For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny: For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score, and so in proportion for any greater or less Number: For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence per Score, and so in proportion for any greater or less Number: And for every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-Vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such Carriage which shall pass on a *Sunday* through any Gate or Turnpike to be erected on the said Road, a Toll equal to One-third more of the Toll hereinbefore made payable.

No Gate to be erected between Reigate Market and the New Road.

XV. Provided also, and be it further enacted, That it shall not be lawful for the Trustees appointed, or to be appointed, under, and by virtue of this Act, to erect or place any Gate or Turnpike, or Gates or Turnpikes in, upon, or across any Part of the Road intended to be made under and by virtue of this Act, or on the Sides thereof, between the Market-place in the Borough of *Reigate* aforesaid, and the Point where the proposed new Road shall enter the present Highway leading from the Borough of *Reigate* aforesaid towards *Blechingley*, in the County of *Surrey* aforesaid.

Tolls vested in the Trustees.

XVI. And be it further enacted, That the said Tolls shall be, and they are hereby vested in the said Trustees, and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Road; and it shall and may be lawful to and for the several Persons who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the said Tolls; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand made thereof by any Collector of the said Tolls to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain, or cause to be seized and distrained, any Carriage, Horse, or Horses, or other Beast or Cattle chargeable with the said Tolls, or any of them, or the Bridles, Saddles, Harness, or Accoutrements of such Horse, or other Beast or Beasts, or any Part or Parts thereof; and if such Tolls, or any Part or Parts thereof, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Five Days next after such Seizure and Distress made, the Collector so seizing or distraining shall and may sell, or cause to be sold, the Carriage, Horse, or Horses, Beast or Beasts, or other Cattle, and their Bridles, Saddles, Harness, and Accoutrements so seized and distrained, or any Part or Parts thereof, at or near to the Turnpike where the said Tolls ought to have been paid, rendering

For recovering of Tolls.

tendering the Overplus, (if any,) upon demand, to the Owner or Owners thereof, after such Tolls and all reasonable Costs and Charges for distraining, keeping, and selling the same shall be deducted and paid.

XVII. And be it further enacted, That if any Dispute shall arise about the Amount of Tolls due, or the Costs and Charges of distraining, keeping, or selling any Distress, it shall and may be lawful to and for the Collector or Person so distraining to detain the Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls, or the Charges of distraining, keeping, and selling the Distress (as the Case may be) shall be ascertained by some Justice of the Peace for the County, Town, or Place wherein such Dispute shall arise, who upon Application made to him for that Purpose shall examine the said Matter upon the Oath or Oaths of the Parties, or other Witness or Witnesses, (which Oath and Oaths such Justice is hereby empowered to administer,) and shall determine the Amount of Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs; all which Sum or Sums, so determined or assessed, shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus, after the Sale thereof, or any Part thereof.

Disputes respecting Tolls and Charges to be settled by a Justice.

XVIII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll-Houses, and other Buildings to be erected by virtue of this Act, with the Ground, Fences and Appurtenances thereto respectively, and of all Gates, Posts, Rails, Bars, Fences, Mile-Stones, Tables of Tolls, and Posts, to be erected on the said Road; and also of all Materials, Tools, and Implements which shall be provided for making and repairing the said Road, by virtue of this Act, shall be vested in the Trustees hereby appointed; and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil any such Turnpike, Toll-House, or other Building, Fence, Mile-Stone, Table of Tolls, Post, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be, and be deemed to be, sufficient to state generally that the Article or Articles, Thing or Things, for, or in respect of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred is, or are the Property of the Trustees for maintaining and repairing the Road leading from *Croydon* to *Reigate*, without particularly mentioning or specifying the Name or Names of any of the said Trustees.

Turnpikes vested in the Trustees.

XIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) from any Person or Persons whomsoever, for, or in respect of the same Horse, Beast, or other Cattle passing and repassing through the same, or any other Gate or Gates, Turnpike or Turnpikes, on the said Road, all and every such Person and Persons producing a Ticket, denoting that such Toll hath been paid on that Day, for, or in respect of such Carriage,

Tolls in certain Parts to be paid once only for passing and re-passing.

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Horse,

Horse, Beast, or other Cattle on the said Road, which Ticket the said Collector is hereby required to deliver gratis on Payment of such Toll.

Collectors of
Tolls to be
competent
Witnesses.

XX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching, or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Penalty on
evading the
Tolls.

