



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 76.

An Act for repealing an Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, King *George* the Third, for more effectually repairing the Roads leading from the *Stones End* in *Blackman Street* in the Borough of *Southwark* in the County of *Surrey*, to *Highgate* in the County of *Suffex*, and several other Roads therein mentioned; and for granting other Powers for those Purposes.

[28th May 1802.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Roads leading from the Stones-End in Blackman Street, in the Borough of Southwark, in the County of Surrey, to Highgate in the County of Suffex, and to Sutton and Kingston, and from Vauxhall Bridge through Stockwell to Brixton Causeway, and from Newington to the East End of Peckham Lane, and from Camberwell Green to the Fox under the Hill, in the County of Surrey, and for repealing so much of several Acts now in force as relates to the said Roads, and for repairing the Road from Highgate aforesaid, to Witchcross in the County of Suffex*: And whereas the Trustees appointed in or by virtue of the said recited Act, have proceeded in the Execution thereof, and several considerable

Act 25 G. 3.

[*Loc. & Per.*]

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Sums

Sums of Money have been borrowed, and are now due and owing upon the Credit of the said Roads; which Money cannot be repaid, and the said Roads properly amended and kept in good Repair, unless the Term of the said Act be continued; and the Powers and Provisions of the said Act being found in many Respects defective, it is expedient that the same should be repeated, and further and other Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Twenty-fifth Year of the Reign of His present Majesty, shall, upon the Saturday Three Weeks next after the passing of this Act, be, and the same is hereby declared to be then repealed; and that instead thereof this Act shall commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for repairing, widening, and improving the several Roads herein-after mentioned; (that is to say) the Roads leading from the *Stones End* in *Blackman Street* in the Borough of *Southwark*, in the County of *Surrey*, to *Highgate* in the County of *Suffex*, and to *Sutton* and *Kingston*, and from *Vauxhall Bridge* through *Stockwell* to *Brixton Causeway*, and from *Newington* to the East End of *Peckham Lane*, and from *Camberwell Green* to the *Fox under the Hill*, in the County of *Surrey*, and the Road from *Highgate* aforesaid to *Witchcross* in the County of *Suffex*.

Trustees

II. And be it further enacted, 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 of the County of *Surrey*; *Charles Lenox* Esquire, *John Fuller* Esquire, and the Knights of the Shire for the Time being of the County of *Suffex*; *Thomas Allen*, *Thomas Astle*, *Henry William Atkinson*, *Edwin Atkins*, *Joseph Alcock* Esquires, *Robert Atkinson*, *William Atkinson*, *Edwin Atkins*, *John Alcock* Gentlemen, Sir *Robert Burnett* Knight, Sir *Matthew Bloxam* Knight, *Richard Bullock* Doctor in Divinity, *Christopher Baldwin*, *Samuel Blunt*, *Robert Browne*, *Richard Burfoot*, *William Blunt*, *Edward Browne*, *James Bourdieu*, *John Smith Budgen*, *William Barr*, *Robert Butcher*, *Daniel Blachford*, *Bryant Barnett*, *Robert Barclay* Esquires, *Sackville Stephens Bale* Clerk, *George Bethune* Clerk, Doctor of Laws, *Stileman Bostock* Clerk, *Holt Butcher* Clerk, *John Bockett*, *Richard Barnes* Esquires, *John Brookes*, *John Bath*, *Robert Bostock*, *George Bankin* Gentlemen, *Henry Bunn*, *Peter Broadley*, *Richard Bowser* Esquires, *John Brasser* Gentleman, *William Browning*, *John Barchard*, *Richard Bush*, *Vincent Hilton Biscoe*, *James Bulcock*, *Joseph Benwell*, *Robert Bridges*, *Robert Burnett*, *John Brickwood*, *Henry Byne*, *John Bradney*, *William Brander* Esquires, *Edward Biven*, *Robert Boswall* Gentlemen, *Anthony Brough*, *Thomas Burnett*, *Charles Blicke*, *John Bolland* Esquires, *Gilbert Buchanan* Clerk, *George Bayley*, *William Bryant*, *John Bridges* Gentlemen, *George Maximilian Bethune* Clerk, *Charles Goodwin Bethune* Clerk, *Thomas Brown*, *Charles Baratty*, *William Borradaile*, *William Butler*, *Joseph Seymour Biscoe*, *Thomas Butler*, *Charles Birkhead* Esquires, *John Burt*, *John Bristow*, Gentlemen, *John Biddulph* Esquire, *William Bull* Gentleman, *Thomas Byron* Esquire, *Richardson Borradaile* Esquire, Sir *George Colbrook* Baronet, Sir *William Clayton* Baronet, *Claude Champion Crespigny*, *Richard Chapman*, *John Cholmley*, *John Claxton*, *Edward Cranston*, *John Crickett*, *Charles Payne Crawford*, *John Collick*, *Robert Chatfield*, Esquires, *William Cole*,

Cole, William Chatfield, John Chatfield, James Carter, William Curteis, John Collinson Gentleman, William Champion Crespigny, Henry William Coffin, Charles Clowes, William Chivers, Benjamin Cole, Francis Creuze Esquires, Stephen Catley, Philip Constable, James Cross Gentlemen, Francis Chalie, William Clutton the younger, John Henry Cazenove, Thomas Calverley Esquires, Charles Carpenter, Robert Chatfield the younger, John Collingdon Esquire, Alexander Thomas Cox Gentleman, George Coleman, Matthew Chalie, James Cox Gentlemen, Alexander Caldeclough, William Croughton Esquires, Sir John Dixon Dyke Baronet, Robert Dent, Thomas Dickson, Thomas Dawson Esquires, Richard Dodd Clerk, William Dent, John Hodsdon Durand Esquires, Francis Donnell, Thomas Dawson, William Davidson, John Dingwall, Patrick Drummond Gentlemen, John Dunkin the younger, Christopher Dunkin, John Dollond Esquires, Sir George Shuckburgh Evelyn Baronet, the Bailiffs of East Grinstead for the Time being, William Elliott, John Evans Esquires, George Evans, Percival Evans, Robert Evans Esquires, John Evans, William Esdaile Esquires, Thomas Fassett, James Farrington, Robert Devereux Fancourt, Gideon Fournier Esquires, Hayer Fortee, Thomas Farley, Samuel Favell, Thomas Fish, Francis Fisher Gentlemen, William Francis, Philip Francis, John Trayton Fuller Esquires, William Franks, Daniel Fossick, Thomas Fulcher, Robert Fisher Gentlemen, Nathaniel Bogle French, William Field, Augustus Elliot Fuller, George Field, George Field Esquires, William Mann Godschall, William Golding, John Green Esquires, Henry Goodricke, John Griffies Clerks, John Green, Thomas Griffith, Edward Gibson, Joseph Graham Gentlemen, John Goodeve, Henry Gardiner, Joseph Gutteridge, William Gee, Thomas Gaitskell, Henry Golding, John Goy Gautier, George Godwin, Samuel Goodbehere, David Gordon Esquires, the Right Honourable Thomas Harley, Dudley Hyett, Frederick Hahn, John Hilbert, Joseph-Humphrey, Thomas Hayward, Robert Hilton, Robert Harris, Thomas Hinchcliffe Esquires, John Hodgson, James Hill Hooper, John Haigh, Benjamin Huggett, William Hucks, John Howard, William Holme, Nathaniel Harris Gentlemen, Thomas Hames, William Hudson, Edward Hill, John Hooke, William Holmer Gentlemen, Arthur Edward Howman Clerk, Anthony Harman, John Hodges, Gilbert Handasyde Gentlemen, Matthew Harrison, George Hibbert Esquires, Benjamin Harrison, Isaac Heaton, Michael Cope Hopton, Robert Hankey, Robert Hudson, Anthony William Hodson, John Hughes, William Parker Hammond Esquires, Stephen Hall, Thomas Harder Gentlemen, William Hollingsworth Esquire, Nathaniel Jefferies, John Jacob, George Jeffery, Edward Jefferies, William Jolliffe Esquires, William James, Thomas Jackson, William Johnson, Thomas Jarvis Gentlemen, Thomas Jefferies, William Jones Esquires, Matthew Kenrick Doctor in Divinity, Edward Knipe the younger, Esquire, the Bailiffs of Kingston for the Time being, Philip King, Jerome William Knapp, Robert Kent, John Kymer, Edward Kemble, William Kenrick Esquires, Paul Le Mesurier, George Lane, Francis Lawson Esquires, John Coakley Lettson Doctor of Physic, Phillips London, Robert Lucas Gentlemen, Edward Layton, Thomas Lett Esquires, William Lambert, Robert Ladbrooke, Samuel Long, Richard Laurence Esquires, Thomas Lucas, Isaac Lowdell Gentlemen, Joseph Lucas, Beeston Long Esquires, Thomas Lett the younger, John Lett Gentlemen, David Lyon, Thomas Langley, Samuel Latwford Esquires, Sir Joseph Mawbey Baronet, John Manship, John Manley, Francis Maseres, John Morgan Esquires, Leigh Hoskins Master Clerk, Thomas Morris, Thomas Meager, Robert Morphett, Francis Meager the younger, Gentlemen, Thomas Mills Esquire, Robert Meager, William Money Gentle-

