



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 94.

An Act for making and maintaining a Road over *Horley Common*, in the County of *Surrey*, to a Place called *Black Corner*, and from thence to join the *Brighthelmston* Turnpike Road at *Cuckfield*, in the County of *Suffex*. [20th May 1809.]

WHEREAS the making and maintaining of a Turnpike Road from the *Chequers Inn* on *Horley Common*, in the County of *Surrey*, over *Horley Common* aforesaid, to a certain Place called *Black Corner*, in the County of *Suffex*, and from thence through the several Parishes of *Worth* and *Balcombe*, to communicate with the *Brighthelmston* and *Cuckfield* Turnpike Road, at a certain Place called *Whiteman's Green*, in the said County of *Suffex*, will be of great Advantage and Accommodation to the Inhabitants of that Part of the Country, by opening a Communication with the Market Towns of *Reigate* and *Cuckfield*, and also with the River *Ouse* Navigation, and will otherwise be of great public Utility: 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 Members of Parliament for the Counties of *Surrey* and *Suffex* Trustees, and Borough of *Reigate*, for the Time being, the Right Honourable Lord Viscount *Folkstone*, the Right Honourable *George Herbert* Lord *Porchester*, the Right Honourable *Charles Philip Yorke*, the Honourable *Edward Charles*
[Loc. & Per.] 21 C

Charles Cocks, the Honourable William Frederic Elliott Eden, the Honourable Peter Robert Drummond Burrell, the Honourable George Ashburnham, Sir Charles Merrick Burrell Baronet, Sir Thomas Turtan Baronet, Sir Bysbe Shelley Baronet, Sir James Sidney Yorke Knight, George Adams, Walter Burrell, Francis Scawen Blunt, John Brickwood, Henry Blunt, the Reverend George Maximilian Bethune, the Reverend Charles Goodwin Bethune, William Bray, Richard Barnes, Edward Bray, Samuel Brazer, Thomas Brigden, Charles Birkhead, William Bryant, Charles William Bryant, Bridges, James Cocks M. P. the Reverend Henry Chatfield, William Clutton, William Clutton the younger, Isaac Clutton, James Clibberow, Richard Corp, Thomas Cooke, James Cooke, Robert Chatfield, John Chatfield, William Chatfield, Robert Chatfield of Ditcheling, the Reverend Horace Salusbury Cotton, the Treasurer of Christ's Hospital for the Time being, the Secretary of Christ's Hospital for the Time being, John Dennett, the Reverend Joseph Francis Fearon, John Fox, Thomas Fulcher, Thomas Cecil Grainger, John Grantham, Robert Hurst M. P. Robert Henry Hurst, John Harris, John Humble, George Homewood, Richard Hodd, the Reverend Hand (Rector of Burltow), Harris, Thomas Kemp M. P. Thomas Read Kemp, James Marten Lloyd M. P. William Lamb, Admiral John Markham M. P. George Matcham, William Newnham, John Newnham, James Palmer, Admiral Joseph Peyton, the Reverend Edward Peyton, the Reverend William Saint Pritchard, Timothy Shelley M. P. Percy Bysbe Shelley, Warden Sergison, Francis Sergison, the Reverend Geoffrey Snelson, the Reverend Sparrow (Vicar of Horley), James Cranbourne Stode, John Sharp, William Sewell, William Sanders, William Seymour, Joshua Scott, Robert Smith, Benjamin Tucker, Richard Uwins, Dymoke Wells, James White, the Reverend William Woodward, John Wileman, Samuel Waller, John Champion Waller, William Ward, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, amending, widening, improving, and keeping in Repair the said Road, and for otherwise putting this Act into Execution.

Other Trustees to be chosen on Death or Refusal to act.

II. And be it further enacted, That when any of the Trustees herein-before named, or to be elected as herein-after mentioned, shall die or refuse to act, or be disqualified, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect and appoint some other Person in the room of every Trustee so dying or refusing to act, or becoming disqualified, but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates which by virtue of this Act shall be then erected and set up on the said Road, at least Ten Days before every such Meeting, and every Person and Persons who shall be so elected and appointed shall immediately upon such Election and Appointment be vested with the same Powers and Authorities for putting this Act in Execution as any Trustee hereby appointed is or are vested with.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act while he holds any Place of Profit under the same, nor in any particular Case wherein he shall be personally interested, other than as a Creditor, nor shall any Person be qualified to act as a Trustee unless he shall at the Time

of his acting be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reptizes, or shall be Heir Apparent of a Person seized of a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds, or be possessed of a Personal Estate to the Amount of Eight hundred Pounds, nor until he shall have taken and subscribed the following Oath before any Two or more of the said Trustees (who are hereby authorized to administer the same), in the Words or to the Effect following; (that is to say),

I do swear, That I truly and *bonâ fide* am in my own Oath.
 Right, [or, in the Right of my Wife] in the actual Possession and
 Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or
 Hereditaments, of the clear yearly Value of Forty Pounds above Re-
 prizes, [or, am possessed of or entitled to a Personal Estate of the Value
 of Eight hundred Pounds,] [or, am the Heir Apparent of
 who to the best of my Knowledge is seized of a Real Estate of Lands,
 Tenements, or Hereditaments of the clear yearly Value of Eighty
 Pounds, *as the Case may happen*]. 'So help me GOD.'