XXI. And, for preventing the evading of the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to, or receive from any other Person or Persons, any such Ticket as aforesaid; or shall counterfeit, or knowingly make use of, any counterfeited Ticket, in order to evade Payment of the said Tolls, or any Part thereof, or if any Person or Persons farming, renting, or occupying any Lands adjoining to the said Road, near unto any Turnpike erected thereon, shall permit or suffer any Person or Persons to pass through or over any Part of his, her, or their said Lands, with any Horse or other Beast, or Cattle, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall ride or drive any Horse, or other Beast, Cattle, or Carriage through, or over, any Way or Passage (not being a public Way or Passage), or through or over any Lands adjoining to any Part of the said Road; or near to any of the said Turnpikes, or shall take off, or cause to be taken off, any Horse, or other Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, is or shall be avoided, every such Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

General
Exemptions.

XXII. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning 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 repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie; or Hay, Straw, or Corn in the Straw, only not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Carriage, Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be, or returning from being shod; or from any Person going to or returning from his or her proper parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be

be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle, or Carriage, 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, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Beast, Cattle, or Carriage, attending any Soldiers upon their March or on Duty, or attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for, and on the Days of Exercise. Provided always, that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption, as aforesaid; or for any Horses, Carts, Waggon, or other Carriages, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, Beast, or Carriage, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Surrey*, or of any Burgess or Burgesses to serve in Parliament for the said Town of *Reigate*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XXIII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at any Meeting to be holden for that Purpose, of which Meeting Fourteen Days' Notice, in Writing, signed by the Clerk of the said Trustees, shall be affixed on all and every the Turnpikes that shall be standing on the said Road, from Time to Time, to lessen or reduce all, or any Part or Parts of the Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards, at a Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance all, or any of the Tolls, so lessened or reduced, to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweights: Provided nevertheless, that when the whole Money charged and borrowed on the Credit of this Act, shall not have been paid or discharged, the Tolls hereby granted shall not be lessened or reduced, without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of this Act.

XXIV. And

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Trustees may
reduce the
Tolls with
the Consent
of the Creditors.

Tolls may
be let.

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

Lessees, or
Persons ap-
pointed by
them, may
collect the
Tolls.

XXV. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons, as he or they shall, by Writing or Writings, under his, her or their Hand or Hands, authorize or appoint, to demand and take the said Tolls, so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees, is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Trustees may
compound
for Tolls.

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

Trustees may
borrow
Money.

XXVII. And for the more speedy raising such Money as may be necessary for the Purposes of this Act, Be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum and Sums of Money as they shall judge necessary for the Purposes of this Act, and by Writing under their Hands and Seals, or under the Hands and Seals of any Five of them, to assign over or mortgage the Tolls hereby granted or any Part thereof; and the several Turnpikes and Toll-Houses to be erected on the said Road (the Charges of such Assignments and
Mortgages

Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act; as a Security for the Re-payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal half yearly Payments at the Dwelling-house of the Treasurer to the said Trustees for the Time being; all which Mortgages or Assignments shall be in the Words, or to the Effect, following:

“ **BY** virtue of an Act made in the Forty-seventh Year of the Reign of King George the Third [*here set forth the Title of this Act*] We whose Names are hereunto subscribed and Seals affixed, (being Trustees acting in Execution of the said Act,) in consideration of the Sum of _____ to the Treasurer of the said Road in Hand paid by *A. B.*, do hereby grant, bargain, sell, and demise unto the said *A. B.*, Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and also of the Turnpikes and Toll-Houses for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum charged and advanced, or to be charged or advanced on the Credit of the said Tolls, to be had and holden from this _____ Day of _____ in the Year of our Lord _____ for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate of _____ *per Centum per Annum* shall be sooner repaid and satisfied. Given under our Hands and Seals this _____ Day of _____ in the Year of our Lord _____.”

Form of Mortgage.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, and such Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward, and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid shall be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively have been or shall be made as aforesaid, or who are or shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage thereof, and all their Right, Title, and Interest, to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing, under their Hands and Seals, in the Words or to the Effect following:

Copies of Mortgages to be entered.

“ **I** *A. B.* being entitled to the Sum of _____ secured to _____ Executors, Administrators, and Assigns, by virtue of _____ a Mortgage or Assignment, bearing Date the _____ Day of _____, under the Hands and Seals of _____ the Trustees acting in Execution of an Act made in the Forty-seventh Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] upon the Credit of the said Act, do hereby transfer all my Right and Title in and to the same, and all the Principal and Interest Money now due and owing thereon, unto *C. D.* Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____.”

Form of Transfer.