men, Ebenezer Maitland, James Mills Esquires, James Moore, John Middleton, Nathaniel Muggerridge, William Martin Gentlemen, Magens Dorrien Magens, John Marwson Esquires, the Honourable George Henry Neville, Nathaniel Newnham, John Newnham, John Nicholls Esquires, Thomas Nash, James Newsom Gentlemen, William Newman, Fasham Nairn Esquires, William Nunn Gentleman, Thomas Orde, William Orme Esquires, William Orme the younger, Gentleman, Thomas Pearce Doctor in Divinity, John Pardon, Thomas Ponton, Joseph Peyton, John Pollard, William Pollard, John Platt, William Power, Edward Polbill Esquires, William Paine Gentleman, John Perkins, Daniel Pinder, Robert Polbill, Walter Powell, Martin Petrie, Henry Pigeon, Robert Pott, Arthur Pott, Henry Poynder, Henry Perkins, William Prescott Esquires, John Perkins, Benjamin Patterson, John Pryce Esquires, Sir William Rusb Knight, Henry Rowed, William Richardson, William Robinson, John Anthony Rucker, Daniel Henry Rucker Esquires, William Sanders Robinson, Edward Russell, John Radley, William Randall, John Ridley, William Rayley Gentlemen, Rowland Richardson, John Richard Ripley, Jacob Foster Reynolds Esquires, Sir William Staines Knight, Thomas Strong, Richard Carpenter Smith, William Shard, Joshua Smith, Thomas South, Mark Smythson, George Shepley, Charles Spitta, Richard Thomas Streatfield, Robert Slade, Maurice Swabey, John Suter, William Smith, Henry Strachey, Samuel Scott, Joseph Sharwe Esquires, Stephen Swabey Clerk, Edmund Sandford Clerk, Samuel Sanders, Richard Smith, Richard Shepley, John Sperling Esquires, Henry Smith, James Scott, Esquires, George Sandby Clerk, Thomas Woodroffe Smith, George Griffin Stonestreet Esquires, Michael Shepley, Herman Schroder Esquires, George Sawyer, David Seale, Daniel Slade Gentlemen, John Shadwell Doctor of Physic, John Stockwell Esquire, John Shorey Gentleman, William Sims, Enos Smith, Richard Southby, Thomas Bennett Smith, William Sewell, Richard Shaw, John Stanbank, Thomas Smith, Ralph Smith Esquires, Sir Thomas Turton Baronet, Samuel Thornton, Robert Thornton, Henry Thornton, Peter Thomson, James Trecothick, William Timson, Robert Tyler, John Thackrah Esquires, Richard Turner Gentleman, Johnson Towers Clerk, Christopher Terry, Thomas Tatlock Esquires, Thomas Thorp Clerk, James Tatlock, William Toulmin, Edward Townsbend, George Tritton Esquires, William Vyse Clerk, Doctor of Laws, Isaac Vaughan Esquire, John Venn Clerk, George Vaughan Gentleman, James Weller Doctor in Divinity, Brook Watson, Joseph Wyndham, James Williams, John Willes, Francis Wilson, Samuel Waring, Thomas Wakeham Esquires, Thomas Wigsell Clerk, Thomas Walsbam Doctor of Physic, John Woodbridge, William Weston, Samuel Welchman Gentlemen, John Waring, Jacob Wrench, Thomas Walker, William Wilkinson, George Wolffe, William Willis Esquires, George Ware Gentleman, Robert Were, Daniel Richard Warrington, Robert Winter, James Warne, Henry Waymouth Esquires, William White, John Wesley Gentlemen, Nathaniel Wright, John Yerbury, Midford Young, Florance Young Esquires, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for amending, altering, improving, and keeping in Repair the said several Roads in the Counties of Surrey and Sussex, and for otherwise putting this Act in Execution.

Trustees of
this Act to
continue
Trustees for
putting in

III. And whereas an Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for making, widening, and keeping in Repair, certain Roads in the several Parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Chrilt Church, in the County*

County of Surrey, and for watching and lighting the said Roads; whereby it was enacted, That the Trustees appointed and to be appointed by the said recited Act, of the Twenty-fifth Year of the Reign of His present Majesty, and their Successors, should, together with certain other Persons therein named, be, and were thereby appointed Trustees for putting the said recited Act of the Twenty-sixth Year of the Reign of His present Majesty into Execution; be it therefore further enacted, That the Trustees appointed by this Act, and their Successors from Time to Time to be appointed, shall to all Intents and Purposes be and be deemed to be Trustees for executing the said last-mentioned Act, in such and the same Manner as if they had been named and appointed in and by virtue of the said Act.

Execution
the Act of
26 G. 3. for
repairing the
Surrey new
Roads.

IV. And be it further enacted, That when any of the Trustees hereby appointed, or to be appointed in Manner herein-after mentioned, shall die, refuse or decline to act, or shall cease to reside in one of the said Counties of *Surrey* or *Suffex*, the surviving or remaining Trustees, or any Seven or more of them, may, and they are hereby empowered and required from Time to Time, to chuse and appoint another proper Person, residing in one of the said Counties, in the Place of every such Trustee so dying, or refusing or declining to act, or ceasing to reside in one of the said Counties; and the Non-attendance of any Trustee for the Term of One Year shall be deemed to be a Refusal to act: Provided always, that Ten Days Notice of the Meeting for every such Election, shall be given in some Newspaper circulated in the Neighbourhood of the said Roads, and affixed upon all the Gates or Turnpikes which shall be then standing upon the said Roads; and every such Trustee who shall be so appointed, is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, as if he had been particularly named and appointed a Trustee in and by this Act.

For appoint-
ing new
Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting 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 Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, or shall be Heir Apparent to a Person possessed of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds; and every Person (not being such Heir Apparent as aforesaid) before he acts as such Trustee, shall take and subscribe the Oath or Affirmation following, before any Two or more of the Trustees hereby appointed, or to be appointed in Manner aforesaid, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say),

Qualification
of Trustees.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do* Oath.
‘ solemnly affirm], That I truly and *bonâ fide* am, in my own Right [*or,*
‘ in the Right of my Wife] in the actual Possession and Enjoyment, or Re-
‘ ceipt of the Rents and Profits of Freehold and Copyhold, or Freehold
‘ or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly
‘ Value of One hundred Pounds above all Reprizes [*or, possessed of or*
‘ entitled

[*Loc. & Per.*]

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‘ entitled to a Personal Estate, or, a Real and Personal Estate together,
 ‘ to the Amount or Value of Two thousand Pounds.]

‘ So help me GOD.’

And if any Person, not being qualified as aforesaid, shall nevertheless presume to 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 inform or sue for the same, to be recovered 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 the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any further or other Proof on Behalf of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Validating
 Acts of un-
 qualified
 Trustees,
 before Con-
 viction.

VI. Provided nevertheless, That all Acts and Proceedings which shall have been done and performed by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees'
 First Meet-
 ing.

VII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet at the *King's Arms Inn*, at *Croydon* in the said County of *Surrey*, on the *Saturday* Three Weeks next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place on or near the said Roads, as the said Trustees, or any Seven or more of them, shall think proper and appoint, as often as it shall be necessary, for putting this Act in Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment; and that in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either then to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing affixed on all the Turnpike Gates upon the said Roads, or inserted in some Newspaper circulated in the Neighbourhood, at least Ten Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held or was to have been held, on such future Day as shall be specified in such Notice, not exceeding Twenty-one Days after the Day on which such last Meeting was held or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed or inserted in Manner aforesaid, to appoint the Trustees to meet at some House on or near the said Roads, upon
 some

Power to
 adjourn.

some Day within Twenty-one Days after the Date of such last-mentioned Notice; and if after any Adjournment of the said Trustees, it shall be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Five or more of them, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order (such Time not being less than Seven Days after such Notice); and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein mentioned); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein, such Meeting not consisting of less than the Number of Trustees by this Act authorized to make such Orders or Determination; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested); and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees to administer such Oath, and which they, or either of them, are hereby authorized to do, to all or any of the Officers to be appointed under this Act, relating to or anyways concerning any of their Accounts.

