



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 109.

An Act for making and maintaining a Road from
Kingston upon Thames to *Leatherhead*, in the County
of *Surrey*. [21st May 1811.]

WHEREAS the making and maintaining of a Turnpike Road from the Turnpike Road leading from *Kingston-upon-Thames* in the County of *Surrey*, to *Guildford* in the said County, at or near a Place called *Seething Well*, in the Parish of *Kingston-upon-Thames* aforesaid, into and through parts of the Parishes and Places of *Kingston-upon-Thames*, *Hook*, *Cheshington*, *Malden* and *Leatherhead*, in the said County, to the present Turnpike Road leading from *London* to *Dorking* in the said County, in the Village of *Leatherhead* aforesaid, would be of great Benefit and Advantage to the Owners and Occupiers of Lands and Inhabitants in the Neighbourhood thereof and the adjacent Country, and of great public Utility, opening a direct and easy Communication between the Western Part of the Metropolis and the Counties of *Hertford*, *Middlesex*, *Buckingham*, and the North Part of *Surrey*, with the South and South-east Parts of the Counties of *Surrey* and *Suffex*, and particularly between *Kingston-upon-Thames*, *Leatherhead* and *Dorking* aforesaid; and would shorten the Distance by the present Turnpike Road from *Kingston-upon-Thames* to *Leatherhead* about Three Miles and a Half in Eleven Miles: but the same cannot be done without the Aid and Authority of Parliament; May it therefore please Your Majesty, That it may 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 Reverend *Gerrard*

[*Loc. & Per.*]

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Andrews,

Andrews, George Barnley, Henry Boulton, Richard Boulton, William Boulton, Charles Brooke, Thomas Baker, William Bothell, George Barnard, Lewis Cockran, Nathaniel Crump, William Stanley Clarke, James Cook, Thomas Crawter, Thomas Charwner, the Honourable Marmaduke Dawnay, William Disney, Thomas Dickens, William Joseph Dennison, the Reverend James Dalway, Arthur Dendy, George Dewdney, James Dendy, John Earl, James Edmonds, William Everest, William French, James Forth, Joseph Smith Goffe, Henry Goffe, Thomas Hope, Barnard Hankey, Richard Howard, Anthony Harden, John Jolly, Charles Jemmett, John Kymer, Henry Knight Junior, William Lock, Thomas Langley, Stephen Longhurst, Thomas Mills, John Meares, George Moss, Henry Peters, Thomas Piper, Charles Pepper, William Pepper, Joseph Peters, William Ranyard, William Roots, Charles Rowlls, George Holme Sumner, James Sykes, Thomas Stone, the Reverend George Savage, William Strange, the Reverend Thomas Streatfield, William Shenbroke, John Smallpiece, Jonah Stevens, John Smith, Sir Charles Talbot Baronet, Henry Thornton, James Trotter, Christopher Terry, Edward Turner, William Taylor, Henry Taylor, George Veidy, Alexander Urqubart, William Whitburn of Leatherhead, the Reverend Thomas Whipham, John Woods, William Walton, David Willis, John Heathfield Young, and the Knights of the Shire serving for the County of Surrey for the Time being, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for making, maintaining, altering, repairing and improving the said Road, and for otherwise putting this Act in Execution.

On the Death
of Trustees
others to be
chosen.

II. And be it further enacted, That when and as often as any Trustee or Trustees hereinbefore named, or to be elected as hereinafter mentioned, shall die or refuse to act, or be disqualified or disabled from acting, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, by Writing under their Hands, to elect One other Person to be a Trustee in the Room of every such Trustee so dead, refusing, disqualified or disabled; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the Road to be made in pursuance of this Act, and advertised in one of the Newspapers circulated in the County of Surrey, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act into Execution, as the Persons in whose Places they shall be respectively chosen were 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 unless he shall 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 Fifty Pounds, or shall be Heir Apparent of a Person seised of a Real Estate in Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds, or shall be possessed of or entitled unto a Real and Personal Estate, amounting together to One thousand Pounds, nor (except in administering the Oath hereinafter mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees an Oath in the Words or to the Effect following; (that is to say)

‘ I A. B.

‘ I *A. B.* do swear, that I truly and *bonâ fide* am in my own Right,
 ‘ [or, in the Right of my Wife] in the actual Possession and Enjoy-
 ‘ ment [or, Receipt] of the Rents and Profits of Lands, Tenements
 ‘ or Hereditaments, of the clear yearly Value of Fifty Pounds [or,
 ‘ am Heir Apparent of *A. B.* who, to the best of my Knowledge and Be-
 ‘ lief, is seised of such an Estate of the clear yearly Value of One hundred
 ‘ Pounds, or, am possessed of a Real and Personal Estate of the Amount
 ‘ of One thousand Pounds] after all my Debts are paid.

‘ So help me GOD.’

And if any Person not being so qualified shall presume to act as such
 Trustee, 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 sue for the same, to be reco-
 vered with full Costs of Suit in any of His Majesty's Courts of Record
 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit
 or Information, wherein no Essoign, Protection, or Wager of Law, nor
 more than one Imparance shall be allowed; and every Person so prose-
 cuted shall prove that he is qualified as aforesaid, or otherwise shall pay
 the said Penalty, without any other Proof or Evidence, on the Part of
 the Prosecution, than that such Person hath acted as Trustee in the Exe-
 cution of this Act: Provided nevertheless, that all Acts and Proceedings
 of any Person or Persons acting as a Trustee or Trustees in the Execution
 of this Act, previous to his or their being convicted of the said Offence,
 shall, notwithstanding such Conviction, be as good, valid and effectual
 as if such Person or Persons had been qualified according to the Directions
 of this Act.