And if any Person disqualified by any of the Causes aforesaid, or not being qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning 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, Plaint, Suit, or Information, wherein no *Essoin*, Protection, or Wager of Law, nor more than One *Imparlance* shall be allowed, and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that such Acts and Proceedings as 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: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

IV. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that every such Clerk shall

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

be

be reimbursed out of the Monies to be received by virtue of this Act all such Costs, Charges, or Expences as he shall put unto or become chargeable with by reason of his being, so made a Plaintiff or Defendant.

Trustees first Meeting.

V. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet together at the *Talbot Inn*, in the Town of *Cuckfield*, on the Tenth Day of *June* One thousand eight hundred and nine, or as soon after as conveniently may be, and proceed to the Execution of this Act, and shall then and from Time to Time after adjourn themselves to meet at such Time, and at such Place or Places in or near the said Road, as they shall think proper, and that Five Trustees present at any Meeting shall be sufficient for the Purpose of adjourning; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall adjourn the Meeting to the Place where the last Meeting was appointed to have been held or was held (as the Case may be), and to such Time as he shall think fit, not exceeding Twenty-one Days nor less than Fourteen Days from the Time of the last Default, and shall thereof give Notice by Writing affixed on all the Turnpikes then erected by virtue of this Act, at least Ten Days before the Day of such intended Meeting; and in case no Adjournment, Notice, or Appointment shall be made or given as aforesaid, then it shall be lawful for any Five or more of the said Trustees to cause Notice in Writing to be affixed on all the Turnpikes then erected by virtue of this Act, appointing the Trustees to meet at such Time and at such Place in or near the said Road as they the said Five Trustees shall think proper, not exceeding Twenty-one nor less than Fourteen Days from the Time of affixing such Notice; and the Trustees shall at their several Meetings pay their own Expences; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, and not otherwise (except in Cases hereby particularly provided for); and that no Order or Determination shall be valid unless the major Part of the Trustees present at such Meeting shall concur therein; and that all such Trustees as are in the Commission of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except in such Cases where they shall be personally interested, and in all Cases where the Trustees, or any Justice or Justices of the Peace are authorized to examine any Person or Persons on Oath, which Oath it shall be lawful for such Trustees, or any Two or more of them, or for such Justice or Justices to administer; and that no Order made by Five or more Trustees shall be revoked or altered at any Meeting where less than Nine Trustees shall be present, nor without the actual Concurrence of a greater Number of Trustees than those who made such original Order, nor unless Ten Days Notice at the least of such intended Alteration shall have been given at a previous Meeting of the Trustees, and entered in the Books of Proceedings, and affixed on all the Turnpikes which by virtue of this Act shall be then erected, Ten Days at least before such Meeting.

Trustees to pay their own Expences, &c.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such

such Meeting shall be adjourned, the Clerk, by an Order in Writing signed by Five or more Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner last herein-before directed, such Time not being less than Ten Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

VII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Clerk, which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transcripts thereof, shall be admitted as Evidence in all Courts whatsoever.

Orders, &c. to be entered in a Book.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint others in their Stead, but Ten Days Notice shall be given in Manner last aforesaid of every Meeting where any such Appointment shall be made after the first Meeting of the said Trustees; and the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, for their Services in or about the making, maintaining, amending, altering, improving, and keeping in Repair the said Road or any Part thereof, or otherwise in putting this Act into Execution, as they the said Trustees or any Five or more of them shall think reasonable.

Officers to be appointed.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to take such Security from the Treasurer or Treasurers, and Collectors and Receivers of the Tolls to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees or any Five or more of them shall seem meet; and that no Person shall be capable of acting as a Trustee or holding any Place of Profit under this Act who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail.

Treasurer to give Security.

No Victualler to hold a Place of Profit.

X. And be it further enacted, That all such Officers, and all other Persons who shall be appointed under or by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees or to such Person or Persons as they shall respectively 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 by virtue of this Act, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers

Officers to account on Oath.

and Receipts for such Payments, and shall verify the Accounts upon Oath (which Oath any Two or more of the said Trustees, or any Justice of the Peace for the County where such Officer or Person shall reside, are hereby empowered to administer), and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in his or their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all Books, Accounts, Papers and Writings, in their respective Custody or Power, anyways relating to the Execution of this Act, or to the said Road, and Complaint shall be made 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 and reside, by any Five or more of the said Trustees, or by any Person or Persons in their Behalf, such Justice may and is hereby authorized and required to summon such Officer or Officers, Person or Persons, to appear before him, and in case of his or their not appearing upon such Summons, the same having been served upon him or them personally, or left at his or their usual Place or Places of Abode, (no reasonable Cause or Causes being shown for such Non-appearance) to issue his Warrant or Warrants for his or their Apprehension, and upon his or their appearing upon such Summons, or being apprehended and brought before him by such Warrant, or having absconded, or not being to be found, it shall be lawful for any such Justice to hear and determine the Matter of such Complaint in a summary Way, and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, 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 shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, or of the Articles thereof upon Oath as aforesaid, or to produce and deliver up to the said Justice, the several Vouchers and Receipts, relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or

Persons, to the Common Gaol of the County where he or they shall live and reside, or to any House of Correction within the same, 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 on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid 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 shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees or any Two or more of them are hereby empowered to make) or until he or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Five or more of them, but no such Officer or other Person who shall be committed for Default of Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall 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 Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver, and in such Case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other 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 Tollhouse or Building, with the Appurtenances to be erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the said County of *Suffex*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, 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 of them, or their new appointed Officer, into the Possession thereof.