Meetings on
Emergencies.

Trustees
being Justices,
may act as
such.

VIII. Provided always, and be it further enacted, That no Order made by any Seven or more of the said Trustees, shall be revoked or altered, unless Thirteen Trustees at least shall be then present, and Nine or more of them shall concur therein.

No Order to
be revoked
unless 13
Trustees be
present.

IX. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or the major Part of them, or by their Clerk, by their Order; which said Book or Books, and also the Books herein-after mentioned and directed to be kept for registering the Mortgages and Assignments of the Tolls hereby intended to be granted, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in all Cases of Appeal; and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Proceedings
to be entered
in a Book.

X. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the Trustees, or any Seven or more of them, but that the Treasurer or Clerk for the Time being of the said

Trustees may
sue or be sued
in the Name
of their Treas-
urer or
Clerk.

said Trustees shall be deemed Plaintiff or Defendant, as the Case may be, in such Action or Suit.

Treasurer or Clerk to be reimbursed Expences.

XI. Provided always, That every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise in pursuance of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Stile of the Trust.

XII. And be it further enacted, That the said several Roads shall in future be distinguished and known by the Name of *The Surrey and Sussex Roads*, and the said Trustees shall also be stiled, *Trustees of the Surrey and Sussex Roads*.

Trustees to appoint Officers.

XIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint, or continue, a Treasurer or Treasurers, and a Clerk or Clerks, Collector or Collectors of such Money as shall be due and payable by virtue of this Act (and take such Security from such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit), and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Seven or more of them, shall think proper; and also may remove, from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Seven or more of them, shall see Occasion; and the said Trustees, or any Seven or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers, so appointed or continued, for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Seven or more of them, shall seem proper; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Seven or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Seven or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purpose the same, and every Part thereof, hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath (which Oath any One of the said Trustees is hereby empowered to administer); and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any

Officers to account, or be punished.

any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Seven or more of them, or by such other Person or Persons, all Books, Papers, or Writings in their Custody or Power, relating to the Execution of this Act, then, and in every such Case, Complaint being made by the said Trustees, or any Seven or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not being to be found, or not sending some reasonable Excuse, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Seven or more of them, might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they have compounded with the said Trustees, or any Seven or more of them, for the same, and paid the Composition Money to the said Trustees, or any Seven or more of

[*Loc. & Per.*]

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them,

them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Seven or more of them, are hereby empowered to make) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Seven or more of them: Provided always, that no Person who shall be committed for Want of a sufficient Distress, shall be detained in Prison for any longer Time than Six Calendar Months.

Persons who have received Tolls, &c. by virtue of former Act, to account with Trustees in like Manner.

XIV. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Monies, by virtue or on account of the said former Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for the same, and every Part thereof, to the said Trustees, in the like Manner, and under the like Penalties, as the several other Officers and Persons are herein-before directed to account.

Five Trustees may appoint temporary Collectors;

discharge those misbehaving, and appoint others till next Meeting.

XV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall grossly neglect, or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the Trustees, in the stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had, or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver, who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Roads, for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, although not assembled at any Meeting, or by their Clerk or Clerks, or Treasurer or Treasurers, for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the respective County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Five or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Present Officers to continue till new

XVI. Provided always, and be it further enacted, That the present Treasurer, Clerk, Surveyors, and Collectors of the Tolls arising upon the said

faid Roads, and other Officers appointed by virtue of the faid recited Act for the Care and Management of, or relating to the faid Roads, or any of them, shall, and they are hereby authorized to act in the Execution of this Act, until they shall be removed, or others appointed in their stead. ones be appointed.

XVII. And be it further enacted, That the faid Trustees, or any Seven or more of them, may, and are hereby authorized and empowered to continue all or any of the Toll Gates or Turnpikes and Toll Houses, now in, upon, or across any of the faid Roads, or the Sides thereof; and also to erect or cause to be erected such other Toll Gates or Turnpikes in, upon, or across any of the faid Roads, or upon or near the Sides thereof, across any Lane or Way leading into the same, as they shall think proper, and to continue or erect a Toll House adjoining or near to the faid respective Toll Gates or Turnpikes, or such of them as they shall think proper; and the respective Tolls following shall be demanded and taken at all such Toll Gates or Turnpikes as aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say) Trustees may continue Turnpikes, and erect others.

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

For every Chaise, Chair, or other such like Carriage, drawn by One Horse, Mare, Gelding, or other Beast of Draught, the Sum of Three-pence :

For every Curricule or Chair, or such like Carriage, on Two Wheels only, drawn by Two or more Horses, or other Beasts of Draught, the Sum of Sixpence :

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, Barouche, Calash, or other such like Carriage, on more than Two Wheels, drawn by Two or Three Horses or other Beasts of Draught only, the Sum of Nine-pence :

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, Barouche, Calash, or other such like Carriage, drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling :

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, Curricule, Barouche, Calash, or other such like Carriage, drawn by more than Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence :

For every Cart, Dray, or other such like Carriage, drawn by One Horse or other Beast of Draught only, the Sum of Three-pence :

For every Cart, Dray, or such like Carriage, with Wheels of less Breadth than Six Inches, drawn by Two Horses or other Beasts of Draught only, the Sum of Four-pence :

For every Cart, Dray, or such like Carriage, with Wheels of less Breadth than Six Inches, drawn by Three Horses or other Beasts of Draught only, the Sum of Sixpence :

For every Cart, Dray, or such like Carriage, with Wheels of the Breadth of Six Inches and upwards, drawn by Four Horses or other Beasts of Draught, the Sum of Four-pence :

For every Waggon laden with Hay or Straw, the Sum of Sixpence :

For every Cart laden with Hay or Straw, the Sum of Three-pence :

For

For every Waggon laden with Turnips, Grains, Cabbages, Potatoes, or any other Green Fodder, the Sum of Sixpence :

For every Cart laden with Turnips, Grains, Cabbages, Potatoes, or any other Green Fodder, the Sum of Three-pence :

For every Waggon not laden with Hay or Straw, with Wheels of less Breadth than Six Inches, drawn by more than Two and not exceeding Four Horses or other Beasts of Draught, the Sum of One Shilling :

For every such Waggon with Wheels of the Breadth of Six Inches and upwards, not drawn by more than Four Horses or other Beasts of Draught, the Sum of Sixpence :

For every such Waggon with Wheels of the Breadth of Six Inches and upwards, not drawn by more than Six Horses or other Beasts of Draught, the Sum of Nine-pence :

And for every such Waggon with Wheels of the Breadth of Nine Inches and upwards, drawn by more than Six Horses or other Beasts of Draught, the Sum of Sixpence :

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 : And

For every Drove of Calves, Figs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number :

Tolls vested
in Trustees.

Which said respective Tolls shall be and are hereby vested in the said Trustees, for the Purposes of this Act ; and it shall be lawful for the Collectors of the Tolls to be appointed by virtue of this Act, to demand, collect, and receive the Tolls hereby granted and made payable, and also levy the same by Distress of the Cattle or other Goods of any Person liable to pay the same, who shall, after Demand thereof made, neglect or refuse to pay such Tolls as aforesaid, and to detain and keep the Cattle or other Goods so distrained, until such Tolls, with the reasonable Charges of such Distress, and detaining and keeping the same, shall be paid ; and the respective Persons so distraining, after the Space of Three Days from the making of such Distress, shall and may sell the Cattle, or other Goods so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges of such Distress, Keeping, and Sale, shall be deducted and paid.

Disputes con-
cerning Tolls
to be settled
by One or
more Justices.

XVIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining, to retain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Quantity of the Tolls due, and Charges of seizing, distraining, keeping, and selling, (as the Case shall happen) shall be ascertained by One or more Justice or Justices of the Peace for the respective County or Place, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties, or other Witness or Witnesses, and determine the Quantity of the Tolls due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices ; all which Sum, so determined or assessed, shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress, or Overplus, after the Sale thereof, or of any Part thereof.

XIX. And

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors of Tolls competent Witnesses.

XX. And be it further enacted, That none of the Toll Gates or Turnpikes now standing, or hereafter to be erected upon or on the Sides of the Roads by this Act directed to be amended, widened, and repaired, shall be taken down or removed, or any Toll Gate or Turnpike be erected by virtue of this Act, except by Order of the said Trustees, or any Seven or more of them, made at some Meeting to be holden in pursuance of this Act, of which Meeting Ten Days Notice in Writing (specifying the Business to be done at such Meeting) shall be given in some public Newspaper, and upon the Toll Gates or Turnpikes which shall be then standing upon the said Roads.