[*Loc. & Per.*]

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And

And every such Transfer shall be produced and notified to the Clerk to the said Trustees within One Calendar Month next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned, to be transferred in the said Book or Books to be kept for entering the said original Mortgages or Assignments to be made by virtue of this Act; and for which Entry the Clerk who shall enter the same, shall be paid the Sum of Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns to the Benefit thereof, and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer, to make void, release or discharge the same or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers, shall be made as aforesaid, shall be in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, Twenty-one Days Notice in Writing at the least, signed by the Clerk to the said Trustees, shall be given of the Intention of borrowing such Money, by affixing the same on all and every the Turnpike Gates erected on the said Road.

Trustees to give 21 Days Notice previous to borrowing Money.

Trustees may turn or alter the Course of any Part of the Roads; and may contract for the Purchase of Lands for that Purpose.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered from Time to Time, as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road comprised in this Act, and any Variation of Road may be of any Width, not exceeding Sixty Feet, through any Common or Waste Ground, without making any Satisfaction for the same; and through any private or inclosed Lands, Grounds, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and also, from Time to Time, to turn, divert, alter, or discontinue such Ways or Foot-paths leading thereto, as shall appear to them proper to be so turned, diverted, or discontinued; and for that Purpose it shall and may be lawful to and for the said Trustees, or for their Clerk, or any other Person or Persons, by them duly authorized and deputed for that Purpose, by Order of a Meeting of the said Trustees, to treat, contract, and agree with the Owners of, and Persons interested in, any Lands, Tenements, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons respectively interested may sustain, by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Tenements, and Hereditaments; and the said Lands, Tenements, and Hereditaments, so purchased, or any Part thereof, shall and may, by Order and Direction of the said Trustees, be laid into and made Part of the said Road, in such Manner as the said Trustees shall think convenient, and shall, by such Person or Persons as they shall order and appoint, be sufficiently drained, ditched, and fenced out for that Purpose: And after the said Lands or Grounds

Grounds shall be so drained, ditched, and fenced out, the same shall, to all Intents and Purposes whatsoever, become, and be deemed and taken to be, a public and common Highway, and to be Part of the Road to be amended, widened, and kept in Repair, by virtue of this Act, and shall be repaired and kept in Repair by such Ways and Means, and in such Manner, as the old Road was and ought to have been kept in Repair; and after any such Lands shall be made Part of the said Road, as aforesaid, the Lands and Grounds comprised in or constituting the former Road, in lieu whereof such Lands or Grounds shall be purchased, as aforesaid, shall be sold by the said Trustees to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price that can reasonably be had or gotten for the same, and the Conveyance thereof being executed by the said Trustees, and enrolled with the Clerk of the Peace for the said County of *Surrey*, shall be good, valid, and effectual, to all Intents and Purposes whatsoever

XXIX. And whereas the Proprietor of the Parish and Estate of *Gatton*, being desirous of giving every reasonable Support in his Power to an Undertaking, the Completion of which will be of great Advantage to the Public, and at the same Time, render useless and unnecessary a certain Bridle Way and Foot Path, running through and across *Gatton Park*; Be it further enacted, That in case the said Trustees shall think it necessary or expedient to vary or alter the Course of the present Road from *Merstham* to *Reigate*, such Variation shall and may be made in and through *Gatton Park* aforesaid, in Manner hereinafter mentioned (that is to say), such Road shall skirt along the Paling of the said Park, through the Parish of *Gatton*, until it reaches the Estate of *Linkfield*, the Property of *Robert Ladbroke*, Esquire, when the same shall and may enter and pass through the said Park; and the said Trustees shall, and they are hereby required, on the Line or Spot of the present Paling or Fence of the said Park, next to the said Road, to erect and maintain, or cause to be erected and maintained, Posts, at a Distance of not less than One hundred Yards from each other, distinctly marked with the Letter *G*; and the said Road shall, in like Manner, pass along *Gatton Park*, on the Side of the Estate of *Linkfield*, so far as that Part of the Parish of *Gatton*, known by the Name of the *Quarry Field*; when the said Road shall and may pass through two Fields of the *Linkfield* Estate, as far as the *Wray Common*, from whence the said Road shall be made to the Town of *Reigate*.

Road may be made through *Gatton Park*.

Posts to be erected in the Park Fence.

XXX. And be it further enacted, That, so far as the Extent of *Gatton Park*, along or through which the said Road shall lead or pass, the said Trustees shall, and they are hereby required to cause a good and sufficient Wall or Fence of Park Paling to be made, erected, and supported, so as to secure the said Park from Depredations on that Side adjoining the said Road.

Sufficient Wall or Park Paling to be made.