Trustees to
appoint
temporary
Collectors.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect or set up and build, or cause to be erected, set up, and built upon, in, or across any Part or Parts of the said Road, or across any Road or Lane that doth or shall lead into or out of any Part or Parts of the said Road, One or more Gate

Power to
erect Turn-
pikes.

Gate or Gates, Turnpike or Turnpikes, Side-Bar or Side-Bars or Gates, and also One or more Tollhouse or Tollhouses, with Outbuildings suitable thereto, and take in and inclose on the Sides of the said Road suitable Garden Spots, and pull down and remove the same as they the said Trustees or any Five or more of them shall think proper and direct or appoint; and the Tolls following shall be demanded and taken by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint to receive the same, before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever be permitted to pass through any Turnpike or Toll-Gate Side-bar, or Side-Gate to be erected by virtue of this Act upon or across the said Road, or upon or across any Lane or Way leading into the same, (that is to say);

Tolls;

For every Horse, Mare, Gelding, Mule, or other Beast drawing any Coach, Landau, Chariot, Berlin, Chaise, Calash, Barouche, Curricule, Phæton, Taxed Cart, Fish Van, or other such Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Pair of Oxen, Bullocks or other Neat Cattle, drawing in any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing in any other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, the Sum of Fourpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Twopence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score; and so in Proportion for any less Number:

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Fivepence *per* Score; and so in Proportion for any less Number:

Carriages laden with Timber, &c. at what Time to pay Tolls.

For every Beast of Draught employed in drawing any Carriage or Carriages laden with Timber, Plank, Boards, Wood, Bricks or Tiles, Gun or any other Iron, Hop-poles, Marl, Chalk Marl or Chalk, Sand, Stone, Gravel, or Coals passing through any Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, between the First Day of *November* and the First Day of *April* in every Year, Double the Tolls or Duties which the same would otherwise hereby be liable to pay at each Gate or Turnpike through which such Carriage or Carriages so laden shall pass, and at which they shall be liable to pay Toll:

Toll on Sundays.

And that Double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act.

Penalty on refusing to pay Toll.

Which said respective Tolls or Duties shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person or Persons subject to the Payment of any of the said Tolls, shall after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any such Horses or other Cattle or Beasts, or the Bridles, Saddles, Gears, Harness, Accoutrements, or a sufficient Part thereof; and if such Tolls, and the reasonable Charges of such Distress, shall

shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, or other Things so distrained, or a sufficient Part thereof, returning the Overplus (if any be) and what shall remain unfold, upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress, and keeping and selling the same, shall be deducted and paid.

XIII. Provided always, and be it further enacted, That no more than Half the Toll hereby imposed shall be demanded or taken for any Horse, Mare, Gelding, Mule, Pair of Oxen, Bullocks, or other Neat Cattle, drawing in any Waggon, Cart, or other Carriage employed in carrying Goods to and from the River Ouse Navigation, unless such Carriage shall pass or travel more than Three Miles on the Road hereby directed to be made and repaired as aforesaid.

Carriages conveying Goods to or from the River Ouse not further than Three Miles to pay only Half Toll.

XIV. Provided always, and it is hereby further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for Once passing and repassing the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through all the said Gates or Turnpikes to be erected on the said Road; but that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticker, Notes or Tickets denoting the Payment thereof (which the Collectors of the Tolls are required to give gratis), shall Once pass and repass the same Day with the same Horses, Cattle, Beasts, and Carriages Toll-free through all the Turnpikes or Toll-Gates to be erected on the said Road; but if any Person or Persons shall pass through any Gate or Turnpike a Third Time with the same Horses, Cattle, Beasts, or Carriages, then and in that Case such Person or Persons shall again be liable to pay the said Toll, and so (*toties quoties*) for the Third Time he or they shall pass the said Gate after having paid the said Toll, the said Person shall pass the same Day through the same Gate or Turnpike on the said Road with such Horses, Cattle, Beasts, or Carriages as aforesaid; provided also, that no Person shall be made liable to any Payment of Toll, or increased Charge by reason of his passing through any Side Gate or Side-Bars to be erected by virtue of this Act, upon or across any Lane or Road leading into or out of the said Road, through any other of the Turnpikes to be erected by virtue of this Act across such Road, beyond what he would be liable to pay if he had passed through either of the said Gates only; any Thing herein contained to the contrary notwithstanding.

No more than one Toll to be paid for passing and repassing the same Day.