No Turnpike to be set up, &c. except by Order made at Meetings.

XXI. And be it further enacted, That if any Person shall, with any Cattle or Carriage whatsoever, pass through any Land or Ground (not being a public Highway) adjoining to or lying near to any of the said Roads; or if any Owner or Occupier of any such Land or Ground; shall knowingly or wilfully permit or suffer any Person with any Cattle or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall give to, or receive from any Person, other than the Collectors of the said Tolls, any Note or Ticket by this Act directed to be given by the said Collectors, or shall forge or counterfeit any such Note or Ticket, or make use of any such forged or counterfeited Note or Ticket, knowing the same to have been forged or counterfeited, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall forcibly pass through any of the said Toll Gates or Turnpikes, with any Carriage, Horse or other Cattle, without Payment of the Tolls for the same, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or shall leave, or cause to be left, upon or near any Part of the said Roads, any Carriage, Horse, or other Cattle, or any Goods, with Intent to avoid the Payment of the said Tolls, or any Part thereof, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings, whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety to the Treasurer to the said Trustees.

Penalties on evading Payment of Tolls.

XXII. Provided always, and be it enacted and declared, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, for any Cattle or Carriage laden with Gravel, Stones, Sand, or other Materials for repairing the said Roads, or any of the Roads or Highways within any of the Parishes wherein the Roads by this Act to be repaired do lie, or in any of the neighbouring Parishes; or for any Dung, Mould, Soil, or Compost, of any Nature or Kind whatsoever, for manuring any Lands or Grounds within any of the said Parishes; or for any Carts or Waggon carrying any Hay or Straw, or Corn in the Straw, to be laid up in or about the Houses of the respective Inhabitants of the several Parishes in which the said Roads do lie,

Exemptions from Toll.

[Loc. & Per.]

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during

during the respective Times of Hay Harvest and Corn Harvest, or in returning after having carried any such Hay or Straw, or Corn in the Straw, to be laid up as aforesaid; or for any Ploughs, Harrows, or other Implements of Husbandry, or other Things whatsoever to be used or employed for the tilling or stocking of any Land within any of the Parishes in which the said Roads do lie, or in any of the next adjoining Parishes; or for any Horse or other Beast going to be shod, or for any Horse or Horses, or other Cattle, going to and from Water, Pasture, Tillage, or Work in Husbandry, upon or in any of the Lands within such Parishes; or for any Horses or Carriages employed only in the Conveyance of Vagrants sent by legal Passes; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning empty having been so employed; or for the Horses or Carriages of any Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Surrey* and *Suffex*, or either of them, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; or from any Person or Persons going to or returning from their own Parish Church, or other Place of Divine Worship, upon *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying any Mails of Letters and Expresses under the Authority of His Majesty Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Twenty Shillings.

Tolls to be
paid but once
a Day.

XXIII. Provided always, and be it further enacted, That all Persons who shall have paid the Tolls hereby granted, at any Toll Gate or Turnpike to be continued or erected by virtue of this Act, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) be permitted to pass and repass any Time or Times, as often as he or they shall think proper, through the same Toll Gate or Turnpike, and through all or any other Toll Gates or Turnpikes which shall be continued or erected by virtue of this Act, for or in respect of the same Horses, or other Cattle or Carriages for which such Tolls shall have been so paid; and that no Person passing any of the said Toll Gates or Turnpikes with any Horses not drawing a Carriage, and paying the Toll for such Horses, and returning the same Day (to be computed as aforesaid) with the same Horses drawing a Carriage, shall be subject or liable to pay any greater Toll in respect of such Carriage than will, with what shall have been paid for such Horses as aforesaid, make up the complete Toll authorized to be collected for such Carriage by virtue of this Act; and also that no Person passing any of the said Toll Gates or Turnpikes with any Horses drawing a Carriage,
and

and paying the Toll for the same, and returning on the same Day (to be computed as aforesaid) with the same Horses not drawing any Carriage, shall be subject or liable to pay any Toll in respect of the Horses so returning, such Persons respectively producing a Note or Ticket denoting such respective Payments; which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time as often as they shall think fit, to compound with any Persons for passing through all or any of the Toll Gates or Turnpikes which shall be continued or erected by virtue of this Act, with any Horses, Cattle, or Carriages, for any Sum of Money, for or in lieu of the Tolls hereby granted, which Composition Money shall always be paid in advance to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same. Trustees may compound for the Tolls.

XXV. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and empowered from Time to Time, by and with the Consent of Five-Sixth Parts in Value of the several Persons who shall have advanced any Money on the Credit of the said Tolls, to lessen or reduce all or any of the Tolls hereby granted and made payable, for such Time or Times as they shall think proper, and the said Trustees, or any Seven or more of them, may and are hereby empowered to raise again the Tolls so lessened or reduced, or any Part thereof, so that the same do never exceed the Tolls herein-before granted; and such Tolls so lessened or reduced, or raised again, shall be collected and recovered in the same Manner as the Tolls hereby granted are directed to be collected and recovered, but Fourteen Days Notice thereof at the least shall be given in some public Newspaper, and upon the Toll Gates or Turnpikes which shall be then standing upon the said Roads, previous to any such Alteration in the said Tolls. Power to reduce the Tolls and raise them again.

XXVI. And be it further enacted, That the Tolls to be collected by virtue of this Act shall be and the same are hereby declared to be a Security for the Re-payment of the Money borrowed, and now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads by any former Act, and upon the Credit of any Annual Sum or Sums of Money which were granted and made payable for repairing the Roads leading from *Westminster Ferry* to the East End of *Peckham Lane*, and from *Camberwell Green* to the *Fox under the Hill*, and all Interest due and to become due for the same, as if all such Money had been borrowed by the said Trustees upon the Credit of this present Act. Tolls to be a Security for Money already borrowed.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to let, farm, or demise all or any of the said Tolls, for any Term of Years not exceeding Three Years, for such Rent, payable at such Times and under such Covenants as the said Trustees, or any Seven or more of them, shall think fit, the said Trustees taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised, for Payment of such Rents and Performance of the said Covenants, as they, or any Seven or more of them, Trustees may let the Tolls.

them, shall think fit; which Money to be paid for the same, shall be applied for the Purposes of this Act.

For borrow-
ing Money.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest such Sum or Sums of Money as they shall think fit, upon the Credit of the Tolls arising by virtue of this Act, and by Writing under their Hands and Seals to mortgage, demise, and assign over the said Tolls, or any Part thereof, and the Turnpikes and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term during the Continuance of this Act, as a Security for the Re-payment of the several Sums that shall be so borrowed, with the Interest thereof; which Mortgages or Assignments, and also all Mortgages or Assignments which shall be given for any Money now due on the Credit of the former Acts as aforesaid, in lieu of the Securities the Creditors are now possessed of (which the said Trustees, or any Seven or more of them, are hereby authorized to give, in case any of the said Creditors shall be desirous of changing their present Securities) shall be in the Words or to the Effect following (*videlicet*),

Form of
Mortgage.

‘ BY virtue of an Act made in the Forty-second Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled [*insert the Title of this Act*]
 ‘ we or more of the Trustees for putting the said Act in Exe-
 ‘ cution, in consideration of the Sum of to the Treasurer
 ‘ of the said Roads in Hand paid by do hereby grant
 ‘ and assign unto the said Executors, Administrators,
 ‘ and Assigns, such Proportion of the Tolls arising by virtue of the said
 ‘ Act, and of the Toll Gates or Turnpikes and Toll Houses for collecting
 ‘ the same, as the said Sum of doth or shall bear to the
 ‘ whole Sum advanced or to be advanced on the Credit thereof, to be
 ‘ had and holden from the Day of in the Year
 ‘ of our Lord for and during the Continuance of the said Act,
 ‘ unless the said Sum of with Interest at the Rate of
 ‘ for One Hundred Pounds for a Year, shall be sooner
 ‘ repaid and satisfied. In Witness whereof we have hereunto set our Hands
 ‘ and Seals, this Day of in the Year of
 ‘ our Lord

Entries of
Mortgages to
be made and
kept entered
in a Book.

And Entries of all such Mortgages or Assignments shall be made in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Ten Days Notice shall be given in some public Newspaper, and upon the Toll Gates or Turnpikes which shall be then standing upon the said Roads, of the Meeting for the borrowing thereof; and all Mortgages or Assignments so to be made as aforesaid, shall be good, valid, and effectual, to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made, and their respective Executors, Administrators, or Assigns, may from Time to Time, by Writing under his, her, or their Hand and Seal or Hands and Seals, transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Security in the Presence of One credible Witness, which Transfer shall be in the Words or to the Effect following:

- ‘ I Do

I Do transfer this Mortgage, with all my Right and Title to the Principal Sum thereby secured, and to all the Interest now or hereafter to grow due upon the same, unto Executors, Administrators, and Assigns. Witness my Hand and Seal, this Day of

Form of
Transfer.