XXXI. And be it further enacted, That it shall not be lawful to and for the said Trustees, nor any other Person or Persons whomsoever, under the Authority of this Act, to erect, build, or set up, or to cause or suffer to be erected, built, or set up in the said Parish of *Gatton*, any House, Hut, or Building whatsoever, nor hereafter to sell, exchange, or otherwise alienate or dispose of the Land and Ground authorized to be taken and used

No House, &c. to be erected in the Parish of *Gatton*.

Nor any Part
of this Land
sold.

used for the Purposes of this Act in the said Parish of *Gatton*, or any Part thereof; but that in case the same, or any Part thereof, shall hereafter, for any Cause whatsoever, be discontinued as a Road or Highway, the then Owner or Proprietor of the Estate at *Gatton* shall be entitled to have and enjoy the same in such and the like Manner as herein directed for the Purchase or Sale of any Old Road.

Foot Path to
be made
from *Merstham*
to *Reigate*.

XXXII. And be it further enacted, That the said Trustees shall, and they are hereby required, in case they shall vary or alter the said Road through *Gatton Park* as aforesaid, to make and maintain a Foot Path by the Side thereof, of the Width of Three Feet at least from the Village of *Merstham* to the Town of *Reigate*; and such said Foot Path shall be raised Two Feet higher at the least than the said Road.

Old Foot
Path may be
stopped up.

XXXIII. And be it further enacted, That as soon as the said Road and Foot Path between *Merstham* and *Reigate* shall be completed, the Foot Path and Bridle Way passing through *Gatton Park* and *Merstham Common Fields* shall be stopped up and discontinued, in case it shall appear to any Two of His Majesty's Justices of the Peace for the County of *Surrey*, that the said Bridle Way and Foot Path so to be made by virtue of this Act, shall be more commodious or nearer for the Public.

Corpora-
tions, &c.
empowered
to treat.

XXXIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of, any Infants, Females Covert, or other Cestuique Trusts; Idiots, Lunatics, of other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Trustees for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Tenants for Life, or in Fee Tail, General, or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons are and shall be indemnified for what they do by virtue and in pursuance of this Act.

In case of
Persons re-
fusing to
treat, or not
agreeing, a
Jury to settle
the Recom-
pence.

XXXV. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used, for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations aggregate or sole, Tenants for Life, or in Fee-Tail, general or special, or for Years, determinable on any Life or Lives, Feoffees, Executors, Administrators, Guardians,

Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing, at the Dwelling-House or Place of Abode of such Person or Persons, or of the Clerk, or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall for the Space of Fourteen Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, or otherwise, shall be prevented from treating, then and in every such Case, it shall and may be lawful to and for the said Trustees, to cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, of the said County of *Surrey*, (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer,) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for, or upon Account of the taking or using of such Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto, the said Trustees, or any Three or more of them, are hereby empowered and required, from Time to Time, to summon and call before them, all and every Person who shall be thought necessary and proper, to be examined as a Witness or Witnesses, touching or concerning the Premises; and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees, or any Two or more of them are hereby empowered and required to administer,) and they shall order and cause the said Jury, to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict, or Inquisition and Judgment, Order or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, into, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England*, in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning such Jury the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Surrey*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees

[*Loc. & Per.*]

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Juries may
be chal-
lenged.

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

Owners of
Land used in
making a
new Road,
to have the
First Offer of
the old Road.

at such Time and Place as in such Warrant shall be appointed; and such Sheriff, or his Deputy, is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear, or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, or summoned to attend that Service, to the Number of Twelve. Provided always, That all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to: And the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff or his Deputy, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give, or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn, or be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

XXXVI. Provided always, and be it enacted, That wherever the Course of any Part of the said Road shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then, and in such Case, the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act, is directed to be settled and ascertained, in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Treasurer, or Clerk to the Trustees, and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees, by Action of Debt, in any of His Majesty's Courts of Record, at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such old Road, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Town, or Place, where such old Road shall lie, stating that such Offer has been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such old Road (as the Case may be);

and

and such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner. Provided nevertheless, that if the Lands of two or more Persons shall be taken for any such new Road, as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road, as is lying immediately adjoining to his, her, or their Land, respectively, in manner aforesaid. Provided also, that if such Owner or Owners respectively, shall be willing, and consent to take such old Road in exchange for such new Road, it shall and may be lawful to and for the said Trustees, and they are hereby required to assure the same to such Person or Persons, by entering the same in their Books, and delivering to him or them a Copy of the Entry thereof, signed by any Five or more of the said Trustees, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