Persons not liable to pay increased Charge by passing through any Side Gates.

XV. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Toll 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 by the Sale thereof, as the Case may happen, until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice of the Peace of the said Counties of Surrey or Sussex, in which the Dispute shall arise, who upon Application to him made for that Purpose shall examine the Matter upon Oath of the Parties, or other Wit-

Disputes concerning Tolls to be settled by a Justice.

ness or Witnesses, and determine the Amount of the Tolls due, and also assess the Charges of such Distress, keeping, and selling the same, and also of the Collector's Attendance for that Purpose on the said Justice, all which Sums so determined or assessed shall be paid to the said Collector or other Person before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Collector^s of
Tolls com-
petent Wit-
nesses.

XVI. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise, touching or in any wise 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 not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Punishing
Collectors
misbehaving.

XVII. And in order to prevent the Misconduct of the Persons employed as Collector of the said Tolls, be it further enacted, That every Person employed to collect any of the Tolls hereby granted and made payable, shall affix his Christian and Surname on a Board, on some conspicuous Part of the Tollhouse at which he shall be appointed to collect the said Tolls, on each and every Day that he shall continue in such Collection, under the Penalty of any Sum not exceeding Five Pounds for every Neglect thereof; and if any such Collector shall wilfully misbehave himself in the Collection of the said Tolls, or shall make use of any opprobrious or improper Language to any Person or Persons passing or claiming to pass through any of the Turnpikes to be erected by virtue of this Act, and shall be thereof convicted on his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said Counties of *Surrey* or *Suffex* (in which the Offence shall be committed), he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in Default of Payment thereof shall be committed to the common Gaol or House of Correction, for any Time not exceeding One Calendar Month.

Tolls to be
divided,
lessened,
varied, or
altered.

XVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen and reduce all or any Part or Parts of such Tolls, at all, any, or either of the said Turnpikes, and to raise the same again, so as they do not exceed the Tolls by this Act granted; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes erected by virtue of this Act, at least Ten Days before the Meeting for making such Reduction; and such Tolls so lessened or reduced shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected: Provided always, that until the whole Money charged and borrowed on the Credit of this Act shall have been paid off or discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixths of the Money remaining due upon the Credit of this Act.

Exemptions
from Toll.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle or Beast employed

employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Gravel, Stone, or other Materials for repairing the said Road, or any of the Roads in the Townships or Parishes in which such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof, nor for any Implements of Husbandry, or any Manure, Fodder, Mould, Dung for Improvement of Land, (Chalk, Lime, Marl, and Chalk-Marl excepted); nor shall any Tolls hereby granted be demanded or taken from any Person or Persons residing in any Township or Parish in which the said Road lies, who shall pass through any Toll-gate or Turnpike to or from their proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, within the Parish where they shall respectively reside on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the said Parishes, or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses or Cattle going to or returning from Water or Pasture, or going to be or returning from having been shod or farried, or for any Horse or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses belonging to or attending any 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, nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulation provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Horses or Carriages carrying or conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Surrey* or *Sussex* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on
claiming Ex-
emptions
unlawfully.

XX. And

Carriages conveying Military Stores not to be subject to Penalties for Overweight, etc.

XX. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

To prevent Evading the Tolls;

XXI. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Road, or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a public Highway, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage through or over the same, whereby the Payment of the said Tolls or any Part thereof shall be evaded, or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls, or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, with an Intent to evade the Payment of the said Tolls, or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof, every such Person so offending in any of the Cases aforesaid shall for each Offence forfeit any Sum not exceeding Forty Shillings, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

or taking off any Horse from any Carriage to avoid Payment of Toll.

Trustees may compound for Tolls.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding Twelve Months at any one Time, which Composition Money shall be paid in Advance quarterly, or otherwise as the said Trustees or any Five or more of them shall appoint; and in Default of such Payment the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void, and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may lease the Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, upon Fourteen Days Notice to be given thereof upon all the Turnpikes then erected by virtue of this Act, and advertising the same in some Newspaper usually circulated in the Neighbourhood of the said Road, from Time to Time by Writing under their Hands and Seals, to let or farm the Tolls arising by this Act,

or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon public Bidding to the highest Bidder, and for the best Price such Trustees can get for the same, payable Monthly in Advance, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees or any Seven or more of them shall think fit, which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

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

Lessees or Persons appointed by them may collect the Tolls.

XXV. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Rails and Fences, Tollhouses and Buildings which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing and repairing the said Road, and all such Materials made use of for the Purposes of this Act, or collected to be made use of, shall be and are hereby vested in the said Trustees; and they or any Seven or more of them are hereby authorized and empowered to dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb them or their Agents or Servants in the Possession thereof.

Turnpikes to be vested in Trustees.

XXVI. 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, upon the Credit of the Tolls payable by virtue of this Act, such Sum or Sums of Money as they shall think proper, and to mortgage and assign the said Tolls, or any Part or Parts thereof, and any of the Turnpikes and Tollhouses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls), to any Person or Persons, his, her, or their Executors, Administrators or Assigns, who shall advance or lend his, her, or their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid, by the following Words, under their Hands and Seals, or by any other Words to the like Effect, (*videlicet*);

For borrowing Money.