Which Transfer shall be produced and notified to the said Clerk, who shall cause an Entry to be made thereof, containing the Date, Names of the Parties, and Sum of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Five Shillings, and no more; and after such Entry made, such Transfer shall entitle the Person to whom the same shall be made, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Person may in like Manner transfer again, and so from Time to Time as often as Occasion shall require; and it shall not be in the Power of any Person making such Transfer to make void, release, or discharge the same, or any Money thereby due; and all Persons to whom any Mortgage or Assignment of the Tolls authorized to be collected upon the said Roads, by virtue of the said former Act or this Act, or any Transfer of any such Mortgage or Assignment hath been or shall be made, and their respective Executors, Administrators, and Assigns, shall be, in proportion to the respective Sums therein mentioned, Creditors on the said Tolls in equal Degree on with another, and shall have no Preference in respect of the Priority of advancing such Monies, or the Dates of such Assignments or Mortgages.

XXIX. And be it further enacted, That all the Tolls and other Money which shall come to the Hands of the said Trustees, or any of them, or their Treasurer, by virtue of this Act, shall be applied in the first Place in paying and defraying the Charges and Expences incident to and attending the obtaining and passing this Act, paying the annual Sum of Two hundred Pounds to the Trustees for carrying into Execution an Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term granted by an Act of the Twenty-eighth Year of His late Majesty's Reign, for repairing and widening the Road from Sutton, in the said County of Surrey, through the Borough of Ryegate, by Sidlow Mill to Povey Cross, and from Sutton aforesaid, through Cheam and over Howell Hill, to Ewell, and also the Road from Tadworth, by the Windmill, to the Bottom of Pebble Hill, in the said County; and for empowering the Trustees, appointed by an Act of the Tenth Year of His late Majesty King George the First, for repairing several Roads in the Counties of Surrey and Sussex, to make a yearly Allowance to the Trustees appointed by the said Act of the Twenty-eighth of George the Second, and for taking certain Roads out of the Power of the Trustees appointed by the said Act of the Tenth of George the First, and putting them under the Direction of the Trustees appointed by the said Act of the Twenty-eighth of George the Second, and for repairing the Road from Povey Cross, in the County of Surrey, to the Oak dividing the Counties of Surrey and Sussex; and also the Road from Woodhatch to Peteredge Lane, in the County of Surrey, according to the Direction of the said Act; and such Money shall, in the next Place, be from Time to Time applied in erecting and supporting the several Toll Gates or Turnpikes and Toll Houses to be continued or erected by virtue of this Act, and the Salaries and Allowance to the several*

Application
of the Tolls
and Monies
borrowed.

[Loc. & Per.]

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Clerks,

Clerks, Collectors, Surveyors, and other Officers and Persons to be employed, and all other Charges and Expences to be incurred or occasioned in or relating to the Execution of this Act (except such as particularly relate to or concern the amending, widening, and repairing the said Roads), and afterwards from Time to Time to lay out and expend such Sum or Sums of Money as shall be necessary for the amending and repairing the said Roads leading from *Newington* through *Camberwell*, to the East End of *Peckham Lane*, and from *Camberwell Green* to the *Fox under the Hill*; and after Payment, Satisfaction, and Discharge of the several Sums of Money, Charges, and Expences aforesaid, and of the Interest of the Money now due and owing, and of all such other Sum or Sums of Money as shall or may be hereafter borrowed by virtue of this Act, and all the Surplus of the Tolls, and other Monies which shall come to the Hands of the said Trustees, or any Seven or more of them, or their Treasurer, by virtue of this Act, shall be applied for the first Three Years, at the Discretion of the said Trustees, or any Seven or more of them, and of their Treasurer, in repairing and amending the several other Roads under their Care and Management, in such Proportions as they shall direct at a Meeting to be held for that Purpose within Thirty Days next after passing of this Act, or as soon after as conveniently may be; and that at or previous to the Expiration of the said first Three Years, the said Trustees shall hold a Meeting to settle and determine how and in what Manner and Proportions the said Surplus shall be applied for the next succeeding Three Years, and shall in like Manner hold such Meeting at or previous to the End of every succeeding Three Years, during the Term of this Act, for the like Purpose.

Part of the Road from Newington to the East End of Peckham Lane, to be widened in various Places.

XXX. And whereas the Road leading from the *Elephant and Castle* at *Newington*, to the East End of *Peckham Lane*, being Part of the Roads included in the said recited Act, might be rendered much more safe and commodious, if certain Buildings mentioned and described in the Schedule hereunto annexed, were taken down, and the Scites thereof, and the Fore Courts of certain other Houses, in the said Schedule also mentioned and described, were laid into the said Roads: Be it therefore enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority to widen the said Road in such Manner as they shall think most proper, and to take down the said several Buildings, and to lay the Scites thereof, and also such Fore Courts or Parts thereof into the said Road.

Misnomers not to prevent the Execution of this Act.

XXXI. Provided always, and be it further enacted, That if any or either of the Premises mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners thereof, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Trustees in the Execution of this Act, but the same Premises, and every Part thereof, shall and may be used, sold, conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same or any Part thereof were more particularly described or named; any Thing herein contained to the contrary notwithstanding.

XXXII. And

XXXII. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby fully authorized and empowered to cause to be made, raised, opened, repaired, and kept in Repair, all such Causeways, Footpaths, Ditches, and Drains, and also all such Mounds, Banks, Drains, Sluices, and other Water Works, in, upon, or under the said Roads, and also in and upon any Place or Places, and through any Grounds, convenient for such Purposes; and also to widen, turn, and alter the Course or Path of any Part of the said Roads, for carrying the same through the Grounds of any Person lying contiguous thereto, or by laying any Part of such Grounds into the said Roads, as the said Trustees, or any Five or more of them, shall think necessary, for the better repairing, widening, straightening, draining, and amending the said Roads, and keeping the same in Repair, and to agree with the several Owners, Proprietors of, and Persons interested in any Lands, Tenements, or Hereditaments, for the Purchase of any such Lands, Tenements, or Hereditaments, or for the Loss or Damage any such Owners, Proprietors, Occupiers, and Persons interested, shall or may anyways sustain by widening, turning, or altering the Course or Path of any of the said Roads, or by such other Works as aforesaid; and out of the Money arising by virtue of this Act to pay for such Lands, Tenements, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be so agreed upon, and also the Costs and Charges attending such Agreement and Purchase; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or Feoffees for any Charitable Use or Uses, or for or on Behalf of any Infant, Feme Covert, Idiot, Lunatick, *Cestuique* Trust, or other Person under any Disability whatsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Tenements, or Hereditaments, for the Purposes aforesaid, and to sell and convey the same as Occasion shall require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage to the contrary hereof in anywise notwithstanding; and all such Corporations, Feoffees, Trustees, and Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Trustees may purchase Lands for widening Roads.

XXXIII. And be it further enacted, That if any such Corporation or Person, upon Notice to them or him given, or left in Writing at the Dwelling House or Place of Abode of such Person, or of the Head Officer of such Corporation, or at the House of the Tenant in Possession of the Lands, Tenements, or Hereditaments aforesaid, to treat for the Sale thereof, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in any such Case the said Trustees, or any Five or more of them, shall cause to be enquired into, ascertained, and assessed, by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands, Tenements, or Hereditaments shall lie, what Damages will be sustained by, and what Recompence shall be made to such Owners, Proprietors, Occupiers, or other Persons interested, for or upon account of the taking such Lands, Tenements, or Hereditaments, into the said Roads, or of turning any

Jury to settle the Damages or Recompence, in case the Parties cannot agree.

any of the said Roads into or through any such Lands, Tenements, or Hereditaments, or for such Loss or Damage as aforesaid; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered from Time to Time, as Occasion shall be or require, to summon before the said Jury, and examine upon Oath, any Persons whomsoever, as Witnesses concerning the Premises (which Oath, and also the Oaths to be taken by the said Jurymen, any Two or more of the said Trustees are hereby empowered to administer); and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and assessed such Damages and Recompence, the said Trustees, or any Five or more of them, 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, or Persons interested in the said Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Idiots, Lunatics, *Cestuique* Trusts, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever, and all and every such Owners, Proprietors, and Occupiers, and Persons interested in such Lands, Tenements, or Hereditaments, shall, upon Payment or Tender of the Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, and to the same; and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant to the Sheriff of the County where such Lands, Tenements, or Hereditaments do lie, requiring him to impanel, summon, and return Twenty-four indifferent Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy is hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, to be drawn by Ballot, out of the said Twenty-four, and in Default of a sufficient Number of Persons so impanelled, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, who shall be sworn in like Manner, until the Number of Twelve be completed, which Twelve shall be the Jury for the Purposes aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or shall refuse

to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, and from Time to Time recover, levy, and apply such Fines in the same Manner as any other Forfeiture or Penalty is by this Act directed to be recovered, levied, and applied, so that no such Fines shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

XXXIV. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence for the Right, Interest, or Property of any Person or Persons in any such Lands, Tenements, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, 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 for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining 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.