XXXVII. And be it further enacted, That in case any such Jury shall give in, or deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Trustees have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken, on Behalf of the said Trustees, as the Purchase-Money for any such old Road as aforesaid, then and in every such Case, the Costs and Charges of summoning and returning the Jury and Witnesses, shall be borne and paid by the said Trustees; out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or less Money, than shall by or on Behalf of the said Trustees have been offered, before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for the same, or any more Money than shall have been offered to be accepted or taken as the Purchase-Money for any such old Road as aforesaid, then and in every such Case, the Costs and Charges of summoning and returning the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such Controversy, or Dispute, shall arise, (who is hereby authorized and required, to examine into and settle the same), and shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment and Tender of the Remainder of such Monies, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise, such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, That in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees, in Manner aforesaid.

By whom the Expences of the Jury to be paid.

Trustees to pay Expences, where Persons, from Absence, are prevented from treating.

XXXVII. Pro-

Houses, &c.
not to be in-
jured.

Application
of Compens-
ation, if
amounting
to £200.

XXXVIII. Provided always, and be it enacted; That nothing hereint contained shall extend, or be construed to extend, to enable the said Trustees to take, use, injure, or damage any Dwelling-House, or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Wall, or Avenue to a House, without the Consent of the Owner or Owners, Proprietor or Proprietors, save and except those particularly mentioned and described in the Schedule hereunto annexed, which are meant and intended, and are hereby authorized to be taken for the Purposes of this Act.

XXXIX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict, or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name, and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex parte*, the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land-Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same, or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out, and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them, as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and, in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant-General, in his Name, in the Purchase of Three Pounds *per Centum* consolidated, or Three Pounds *per Centum* reduced Bank Annuities; and, in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said consolidated or reduced Bank Annuities, shall, from Time to Time, be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XL. Pro-

XL Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed or otherwise, the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation of less than £200. and exceeding £20.

XLI. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Compensation if less than £20.

XLII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, as aforesaid, cannot be found; or if any Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then, and in every such Case, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money, so awarded, as aforesaid, to be paid into the Bank of England, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall

In case of not making out Titles.

Or if Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Chancery, on Motion or Petition.

[*Loc. & Per.*]

5 N

shall be, and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of England, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto, according to such Possession only, &c.

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

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

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

For getting Materials to repair the Roads.

XLV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Road; and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other

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

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

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

neglect or refuse to appear by himself or his Agent pursuant to such Notice, the said Trustees or Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on
taking away
Materials
got by order
of the Sur-
veyor.

XLVII. And be it further enacted, That if any Person or Persons who-
soever shall remove or take away the Stones or Gravel, or any Materials
laid upon the said Road, or upon any Part thereof, for the Repair thereof,
without the Order of the said Trustees, or of their Surveyor or Surveyors
for that Purpose; or if any Person or Persons whosoever shall take away
any Stones or Gravel, or Materials which shall have been dug or gathered
by, or by the Order of the said Trustees, or their Surveyor or Surveyors
in any Lands, Fields, Waste, or Grounds, River, or Brook, for the Pur-
pose of amending the said Road, or any Part or Parts thereof, or shall get
or take away any Stones or Gravel, or Materials, out of any Pit or
Quarry, which shall have been made for the Purpose of getting such Ma-
terials for amending the said Road, or any Part or Parts thereof, before
the said Surveyor or Surveyors, or his or their Workmen, shall have dis-
continued working therein for the Space of Six Weeks (except the
Owner or Occupier of any private Ground, and Persons authorized by
such Owner or Occupier to get Materials therein for his, or her own pri-
vate Use only, and not for Sale), every Person so offending, shall
forfeit and pay, for every such Offence, any Sum not exceeding Five
Pounds.

Surveyor to
make Drains,
&c.

XLVIII. And be it further enacted, That it shall and may be lawful to
and for the said Surveyor or Surveyors, and to and for any Person or Per-
sons whom he or they shall appoint by Order of the said Trustees, to cut and
make any Drains or Ditches through, or into any Lands or Grounds ad-
joining or lying contiguous to any Part of the said Road in such Manner
as such Surveyor or Surveyors shall deem and judge necessary and proper
for amending or keeping in Repair any Part of the said Road, and also
to make a Way or Ways through the Lands or Grounds adjoining to any
narrow or ruinous Part or Parts of the said Road, (not being a Garden,
Orchard, Park, Yard, Paddock, Planted Walk, or Avenue to any House),
to be made Use of as a public Highway, whilst the narrow or ruinous
Parts of the said Road are widening or repairing, and until the same shall
be convenient and safe for the Passage of Travellers and Carriages,
making such reasonable Satisfaction to the Owners and Occupiers of such
Lands respectively, through and into which any such Drain shall be cut,
or on, or over which any such temporary Road shall be made for the
Damages which such Owners or Occupiers, respectively, shall or may
thereby sustain, as shall be judged reasonable by the said Trustees; and
in case any Difference shall happen between such Owners or Occupiers,
and such Trustees, touching such Damage, then, and in every such Case,
the Justices of the Peace, at the First General Quarter Session of the
Peace to be holden for the said County of *Surrey*, next after the Expira-
tion of Twenty Days from the Time of doing such Damage shall, and
they are hereby authorized and required to hear, settle, and determine
the same, and their Determination therein shall be final and con-
clusive.