[*Loc. & Per.*]

21 F

BY

Form of Assignment.

BY virtue of an Act, made in the Forty-ninth Year of the Reign of
 His Majesty King *George* the Third, intituled [*Here set forth the Title*
of the Act] We of the Trustees of
 the said Road, whose Names are hereunto set, and Seals affixed, in Con-
 sideration of the Sum of by
 to the Treasurer of the said Road in Hand paid, do grant, bargain, sell,
 and demise unto the said Executors, Admi-
 nistrators and Assigns, such Proportion of the Tolls arising by virtue
 of the said Act, and also of the Turnpikes and Tollhouses for collect-
 ing the same, as the said Sum of doth
 or shall bear to the whole Sum charged or advanced, or to be
 charged or advanced on the Credit of the said Tolls, to be had
 and holden from the Date hereof for and during the Continuance
 of the said Act, unless the said Sum of
 with Interest after the Rate of *per Centum per Annum* shall
 be sooner paid and satisfied. Given under our Hands and Seals, this
 Day of in the Year of our Lord

And that Copies of all such Mortgages and Assignments shall be entered
 in a Book or Books to be kept for that Purpose by the Clerk or Clerks
 to the said Trustees; but no Money shall be borrowed upon the Credit of
 the Tolls after the first Meeting of the said Trustees, unless Notice be for
 that Purpose affixed in Writing upon all the Turnpikes then erected by
 virtue of this Act, at least Fourteen Days before the borrowing thereof,
 and the Intention thereof be also advertised Twice at least in some New-
 paper usually circulated in the Neighbourhood of the said Road; and all
 and every Person and Persons to whom any such Mortgage or Assign-
 ment shall be made as aforesaid, or who shall be entitled to the same, is
 and are hereby empowered from Time to Time to assign over or transfer
 such Security or Securities, or any Share thereof, and all or any Part of
 the Monies due thereon, to any Person or Persons whomsoever, by signing
 an Instrument to be annexed to such Security, or by an Indorsement on
 the same, in the following Words, or Words to the like Effect;
 (*videlicet*),

Form of Transfer.

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

All which Transfers shall be produced or notified to the Clerk or Clerks to
 the said Trustees within Thirty Days after the Date thereof, who shall
 cause an Entry or Memorial to be made thereof in the before-mentioned
 Book

Books or Books, specifying the Dates and Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums of Money therein transferred, for which the said Clerk or Clerks shall be paid the Sum of Five Shillings, and no more, by the Person or Persons to whom such respective Transfers shall be made, which said Book or Books shall and may be inspected at all reasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the original Mortgage or Assignment, or any Monies due thereon.

XXVII. And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money, but that all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, his, her, and their Assignee and Assigns, shall be (in Proportion to the Sum or Sums therein mentioned) Creditors on this Act, and in equal Degree one with another.

All Creditors to be deemed equal in degree.

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

For paying Creditors by Lot.

XXIX. And be it further enacted, That out of the first Monies that shall be raised by virtue of this Act the said Trustees shall pay and discharge all the Costs, Charges, and Expences relative to the procuring and passing this Act, together with lawful Interest from the Time of advancing the same till the Time of Payment, in Preference to any other Payment whatsoever; and after Payment thereof all such Money which shall come to the Hands of the said Trustees, or their Treasurer, by virtue of this Act, shall be from Time to Time applied in the Execution of this Act, and to no other Use or Purpose whatsoever.

For Payment of the Expences of passing this Act.

Further Application of Money.

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

For getting Materials to repair the Road.

amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any River or Brook in any Parish, Hamlet, Township, or Place in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Hamlet, Township, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, River or Brook, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by order of any Justice or Justices of the Peace for the said Counties of *Surrey* or *Suffex*, to be made upon the Application of the said Trustees or any Five or more of them, search for, dig, gather, get, and take away any such Materials, in and out of the Lands, Fields or Grounds of any Person or Persons where the same may be had or found; (such Lands, Fields or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of any such Lands, Fields or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for amending, altering, improving, or repairing the said Road shall be carried, as shall be agreed upon between them and such Owner or Occupier, or in case of their not agreeing, then as any One or more Justice or Justices of the Peace acting in and for the said Counties of *Surrey* or *Suffex* shall and may adjudge and determine to be reasonable, which Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Restraining
the Trustees
from getting
Materials on
certain Com-
mons without
Consent.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Trustees to search for, dig, gather, get, or take away any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials for amending, altering, improving, or repairing the said Road from or out of the Commons or Waste Grounds of *Earls Wood, Red Hill, Petteridge Wood, Wray Common, or Reigate Heath*, without the Consent of the Lord or Lady of the Manor or Manors in which the same are respectively situate, or the Owner or Owners of the Soil for the Time being.

Notice to be
given before
Materials
taken.

XXXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace acting in and for the County wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, the said Trustees or such Jus-

ices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, get, take and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier or his Agent shall neglect or refuse to appear by himself or Agent, the said Trustees or such Justice or 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.