How the Expences of the Jury are to be paid.

XXXV. And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout by the said Trustees, or any Five or more of them, or their Treasurer, according to the Directions herein-after contained, either into the Bank of *England*, or (as the Case may be) to the Persons respectively entitled thereto, or their Agents; and upon Payment thereof, or (in case such Persons or their Agents cannot be met with, or upon Tender of such Money shall refuse to receive the same, then) upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of the respective Persons entitled thereto, and Notice thereof in Writing, signed by any Three or more of the said Trustees, or their Treasurer, given to such Persons, or left at their respective usual Places of Abode, such Lands, Tenements, or Hereditaments shall, by the said Trustees, their Surveyors or Workmen, be laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be a public and common Highway, and shall be for ever afterwards deemed Part of the said Roads, and shall be repaired and kept in Repair by such Ways and Means, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to have been kept in Repair; and after such new Road shall be completed, the Land constituting the former Road, or such Part thereof as shall become useless

Monies assessed to be paid out of the Tolls.

[*Loc. & Per.*]

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or unnecessary for the Purposes of a common or public Highway (except it leads over some Heath or Common) shall be vested in, and shall and may be sold by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the repairing of the Roads hereby intended to be repaired, and other the Purposes of this Act; and the Conveyance to be made of such Land, being executed by the said Trustees, or any Five or more of them, and inrolled by the Clerk of the Peace for the County wherein the same shall be situate, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Not to
damage any
House, &c.

XXXVI. Provided always, That in widening, turning, altering, or diverting the Course of any Part of the said Roads, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Ground which shall have been set apart or used as a Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, for the Space of Six Calendar Months next before Notice given to the Owner or Proprietor of such Grounds to treat for the Sale thereof as aforesaid, unless such Owner or Proprietor shall consent thereto; save and except for the Purpose of widening the Road from *Newington* to the East End of *Peckham Lane*, hereby directed to be widened.

Directing the
Application
of Money
paid for Com-
pensation for
Lands, &c.
when amount-
ing to or ex-
ceeding 200l.

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex-parte* the Trustees for executing 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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands and 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 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 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 Court of Chancery, upon Application thereto, be in-
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vested

vested 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 and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees of 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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 200l. and exceeding 20l.

XXXIX. Provided also, and be it further 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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where less than 20l.

XL. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and such Person or Persons as he or they may appoint, to search for, dig, gather, take, and carry away any Gravel, Heath, Sand, Stone, or other Materials proper for repairing the said Roads, in and out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, near or adjoining to the said Roads, without paying any Thing for the same, upon, over, or through the private Lands or Grounds of any Persons whomsoever; such Surveyor or

For getting Materials.

or Surveyors fencing or stopping all such Holes and Pits where any such Materials as aforesaid shall be dug, gathered, and taken, so as to prevent any Mischief or Accident thereby; and it shall also be lawful for such Surveyor or Surveyors, or other Persons, by Order of the said Trustees, or any Five or more of them, at a public Meeting, or otherwise, to search for, dig, and gather such Materials in, and carry the same out of the Fields, Meadows, or Grounds of any Persons (the same not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Plantation or Nursery for Trees), and from Time to Time to carry away the same, paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be dug, gathered, or carried away, or upon, over, or through which the same or any other Materials so dug and gathered as aforesaid shall be carried, landed, or drawn, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between such Owners or Occupiers, and the said Trustees touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the County wherein such Lands shall lie, shall and may adjudge, assess, and finally determine the same.

Surveyors not to carry away Materials out of private Grounds without giving Notice to the Occupiers.

XLI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor, or other Person or Persons under the Authority of this Act, to take and carry away Materials for repairing the said Roads, from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupiers 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 any Five or more of them, or Two Justices of the Peace acting for the County where such Lands are situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Surveyors may remove Annoyances and Obstructions.

XLII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, from Time to Time to remove and prevent all Annoyances on any Part of the said Roads, or on the Sides thereof, and to remove all Obstructions being in or upon the said Roads, or any Part thereof; and to dam out or turn any Waters or Watercourses, Sinks or Drains, running along, or flowing upon, into, or out of the said Roads, or near the Side or Sides thereof, to the Prejudice of the said Roads, the Costs and Charges whereof (to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands) shall be reimbursed to the said Surveyor or Surveyors,
by

by the Person or Persons occasioning such Annoyances or Obstructions, the same to be recovered and levied in such Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered and levied.

XLIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Person or Persons as aforesaid, by Order of the said Trustees, or any Five or more of them, from Time to Time to open, scour, cleanse, widen, and make deeper any Watercourse or Ditch adjoining or near to the said Roads, and to make all such Arches of Brick, Stone, or Timber, over any such Watercourses or Ditches, as they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes, growing in the said Roads, or in the Hedges or Banks adjoining thereto, or within Fifteen Feet of the extreme Sides of the said Roads, in case the Owners or Occupiers of the Premises so adjoining or near to the said Roads shall neglect to open, scour, cleanse, widen, and make deeper such Watercourses or Ditches, or make such Arches, or cut down, lop, top, and carry away such Trees, Shrubs, and Bushes as aforesaid, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand of the said Surveyor, or such other Person or Persons as aforesaid; the Costs and Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers as aforesaid, the same to be recovered and levied in such Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered.

Surveyors may scour Watercourses, cut down Trees, &c.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause the said Roads, or any Part thereof, to be measured, and any Stones or Posts to be set up in or near the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, and also to erect Posts at all or any of the Lanes or Highways leading out of the Roads hereby directed to be repaired, with Inscriptions thereon, denoting to what Place or Places such Lanes or Highways respectively lead, and to cause the Name of every Town and Village through which any such Roads shall run, to be inscribed and painted in large Characters at each End of such Town or Village; and if any Person shall wilfully break, obliterate, deface, or pull up any of the Stones or Posts already erected or to be erected by virtue of this Act, or obliterate such Inscriptions or Paintings, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be laid out in repairing the said Roads.

Roads to be measured, Mile Stones erected, and Names of Towns and Villages to be put up.

XLV. And be it further enacted, That all the Toll Gates or Turnpikes, and Toll Houses and other Buildings and Works erected or to be erected by the said Trustees, for the Use or Care of the said Roads, and the Materials of which the same do or shall consist, and all Carts, Horses, Barrows, Pickaxes, Rakes, Gravel, Stones, and all other Utensils, Implements, Materials, Matters, and Things, which shall be purchased or provided by the Trustees for carrying this Act into Execution; or by their Surveyor or Surveyors, for repairing the said Roads, and all the Scrapings

Turnpikes, &c. vested in Trustees.

[Loc. & Per.]

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of and from the said Roads, shall be and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions in the Name of any one of them, or of their Treasurer or Clerk, or to prefer and prosecute, or order and direct the preferring and prosecuting of Indictments against any Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said Toll Gates, Turnpikes, or Toll Houses, and other Buildings, or any of the Materials, Matters, and Things aforesaid, or do any Act to hinder or obstruct any Person employed by the said Trustees, or any Five or more of them, in the Execution of this Act.

Penalty on Lessees and Collectors of Tolls taking greater or less Toll than authorized by this or the General Act.

XLVI. And be it further enacted, That if the Person or Persons who shall be the Lessee, Farmer, or Renter of any of the Tolls by this Act granted, shall at any Time or Times take a greater or less Toll from any Person or Persons than what is directed by this Act or the General Turnpike Act to be taken, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, and shall also forfeit his or their Lease of or Contract for renting the said Tolls, if the said Trustees shall think fit to vacate the same; and every Person who shall be authorized and appointed by the said Trustees to collect all or any of the said Tolls, who shall take a greater or less Toll than as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Toll Gatherers to put their Names at the Toll Houses.