XLIX. And

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (by Direction and under the Hands of any Three or more of the said Trustees,) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said Road by Rails, Steps, Sign-Posts, or other Posts, and also by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Road, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Road, and to cut down, lop, or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjacent thereto (at the proper Season of the Year,) in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect to do so for the Space of Ten Days next after Notice in Writing given for that Purpose, signed by any Three or more of the said Trustees, or by their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act: And if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every Person so offending shall for every such Offence over and above such Charges as aforesaid forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Surveyor
may remove
Annoyances.

L. And be it further enacted, That if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Road, to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for
drawing
Timber or
Stone in the
Roads,
otherwise
than upon a
Wheel Car-
riage.

LI. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Mile-Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, and Posts to be erected, to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit; and also cause to be erected Guide-Posts, upon such Parts of the said Road where the same is crossed or joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Mile-Stone, Table of Tolls, or Post, erected or to be erected on any Part of the said Road, or any of the Letters, Figures, or Marks, inscribed thereon, or shall wilfully break, throw down, or injure, any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, or any Arch or Arches, or any Part or Parts of the said Road, every such Person shall forfeit and pay any Sum

Roads to be
measured,
and Mile-
Stones to be
set up.

[Loc. & Per.]

50

not

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

For prevent-
ing Annoy-
ances, &c.

LII. And be it further enacted; That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage, over or upon any Foot-path or Causeway made or to be made on the Side or Sides of any Part of the said Road, or if any Driver of any Waggon, or other Carriage, shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Foot-Paths or Causeways, or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast, drawing any Plough, upon any Part of the said Road, to the Prejudice thereof, or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any Instrument, so as to damage the said Road or any Part thereof, or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Road as conveniently may be), in, upon, or on the Side or Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto; or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

Persons
chargeable to
Statute
Works to con-
tinue so

Justices to
determine
Differences
concerning
Statute
Work.

LIII. Provided always, and be it enacted, That all Persons who, by Law are, or shall be liable to do Statute Work, or are, or shall be chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace, for the said County of *Surrey*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work, shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, or Places, in which the said Road doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways, of every such Parish or Place, in lieu of, or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them, paid to the said Trustees, or to their Treasurer; and in order thereunto,

thereunto, it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways, for every such Parish or Place, to bring in Lists before such Justices, at some Place, to be expressed in such Summons, (within Ten Days after the serving of such Summons,) of the Names of the several Persons who, within such Parish, or Place, are, by Law, subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise; and also the Amount of the respective Sums to be paid; which List of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect, for the Repairs of the Public Highways; and out of such Lists, the said Justices shall and may allot, appoint, and order such, and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Time, (not being Hay-time or Harvest,) and in such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who, by such Lists, shall appear to be subject and liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof, as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times, as they the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized, or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice, in Writing, given to, or left for him, her, or them, at his, her, or their last, or usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Hoss or Horses, or Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect, for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and, in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied toward; the amending the said Road and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such

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

Trustees may compound for Statute-Work.

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

Application of Money.

LV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall, in the first Place, be paid and defrayed out of the first Monies borrowed, received, or collected, by virtue of, or for the Purposes of this Act, and the Remainder thereof shall, from Time to Time be applied in re-paying the Monies borrowed on the Credit of this Act, and the Interest thereof, and in carrying this Act into Execution.

Actions to be brought in the Names of the Treasurer or Clerk of the Trustees.

But neither of them to be liable to the Payment of Costs.

LVI. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue, or in pursuance of this Act, the same may be brought in the Name of their Treasurer or Clerk, or in the Name of any One of the said Trustees, on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

LVII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, or other Officers, under this Act, Be it therefore enacted, That it shall and may be lawful to and for any of the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them, before One or more Justice or Justices of the Peace for the County, City, or Place where any such Offence or Offences shall be committed without any other Warrant or Authority than this Act for so doing.