XXXIII. And be it further enacted, That if any Person whatsoever shall take away any Materials which have been dug, gathered or got in any Lands, Fields, Grounds, Wastes or Commons, Rivers or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty 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), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties on
taking away
Materials.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by Direction and under the Hands of any Seven or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road by Timber, Stones, Carriages, Saw-pits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road, to the Prejudice thereof, and to open, scour, cleanse, widen, and make deeper any Watercourses, or Ditches adjoining or near thereto, and make the same as deep and large as such Surveyor or Surveyors shall think necessary, and to cut down, lop, or top, at proper Seasons of the Year, any Trees, Branches, Shrubs, or Bushes growing on the said Road, or in the Hedges or Banks adjacent thereto (except Trees planted for Ornament or Shelter to the House, Building, Garden, or Court Yard of the Owner thereof), and to cut and reduce all such Hedges to the Height of Eight Feet, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Seven Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or to lop or top, and remove such Boughs, Bushes or Lops, or reduce such Hedges, in such Manner as the said Surveyor or Surveyors shall require, for the Space of Thirty Days, or to cut down such Trees within the Space of Six Calendar Months next after Notice in Writing given for those respective Purposes, under the Hand of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, or cutting down, topping, or lopping of Trees (the Charges whereof to be settled by any Justice or Justices of the Peace for the said Counties of *Surrey* or *Suffex*), shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered; and if after the Removal of any of the said Nuisances and Annoyances any Person shall again offend in the like Manner, every such Person shall for every

For removing
Annoyances.

such subsequent Offence forfeit any Sum not exceeding Ten Pounds over and above the Penalty and Charges before-mentioned.

Against drawing Timber, except on Wheel Carriages.

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

Dung, &c. not to be laid on the Sides of the Road.

XXXVI. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded, or laid down from any Carriage upon any open or common Land lying within Twenty Yards of any of the Turnpike Gates or Bars erected by virtue of this Act, or upon the Sides of the said Road within Fifteen Feet of the Centre of such Road, upon Pain that the Owner or Owners of every such Carriage so employed, or the Driver or Drivers thereof, shall forfeit for each and every Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

To make Causeways, &c. and build and repair Bridges.

XXXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them), to make or cause to be made Causeways, and also covered or opened Drains and Ditches in and upon or on the Sides of the said Road, and also through any Grounds or Fields lying contiguous thereto, and to scour such Ditches and Drains so as effectually to carry off the Water from any Part of the said Road, and also to make or cause to be made a Road through the Grounds or Fields adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, Paddock, or planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made Use of as a publick Highway whilst the old Road is repairing or widening, and until such Time as it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as the Parties shall agree upon, or if they shall not agree, then as shall be adjudged reasonable by any Two or more Justices of the Peace for the said Counties of *Surrey* or *Suffex*; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground; and also by Order of any Five or more of the said Trustees to build and erect any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, and also to repair and keep in Repair any Bridge or Bridges, Arch or Arches now erected and built or to be hereafter erected and built upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein or contiguous thereto, Notice of such Intention to build, erect, or repair any such Bridge being first given by affixing

fixing the same on all the Turnpike Gates that shall then be erected by virtue of this Act at least Fourteen Days before such Meeting, at which such Order to build, erect, or repair any such Bridge shall be made.

XXXVIII. And be it further enacted, That if any Person or Persons shall interrupt or hinder or cause to be interrupted or hindered any Surveyor, or any other Person or Persons by him or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, getting or carrying away of any Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in amending, widening, turning, altering, improving, or repairing the said Road, or topping, lopping or cutting any Tree-Top, Lop, or Overhangings, or in digging, cleansing or scouring any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act in the Execution of this Act, by virtue of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For punishing
Persons ob-
structing the
Surveyor in
his Duty.

XXXIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby empowered, from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road, and that any Variation of Road may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private Grounds, or other Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain; and that it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands, Grounds or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying or altering the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments; and that it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees and Committees, Executors or Administrators, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, *Cestuique* Trusts, Lunatics or Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seized or possessed of or interested in any such Lands, Grounds or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them or any Five or more of them, all or any of such Lands, Grounds, or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Trustees may
contract for
Purchase of
Lands to be
taken into
the Road.

XL. And

For restrain-
ing the Trus-
tees from
deviating be-
yond a certain
Distance from
the Line de-
scribed in the
Plans.

XL. And whereas Maps or Plans describing the Line of the said Road, and the Lands through which the same leads, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the respective Offices of the Clerks of the Peace for the Counties of *Surrey* and *Sussex*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said Counties, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may
make Roads
through
Grounds, al-
though the
Owners
Names are
not in the
Books of Re-
ference.