XLVII. And be it further enacted, That all and every the Toll Collectors to be appointed by virtue of this Act, shall place or cause to be placed, on some conspicuous Part of the Toll Houses at which he or they shall respectively be stationed, and so that the same shall appear to public View, his or their Christian and Surnames, painted in White on a Board with a Black Ground, in large and legible Characters, each Letter whereof shall be Two Inches in Length at least, and of a proportionate Breadth, and that such Board shall be and remain at such Toll Houses during the Whole of the Time the Person whose Name shall be so expressed thereon shall be on Duty thereat; and if such Board shall not be put up and remain in Manner aforesaid, the Toll Collectors so neglecting to comply with the Direction above mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Penalty on Toll Collectors for Misbehaviour.

XLVIII. And be it further enacted, That in case any Toll Collector to be appointed by virtue of this Act shall make use of any abusive or insolent Language to, or shall be guilty of any other gross Conduct or Misbehaviour towards any Passenger passing through any of the Toll Gates erected or to be erected by the said Trustees, such Toll Collector so offending and being thereof convicted, either by his own Confession or by the Oath of One or more credible Witnesses or Witnessess, before any Justice of the Peace for the County of *Surrey* or *Suffex*, as the Case may be, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice; and for Want of sufficient Distress within the County, such Justice is hereby empowered

empowered and required to commit such Offender to the Common Gaol, there to remain and be kept to hard Labour for any Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid.

XLIX. And whereas great Obstructions and Inconveniences are occasioned by the erecting and setting up of Sheds and other Kind of Erections upon or over the Footpaths belonging to the said Roads: For Remedy whereof, be it further enacted, That if any Person or Persons whomsoever, shall erect or set up, or cause and procure to be erected or set up, any Shed or other Kind of Erection upon or over any of the Footpaths belonging to the said Roads, or on any other Parts of the said Roads, it shall be lawful for the said Trustees or their Surveyor to cause the same to be removed, taken, or carried away, deposited and kept in such Place or Places as the said Trustees or their Surveyor shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all Costs, Charges, and Expences attending the removing, taking, carrying away, depositing, and keeping the same as aforesaid, such Costs, Charges, and Expences being first settled and ascertained by any Justice of the Peace for the County of *Surrey* or *Suffex*; and in case such Costs, Charges, and Expences, shall not be paid within Five Days next after the same shall have been so settled and ascertained, then such Furniture, Goods, Materials, and other Matters and Things, shall be sold by the said Trustees, or their Surveyors; and after defraying the Expences of such Sale, and deducting all such Costs, Charges, and Expences as aforesaid, the Surplus, if any, to be returned, upon Demand, to such Owner or Owners, Offender or Offenders.

Penalty on Persons making Erections on Footpaths, etc.

L. And be it further enacted, That if any Person or Persons whomsoever shall put or place, or cause to be put or placed, any Goods, Furniture, or other Matters or Things for Sale, or otherwise, or shall turn out, or suffer any Hog or Hogs to wander about on such Footpaths, or on any other Part of the said Roads, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Penalty on Persons placing Goods, etc. on Footpaths, etc.

LI. And whereas great Injury is done to the said Roads by Persons making Sinks or Drains to run into the same, and by the throwing into and upon the said Roads, Dust, Dirt, Ashes, Rubbish, Dung, or other Filth, which intermixing with the Materials laid on the said Roads for the Repairs thereof, render them bad and founderos; be it therefore enacted, That if any Person or Persons shall make, sink, or dig, put or place, or cause to be made, sunk, or dug, put or placed, any Sinks, Drains, or Cesspools, to run into, upon, or under the Roads or Footpaths by this Act directed to be made, widened or amended, or shall throw, cast, or lay, or cause to be thrown, cast or laid, any Dust, Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyance, from their respective Houses or Premises, in or upon the said Roads or Footpaths, or into the Drains or Watercourses belonging thereunto, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds, over and above the Charges and Expences of stopping up or removing such Sinks, Drains, or Cesspools, or removing such Filth and Annoyances, which the said Surveyor or Surveyors is and are hereby authorized to stop and remove, such

Penalty on Persons making Drains into the Roads, etc.

Such Charges and Expences being first settled and ascertained by any Justice of the Peace for the County of *Surrey* or *Suffex*; and in case such Penalty, together with such Charges and Expences, shall not be paid within Five Days next after such Charges and Expences shall have been so settled and ascertained, then the same shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice; and for Want of sufficient Distress within the County, such Justice is hereby empowered and directed to commit such Offender to the Common Gaol, there to remain and be kept to hard Labour, for any Time not exceeding Three Calendar Months, unless such Penalty shall be sooner paid.

Penalty on taking away Materials got for the Roads.

LII. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been dug or gathered in any Lands, Fields, Waste, or Grounds, River or Brook, for the Purpose of making or amending any of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors of the Road, for the making, amending, or repairing of which such Materials shall have been dug or gathered, or their Workmen, shall have discontinued working therein for the Space of Ten Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale); or if any Person or Persons shall take away any of the Gravel, Scrapings, or other Materials, of and belonging to the said Roads, without the Permission or Consent of the said Trustees, Surveyor or Surveyors, every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on Persons causing Obstructions on the Roads.

LIII. And be it further enacted, That if any Owner or Driver, or any other Person, shall set, place, have, or leave any Cart, Coach, Waggon, or other Carriage, laden, or unladen, (except on account of some Accident having happened thereto, and then only until the same can be conveniently removed or repaired) in any Part of the said Roads, or any Rubbish, Dung, Compost, Clay, or Grain, or shall set, place, or leave any Timber or Trees, or other Matter or Thing thereon, every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Forty Shillings.

Directions about laying down and amending Pipes or Plugs belonging to any Water Works.

LIV. And be it further enacted, That whenever it shall be found necessary by the Proprietors of Water Works, their Agents or Workmen, to open the Ground in or under any Part of the said Roads, for the Purpose of laying or amending their Water Pipes or Plugs, the same shall be done, and the Ground filled and rammed in, and the Roads made good, as expeditiously as the Circumstances will admit of, at the Expence of such Proprietors; and in the mean Time such Agents or Workmen so opening the Ground shall secure the respective Parts in such Manner as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages, upon Pain of forfeiting any Sum not exceeding Forty Shillings nor less than Ten Shillings for every Hour that the Ground shall not be secured in Manner aforesaid; and whenever it shall happen that by the bursting, breaking, or running of any such Pipe or Plug, the Water shall overflow any Part of the said Roads, so as to occasion any Danger

or Inconvenience to Passengers, Cattle, or Carriages, it shall be lawful for the Surveyor or Surveyors to the said Trustees to do what he or they shall judge requisite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expence whereof, to be ascertained by the said Trustees, shall be reimbursed to such Surveyor or Surveyors; all which respective Sums shall and may from Time to Time be recovered of and from the Treasurer, Clerk, or Agent to the said Proprietors of Water Works, in such Manner as other Penalties and Forfeitures are by this Act to be recovered.

LV. And be it further enacted, That, from and after the Tenth Day of *October* One thousand eight hundred and two, no Plug or Plugs shall be opened in the Centre of any of the said Roads, for cleansing or otherwise, the Pipes belonging to such Proprietors of Water Works, except in Cases of Accidents by Fire, upon Pain of forfeiting, for every such Offence, any Sum not exceeding Five Pounds nor less than Twenty Shillings.

No Plugs to be opened after limited Time on Centre of Roads.

LVI. And whereas great Injury is done to the said Roads by the planting of Trees close to the Sides thereof: For remedying whereof in future, be it further enacted, That no Trees shall be planted by any Proprietor, Owner, Tenant, or Occupier of any Lands and Grounds abutting upon or adjacent to any of the said Roads, or by any other Person or Persons, within Ten Feet of the said Roads respectively; and if any such Trees shall be so planted, it shall be lawful for the Surveyors or Surveyor to the said Trustees to enter upon such Lands and cut down the same.

No Trees to be planted within Ten Feet of the said Roads.

LVII. And whereas great Damage is done to the said Roads, and a very heavy additional Expence is created by the excessive and injudicious watering of the said Roads: For Remedy whereof, be it further enacted, That if any Person or Persons shall water any of the said Roads without the Consent and under the Direction of the said Trustees, or their Surveyors or Surveyor, every Person and Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

To prevent Damage to the Roads by excessive Watering.

LVIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter ride or drive any Horse or other Cattle or Carriage on any of the Footpaths upon either Side of the Roads comprized within this Act, or shall wilfully destroy or damage any of the said Footpaths, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

To prevent damaging the Footpaths.

LIX. Provided always, and be it enacted, That all Persons who by Law are liable to do Statute Work, or chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Surrey* or *Sussex*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money, received by the Surveyor or Surveyors of the

Persons chargeable to Statute Work to continue so. Justices to determine Differences touching Statute Work.

Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices in their respective Jurisdictions, 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 respectively, at some Place to be expressed in such Summons (within Fifteen Days after the serving of such Summons) of the Names of the several Persons who within every 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 so paid, which Lists of Names shall be made in Manner, and under such Regulations and Restrictions, as is 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 respectively shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices respectively shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices respectively 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 respectively shall think proper, to the said Trustees, or their Treasurer or Treasurers, at such Time or Times as they the said Justices respectively 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 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, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways

ways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

LX. 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 Repairs or Statute Work to be by them done on the said Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Roads 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 any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance, on or before the First Day of *February* in each and every Year.

Trustees may compound for Statute Work.

LXI. Provided always, and be it further enacted, That all Persons who shall be employed by the said Trustees, or any Five or more of them, for the Purpose of superintending or managing the Repairs of the said Roads, shall and have hereby full Power and Authority to execute the Powers hereby given to Surveyors of the Roads directed to be repaired by this Act, although such Person may not be appointed by the particular Name or Denomination of Surveyors.

Persons employed for managing the Repairs of the Roads, may act as Surveyors.

LXII. And whereas several Persons guilty of Offences against this Act may be transient People unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them, before One or more Justice or Justices of the Peace for the County of *Surrey* or *Suffex*, without any Warrant or other Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders; and on such Conviction to commit the Person or Persons so offending to the Common Gaol for the County of *Surrey* or *Suffex*, until he, she, or they shall give Security to appear at the next Sessions, or shall pay the respective Penalty by him, her, or them incurred for such respective Offence or Offences.

For apprehending transient Offenders.

LXIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed or inflicted (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justices of the Peace for the County wherein the Offence shall be committed, either by the Confession of the Parties respectively, or by the Oath of One credible Witness (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be levied and recovered by Distress and Sale of the Goods and

Penalties and Forfeitures how to be recovered and applied.

and Chattels of the respective Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owners of such Goods and Chattels; and the Penalties and Forfeitures, when so levied and recovered, shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer, and shall be applied (if not otherwise particularly directed by this Act) for and towards amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offenders respectively to be committed to the Common Gaol for such County, there to remain, without Bail or Mainprize, for such Term as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

LXIV. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form, or to the like Effect; (that is to say),

Form of Conviction of Offenders.

‘ *Surrey or Sussex,* } **B**E it remembered, That on the Day of
 ‘ to wit, } in the Year of the Reign of His Majesty
 ‘ *A. B.* is convicted before *C. D.* one of His Majesty’s Justices
 ‘ of the Peace for the said County, by virtue of an Act of Parliament,
 ‘ made in the Forty-second Year of the Reign of His Majesty King *George*
 ‘ the Third, intituled [*here set forth the Title of the Act, and specify the*
 ‘ *Offence, and the Time and Place when and where the same was committed,*
 ‘ *as the Case may be*]. Given under my Hand and Seal, the Day and
 ‘ Year aforesaid.’

Persons aggrieved may appeal to the Quarter Sessions.

LXV. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been hereby appointed (except in such Cases where the final Determination is directed by this Act) such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the County wherein the Cause of Appeal shall arise, within Four Calendar Months after such Cause of Appeal shall have arisen; the Person appealing first giving or causing to be given Twenty-one Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at the said Quarter Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of every such Appeal, in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper; and the Determination of the said Justices in their
 said

said Quarter Session shall be binding and conclusive to all Intents and Purposes.

LXVI. Provided always, and be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding, made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary hereof in anywise notwithstanding; and where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any of the Parties making the same be deemed Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall any of the Parties distraining be deemed Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by any of the Parties distraining, but the respective Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case; provided that no Plaintiff shall recover in any Action for such Irregularity, if sufficient Tender of Amends hath been made to him by or on Behalf of the Defendant or Defendants before such Action brought.

Proceedings
not to be
quashed for
Want of
Form.

LXVII. And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons, for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County wherein the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was thereupon done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of 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, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Limitation of
Actions.

General Issue.

Treble Costs.

LXVIII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Public Act.

LXIX. And be it further enacted, That this Act shall commence and take place upon the *Saturday* Three Weeks next after the passing thereof, and shall continue and be in force from thenceforth, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Continuance
of the Act.

The SCHEDULE to which this ACT refers.

In the Road to be widened, leading from the Elephant and Castle at Newington, to the East End of Peckham Lane :

CERTAIN Tenements, Sheds, or small Erections in Front of certain Houses, situate on the East Side of the Road at *Walworth*, in the several Occupations of *Thomas Wolstoncroft*, *John Woodcock*, *Thomas Mobbs*, *Giles Moore*, *John Saunders*, and *John Beresford*, and belonging to *John Rolls*, Esquire; and also the Fore Courts, or Part thereof, to the same Houses :

Part of the Ground in Front of a House in the Occupation of *William Hughes*, on the said East Side of the Road at *Walworth*, and belonging to the said *John Rolls* :

A Stable, Cowhouse, Barn, and Shed, in the Occupation of *Robert Bridges*, and belonging to *Thomas Cope* Esquire, on the East Side of the said Road leading from *Walworth* to *Camberwell*; and also a Part of the Yard and Garden in the Occupation of the said *Robert Bridges*, and belonging to the said *Thomas Cope* :

Part of the Ground in Front of several Houses in the several Occupations of *Henry White*, *James Corbett*, and *Edward Gardner*, on the said East Side of the said Road at *Camberwell*, and belonging to Dame *Mary Bowyer* :

A certain Shed or small Erection used as a Butcher's Shop, in Front of a certain House situate on the East Side of the said Road, in the Occupation of *William Loscombe*, and belonging to Mrs. *Lewis* and Son :

A certain Tenement, Shed, or small Erection, used as a Blacksmith's Shop, in Front of a certain House in the Occupation of *Thomas Stodhart*, and belonging to Mrs. *Lewis* and Son; on the said East Side of the said Road at *Camberwell*, together with the Fore Court, or Part thereof :

A Fore Court, or Part thereof, in Front of a House in the Occupation of *Thomas Wrench*, and belonging to the said Dame *Mary Bowyer*, on the said East Side of the said Road at *Camberwell* :

A certain Fore Court, or Part thereof, in Front of a House in the Occupation of *Rose Patch*, and belonging to *John Slater*, lying on the East Side of the said Road at *Camberwell* :

Parts of certain Houses or Tenements, lying on the East Side of the said Road at *Camberwell*, in the several Occupations of *Joseph Wilkinson*, *Susannah Twine*, and *George Best*, and *Thomas Whiteman*, and belonging to the said Dame *Mary Bowyer* :

Part of a Room of a Public House called *The Red Cap*, lying on the East Side of the said Road at *Camberwell*, in the Occupation of *Francis Okine*, and belonging to Messieurs *Newberry* and Company :

Certain

Certain Fore Courts, or Parts thereof, in Front of several Houses on the West Side of the said Road at *Camberwell*, in the several Occupations of *James Cox*, *Winford Maybew*, and *William Wiffin*, and belonging to *Joseph Wyndham* Esquire :

Certain other Fore Courts, or Parts thereof, in Front of several Houses on the West Side of the said Road at *Camberwell*, in the several Occupations of *Martha Bromfield*, *William Little*, *William Presbury*, and *William Roffey*, and belonging to the said *Joseph Wyndham* :

Certain other Fore Courts, or Parts thereof, in Front of several Houses on the West Side of the said Road at *Camberwell*, in the several Occupations of *James Munyard*, *Joseph Bockwell*, *Joseph Haines*, *Samuel Morgan*, *John Washington*, *Edward Bonny*, *Peter Nicholas Rabaudy*, *George Pearce*, and *Fitzal White*, and belonging to Messieurs *Harpur* and others, Executors of *John J^r Anson* Esquire :

Certain Fore Courts, or Parts thereof, in Front of Two Houses or Tenements, one of which is in the Occupation of *James Lickfold*, and *John Ring*, and the other late in the Occupation of *Thomas Triquet*, but now unoccupied ; a Dung Yard and Coach-House, in the Occupation of *William Curteis* Esquire ; a Stable in the Occupation of *Charles Sell* ; a Messuage or Tenement, or Part thereof, in the Occupation of *John Allen* ; and a Granary and Stable in the Occupation of *James Havill* ; all on the North Side of the Road leading from *Camberwell Green* to *Peckham*, and belonging to *William Frampton* :

A Fore Court, or Part thereof, in Front of a House on the North Side of the said Road, in the Occupation of *Henry Forbes*, and belonging to *Elizabeth Constable* :

A Barn, Yard, and Part of a Messuage or Tenement, and Part of a Garden and Close, on the North Side of the said Road, in the Occupation of and belonging to the Reverend *George Sandby*, as Vicar of *Camberwell*.