Recovery and Application of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed,

such Determination therein, and to award such Costs to either of the Parties, or otherwise as they shall judge proper; and the said Justices may if they see cause mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form.

LXI. And be it further enacted, That where any Distress shall be made for any Sum of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, ab initio, on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form, or removable by Certiorari.

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

Plaintiffs not recover without Notice, or after Tender of Amends.

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

Limitation of Actions.

LXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Surrey*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days' Notice shall have been

given,

given, or after a sufficient Satisfaction made or tendered, as aforesaid, or after the Time limited for bringing the same, as aforesaid, or shall be brought in any other County than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then, and in every such Case, the Defendant or Defendants shall recover treble Costs, and have such Remedy for recovering the same, as any Defendant hath for Costs of Suit in other Cases by Law.

LXV. And be it further enacted, That the several and respective Persons, who have subscribed Money for and towards the making of the said Road, shall, and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees shall, from Time to Time, order and direct; and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same in the Name of the said Trustees, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

For compelling Subscribers to pay their Subscriptions.

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

28 Geo. 3.
c. 28.

10 G. 3.
c. 84.

" Road

39, 40 Geo. 3.
c. 112.Compensa-
tion to Trus-
tees of Sut-
ton Roads.

“ Road from *Woodhatch* to *Peteridge Lane*, in the County of *Surrey*
 “ *rey*.” And whereas another Act was passed in the Thirty-ninth and
 Fortieth Year of His present Majesty, intituled, “ An Act for continuing
 “ for Twenty-one Years, and from thence to the End of the then next
 “ Session of Parliament, the Term, and allotting and enlarging the Powers
 “ of Two Acts passed in the Twenty-eighth Year of the Reign of His
 “ late Majesty King *George* the Second, and in the Tenth Year of the
 “ Reign of His present Majesty, for repairing and widening the Road from
 “ *Sutton*, in the County of *Surrey*, through the Borough of *Reigate*,
 “ by *Sidlow Mill* to *Povey Cross*, and several other Roads therein mention-
 “ ed in the same County. And whereas it is expedient that Compensation
 should be made to the Trustees appointed to put the said Acts in Execu-
 tion for any Loss they may sustain by the said New Road being made:
 Be it therefore enacted, That the Trustees appointed, or to be appointed,
 for putting in Execution this Act, shall, and they are hereby authorized
 and required, from and after the Expiration of Four Years from the Time
 when any Toll shall have become payable and be collected by virtue of
 this Act, by and out of such Tolls, or out of any Money to be borrowed
 on the Credit of the said Tolls, before any other Payments whatsoever
 shall be made after the Expiration of the said Period, to pay or cause to
 be paid to the Trustees appointed, and to be appointed, for putting in
 Execution the said Three recited Acts, or to their Treasurer for the
 Time being, or to such Person or Persons as they, or any Five or more
 of them shall authorize and appoint to receive the same, the yearly Sum
 of Two hundred Pounds for and during the Residue of the Term granted
 by this Act, which shall be then to come and unexpired, which said yearly
 Sum of Two hundred Pounds shall be paid and payable by Four equal
 Quarterly Payments on the Twenty-fifth Day of *March*, the Twenty-
 fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-
 fifth Day of *December* in each Year, the first Payment thereof to be made
 on such of the said Days as shall next happen after the Expiration of Four
 Years from the Time abovementioned, and which said yearly Sum of
 Two hundred Pounds the Trustees for putting in Execution the said
 Three recited Acts are hereby empowered and required to accept from
 the said Trustees for putting in Execution this Act, as a Compensation to
 them for any Loss they may sustain in consequence of such Road being
 made; and that the Receipt of the Treasurer or Treasurers, or such Per-
 son or Persons as the said Trustees appointed, or to be appointed, for
 putting the said Three several Acts into Execution, shall authorize and
 appoint to receive the same, shall be a sufficient Discharge to the Trustees
 for putting in Execution this Act.

Application
of Compen-
sation.

LXVII. And be it further enacted, That the said yearly Sum of Two
 hundred Pounds shall, when paid to and received by the said Trustees be
 applied and disposed of by them as the Tolls and Monies to be collected
 and raised under and by virtue of the said Three recited Acts are thereby
 directed to be applied and disposed of.

Recovery of
Compensa-
tion Money.