XLI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road into, through, across or over the several Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for either of the said Counties of *Surrey* or *Sussex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Where Per-
sons neglect,
or refuse to
treat

XLII. And be it further enacted, That if any such Bodies, or other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments through which any Part of such Road is to be widened, diverted, turned, or altered, shall for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then, and in every or any such Case the said Trustees or any Five or more of them shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County wherein the Premises lie, and in order thereto the said Trustees, or any Five or more of them, shall and may issue their Warrant or Warrants to the Sheriff of the Counties of *Surrey* or *Sussex*, requiring him to empanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed and specified, and also in and by such Warrant to direct such View of the Premises to be had and taken by the Persons so to be empanelled as they the said Trustees shall judge necessary for their better Information concerning
the

Damage and
Recompence
to be settled
by a Jury.

the same, and also by a like Warrant to require the Attendance of any Witness before the said Jury, and such Sheriff, or his Deputy or Deputies, is and are hereby required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, empannelled 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 and are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen so returned the said Sheriff, or his Deputy or Deputies, shall return such other honest and indifferent Men of the Standers-by, or that speedily can be procured to attend that Service, to make up the Number of Twelve, which Jury so empannelled and sworn shall forthwith proceed to enquire and assess such Damage and Recompence as aforesaid; and all Persons concerned shall have their lawful Challenge against any of the said Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power to examine upon Oath all such Witnesses as may be produced before them and such Jury, and also from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, (except for some reasonable Excuse), or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or not give a Verdict, or shall 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, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so as no such Fine exceed the Sum of Five Pounds on any One Person for One Offence; and after such Jury shall have inquired of and assessed such Damages or Recompence as aforesaid, then 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 said Owners or other Persons interested in the said Lands, Grounds or Hereditaments, according to such Verdict or Inquisition, which Verdict or Inquisition, and the Judgement, Order, or Determination thereon, shall be final and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever.

Juries may
be challenged.

XLIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case

How Expences
of Jury shall
be paid.

[*Loc. & Per.*]

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the

the Colts and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees, out of any Money arising or to arise by virtue of this Act; but if 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 and Damage as aforesaid, then the full Colts and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Colts and Expences, having been ascertained and settled by some Justice of the Peace for the respective Counties, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Colts and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Colts and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

Upon Payment of Purchase Money, the Lands to be laid into the Road.

XLIV. And be it further enacted, That every Sum or Sums of Money to be agreed for or assessed as aforesaid, shall be paid out of the Tolls or other Money arising by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or (as the Case may be) to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon leaving the same in the Hands of the Treasurer or Treasurers of the said Road, for the Use of such Parties or Persons, and after Fourteen Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments, such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees or any Seven or more of them shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, but no more Land shall be taken for the Purposes of the said Road, without the Consent of the Owner or Proprietor thereof, than shall be sufficient to make such Road in such Part thereof where the same shall be taken of the Width of Thirty Feet between the Fences thereof; and after such new Road shall be completed, the Land comprised in or constituting the old or former Road.

Road shall be vested in the said Trustees, and shall or may be stopped up or left unpaired, unless the same may be wanted for any public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead, and shall be by them the said Trustees, or any Five or more of them, sold for the best Price or Prices that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act, and the Conveyance to be made of such Lands, being executed by any Five or more of the said Trustees, and enrolled with the Clerk of the Peace for the said Counties of *Surrey* or *Suffex*, in which such Road shall lie, shall be good and effectual to all Intents and Purposes, but this Act shall not extend or give Power to the Trustees acting in the Execution hereof to the taking down of any Dwelling House or other Building, or taking any Land being a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Part thereof.

Former Road
may be sold.

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

Owners of
Lands used in
making new
Road to have
the first Offer
of Old Road.

XLVI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner hereinbefore mentioned, they may happen to be seized of some Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, as they shall find most convenient and advantageous,

Trustees em-
powered to sell
Ground not
wanted for the
Purposes of
this Act; Per-
sons of whom
it was bought,
or whose
Lands adjoin-
ing to have the
first Offer.

ageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall first offer the same to the Person or Persons of whom the same shall have been purchased, or in case of diverting any Part or Parts of the said Road, to the Person or Persons whose Lands shall adjoin thereunto; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Counties of *Surrey* or *Suffex* (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused, by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree, with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Road or Ground, as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
where the
Compensation
amounts to
200l.

XLVII. 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, Lunatic, 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 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 or Redemption 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 or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied,
then

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 and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance 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 invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made.

XLVIII. 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands 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 (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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Compensation Money does not exceed 200l. and is above 20l.

XLIX. 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

[*Loc. & Per.*] 21 I for

Application when it is less than 20l.

for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, etc.

L. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments, (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whole Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession shall be deemed entitled, unless the contrary be shewn.

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

lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

The Court may order reasonable Expences of Purchases to be paid by the Company.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, or Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon any Road may, by virtue of the Powers of this Act, be made, widened, altered, or turned, and to view, mark, and stake out such intended Turning and Alteration, and to enter upon the adjoining Lands, and to put and place any Materials thereon, as the said Trustees shall think necessary or proper for the making and completing such Alteration, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for so entering or continuing upon any Part or Parts of such Lands or Grounds respectively, making Satisfaction to the Occupiers of such Lands or Grounds, for the Damage that shall be done by any such Acts to such Lands or Grounds, whilst the same Road shall be so making, widening, altering, or turning, such Damages to be settled and ascertained by the Justices assembled at the General Quarter Sessions of the Peace to be holden for the County in which the Lands shall be situate, whose Determination respecting the same shall be final; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes, or other Marks used in the laying out, making, altering, or turning any such Road, every Person so offending, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Trustees may enter Lands to make the Road,

LIV. And be it further enacted, That in all Places where the Course of any Part of the present Road shall be diverted, in manner before directed, from the old Line of Road, or a new Road shall be made (except over and through any open Common Field Land, or Common or Waste Ground), or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five or more of them, shall and they are hereby required to cause good and sufficient Mounds, Rails and Fences, to be made and provided, and Quicksets to be planted in an husband-like Manner, or sufficient Stone Walls to be built on both Sides of such new Road, where the same is necessary, and shall support such Mounds, Walls, Rails and Fences, for and during the Term of Nine Years from the first making thereof.

Trustees to fence off new Road.

LV. And

Trustees may
contract for
repairing
Roads.

LV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the amending, widening, improving and keeping in Repair the said Road, or any Part or Parts thereof, or for all or any other of the Works to be done and performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees or any Five or more of them shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to an Order made at any Meeting by such Trustees or any Five or more of them, shall be binding to the said Trustees and other Parties who shall sign the same, his, her or their Successors, Executors and Administrators respectively; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Persons liable
to repair the
Road to conti-
nue so.

LVI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner and to the same Extent, but not in any other Manner, nor to any greater Extent than as they were liable and chargeable before the passing of this Act.

Justices to de-
termine Dif-
ference touch-
ing Statute
Work.

LVII. Provided always, and be it further enacted, That all Persons who by Law are liable to Statute Work, or chargeable towards repairing and amending the Road hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Surrey* and *Sussex*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees or to any Five or more of them, or to their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices respectively, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within 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, 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 or effect for the Repair 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 the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Seed-time, Hay-time, or Harvest) and in such Parts of the said Road as the said Trustees or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct and appoint; and the 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 shall think proper, to the said Trustees, or to 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, or Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to, by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Penalties and Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, 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 Road 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 Road shall lie, and be situate, for a certain Sum of Money by the Year, or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by

Trustees may compound for Statute Work.

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 *May* in each and every Year, or otherwise the Inhabitants or Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Mile Stones
and Direction
Posts.

LIX. And be it further enacted, That the said Trustees or any Five or more of them shall cause the said Road to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon denoting the Number of Miles, and Distances of Places, and also such and so many Direction-Posts as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile-Stones or Posts erected upon or near any Part of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the said Counties of *Surrey* or *Suffex*, (where the Offence was committed) by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds, together with all reasonable Costs and Charges of such Information for every such Offence, one Moiety of which Penalty shall be paid to the Informer, and the other Moiety applied for the Purposes of this Act; and in case such Person or Persons so offending and convicted shall not be able or shall refuse to pay the same, then it shall be lawful for any Justice of the Peace for the said Counties of *Surrey* or *Suffex*, by Warrant under his Hand and Seal to commit such Person or Persons to the common Gaol for the said Counties respectively, or to any House of Correction within the same, there to remain for any Time not exceeding One Calendar Month, unless such Penalty, Costs, and Charges shall be sooner recovered and paid.

To compel
Payment of
Subscriptions.

LX. And be it further enacted, That the Person or Persons who have subscribed any Money for or towards defraying the Expences of executing this Act shall and they are hereby required to pay such Money within such Time, and to such Persons as the said Trustees or any Five or more of them shall order and direct, and in Default of such Payment such Money shall be recovered by Action of Debt, or on the Case, to be brought in the Name of the Clerk to the Trustees in any of His Majesty's Courts of Record at *Westminster*.

For Recovery
of Penalties
and Forfeitures.

LXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed), shall upon Proof of the Offences respectively before any Justice of the Peace for the said Counties of *Surrey* or *Suffex*, wherein the Offender shall be or reside, either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Monies arising by such Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of the said Road;

Road; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any such Justice of the Peace and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol of the respective County, or to any House of Correction within the same, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

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

‘ **BE** it remembered, That on the _____ Day
 ‘ of _____ in the Year of our Lord
 ‘ _____ is convicted before me
 ‘ one of His Majesty’s Justices of the Peace for the County of _____
 ‘ [specifying the Offence, Time, and Place when and where the
 ‘ same was committed, as the Case shall be]. Given under my Hand and
 ‘ Seal the Day and Year first above mentioned.’

LXIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees; and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices may also at such Sessions by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for want of sufficient Distress may commit such Person or Persons to the common Gaol of or for the respective County, or to any House of Correction within the same, for any Time not exceeding the Term of Two Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
Want of
Form.

LXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made for or on Behalf of the Party distraining before such Action brought.

Limitation
of Actions.

LXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Twelve Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the Counties of *Surrey* or *Suffex*, or one of them, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may at his and their Election plead specially, or 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 done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any other Case by Law.

Publick Act.

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

Commence-
ment and
Continuance
of the Act.

LXVII. And be it further enacted, That this Act shall commence upon the Tenth Day of *June* One thousand eight hundred and nine, and have Continuance from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.