LXVIII. Provided always and be it further enacted, That if One or
 more Quarterly Payment or Payments of the said yearly Sum of Two hun-
 dred Pounds shall be unpaid and in arrear by the Space of One Calendar
 Month next after the same shall have become payable, it shall and may be
 lawful to and for the Trustees appointed, or to be appointed, under and by
 virtue

virtue of the said Three recited Acts, or any Five of them, to give Notice in Writing to the Treasurer or Clerk of the Trustees appointed, or to be appointed, under and by virtue of this Act, of such Monies being so in arrear as aforesaid; and if the Money so in arrear shall remain unpaid for the Space of Ten Days after such Notice, it shall and may be lawful to and for any Two Justices of the Peace for the County of *Surrey*, on Information on Oath being made unto them of such Monies being so in arrear, and of such Notice having been given as aforesaid, by Warrant under their Hands and Seals directed to the Constable, Headborough, or other Peace Officer of the Parish or Place, or Parishes or Places in which any Turnpike or Toll-Gate, or Turnpikes or Toll-Gates shall be erected under and by virtue of this Act, thereby requiring them to make Entry upon and seize such Turnpike or Toll-Gate, or Turnpikes or Toll-Gates, and all Houses erected near the same for collecting the Tolls there, and thereof to dispossess the Trustees appointed, or to be appointed, under and by virtue of this Act, and all Persons acting under them; and the said Constable, Headborough, or other Peace Officers to whom such Warrant shall be directed as aforesaid shall, and is and are hereby required forthwith after he or they shall have made such Entry and Seizure as aforesaid, to deliver unto the Trustees appointed, and to be appointed, under and by virtue of the said Three recited Acts, or unto some Person or Persons to be appointed by such Trustees for that Purpose, by Writing under the Hands of Five or more of such Trustees, the Possession of such Toll-Gate or Toll-Gates, and Toll-House or Toll-Houses; and it shall and may be lawful to and for the said last-mentioned Trustees, or some Person or Persons to be appointed by them for that Purpose, by Writing under the Hands of Five or more of such Trustees to collect and receive all and every Toll and Tolls which shall under and by virtue of this Act be payable and paid at such Turnpike or Toll-Gate, or Turnpikes or Toll-Gates, and apply the same in Payment and Satisfaction of the said Monies which shall be so in arrear at the Time of such Entry, and all Costs and Charges attending the seizing such Turnpike or Toll-Gate, or Turnpikes or Toll-Gates, and such Toll-House or Toll-Houses as aforesaid, and the collecting of the Tolls there: And that it shall and may be lawful for the said last-mentioned Trustees to hold and retain the Possession of such Turnpike or Toll-Gate, or Turnpikes or Toll-Gates, and such House or Houses as aforesaid, until such Monies as shall be so in arrear as aforesaid, and such Costs and Charges as aforesaid shall be fully paid and satisfied, they rendering unto the Trustees to be appointed under and by virtue of this Act a just Account in Writing of all the Tolls and Monies which shall have been collected and received by them at such Turnpike or Toll-Gate, or Turnpikes or Toll-Gates as aforesaid, and of the Costs and Charges which they the said Trustees appointed, or to be appointed, under and by virtue of the said Three recited Acts shall have sustained by the Means aforesaid: Provided also, that it shall be lawful for the said last-mentioned Trustees, in case the Arrears which shall be due at the Time of entering upon the said Turnpike, Toll-Gate, or Toll-Houses shall not be collected before another Quarterly Payment of the said Two hundred Pounds shall become due, to retain and keep Possession of the said Turnpike or Toll-Gate, and Toll-Houses, until a sufficient Sum of Money shall have been collected to pay off and discharge all such Arrears, Costs, and Expences as aforesaid.

Public Act.

LXIX. 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.

Commence-
ment and
Continuance
of this Act.

LXX. And be it further enacted, That this Act shall commence and take place on the Day of passing thereof, and shall be in Force, and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE

TO WHICH THIS ACT REFERS.

Proprietors.	Occupiers.	Descriptions.
William Sanders Robinson, Esquire, } Ditto, Ditto,	Colonel Byron,	Paddock and Farm Yard.
Hylton Jolliffe, Esquire, Ditto, Ditto,	Robert Cagget, Thomas Brookes,	Garden. Garden.
Mrs. Sarah Harris, Hylton Jolliffe, Esquire, Ditto, Ditto,	John Darrant, John Bullen, Ditto, Ditto,	Orchard. Orchard and Garden. Garden.
Charles Birkhead, Esq., Richard Barnes, Esquire, Ditto, Ditto	Edward Hoare, Himself, Thomas Neale, Thomas Brown,	Orchard and Garden. Plantation. Paddock. Garden.
Anthony Harman, Esquire,	John Batcock,	Orchard and Garden.

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