Penalty on
 Persons not
 qualified
 acting.

Acts of
 Trustees
 previous to
 Conviction
 valid.

IV. Provided always, and be it further enacted, That any Mortgagee
 or Assignee of any Mortgage or other Security, or any Lender of Money
 upon the Credit of the Tolls granted by this Act, or receiving Interest
 thereout for the same, shall not on that Account be deemed unqualified
 to act as a Trustee in the Execution of this Act: Provided also, that all
 such Trustees as are Justices of the Peace for the said County of *Surrey*, or
 the said Town of *Kingston-upon-Thames*, may act as Justices of the Peace in
 the Execution of this Act, notwithstanding their being Trustees, except
 only in such Cases where they shall be personally interested.

Mortgagee
 may act.

Trustees be-
 ing Justices
 may act.

V. And be it further enacted, That the said Trustees shall hold Two Ge-
 neral Meetings at least in every Year, and that the said Trustees or any
 Five or more of them, shall meet together and hold the First General Meet-
 ing at the House known by the Sign of the *Sun Inn* in *Kingston* aforesaid, on
 the *Saturday* next after the Day whereon this Act shall receive the Royal
 Assent, or as soon after as conveniently may be, between the Hours of
 Eleven of the Clock in the Forenoon and Two in the Afternoon, and pro-
 ceed to the Execution of this Act; and all other such General Meetings shall
 be held alternately at *Kingston-upon-Thames* and *Leatherhead* aforesaid, at
 such House or Houses as shall from Time to Time be resolved on by the
 said Trustees at the last General Meeting; and the said Trustees at any
 such General Meeting, or any Five or more of them, shall and may ad-
 journ from Time to Time and appoint separate Meetings to be held upon
 any Part of the said Road for putting this Act in Execution; and if it
 shall happen that there shall not appear at any Meeting which shall be
 appointed

Meetings.

appointed by the said Trustees to be held, a sufficient Number of the said Trustees to act at such Meeting, and to adjourn to any other Day, then and in such Case the Clerk or Clerks to the said Trustees, by Notice in Writing under his or their Hand or Hands, to be affixed on all the Turnpike Gates to be erected by virtue of this Act, at least Fourteen Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the said Meeting of the said Trustees was last appointed to be held on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Eleven in the Forenoon; and no Adjournment shall be made or any Meeting appointed to be held at any Time later than Two of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and no Adjournment shall be made by the said Trustees for a longer Space of Time than Six Calendar Months; and the said Trustees at all their Meetings shall defray their own Charges and Expences.

Trustees to
defray their
own Ex-
pences.

Meetings on
Emergencies.

VI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that case the Clerk or Clerks to the said Trustees, on receiving an Order in Writing, signed by Three or more of the acting Trustees, although not assembled at any Meeting, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof by affixing such Notice on all the Turnpike Gates, and advertising the same once at least in one of the Newspapers then circulated in the County of *Surrey*, Seven Days at least before such Meeting, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Appointment
of Officers.

VII. And be it further enacted, That the said Trustees or any Five or more of them, at any General Meeting, by any Writing or Writings under their Hands, shall and may and they are hereby authorized and empowered to appoint one or more Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and also a Surveyor or Surveyors of the said Roads, and such other Officer or Officers as the said Trustees or any Five or more of them shall think necessary to employ in the Execution of this Act, and shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in the Room of such of them as shall be removed, or shall die or resign; and out of the Tolls or other Monies to arise by virtue of this Act, may pay such Salaries and make such Allowances to all and every such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as to the said Trustees or any Five or more of them shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Beer, Wine or Spirituous Liquors by Retail.

Victuallers
not to hold
Places of Pro-
fit.

VIII. And

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such sufficient Security as they shall think proper, from the Treasurer or Treasurers and other Officers to be appointed for the Purposes of this Act, for the due Execution of their respective Offices. Trustees to take Security from Officers.

IX. And be it further enacted, That all such Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers, and also all Persons appointed by Justices of the Peace to be Surveyors of the Roads in any of the Parishes or Places through which the said Road leads, and all other Persons who shall receive any Money to be laid out in the Repair of any Part of the said Road, or who shall have the Direction or Management of such Repairs, shall, as often as required by the said Trustees or any Five or more of them, render and give to the said Trustees or any Five or more of them, or to such Person or Persons as they shall appoint, a true, exact and perfect Account in Writing, under their respective Hands, of all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid or disbursed by virtue of this Act, or by reason of their respective Offices or otherwise; and shall also produce proper Vouchers for all the Payments and Disbursements, and shall verify all such Accounts upon Oath if thereunto required by the said Trustees, or any Five or more of them (which Oath any Five or more of the said Trustees, or any Justice of the Peace, are and is hereby required and empowered to administer); and in case of any Money so received shall remain in his or their Hands, the same shall be paid to the said Trustees, or any Five or more of them; or to such Person or Persons as they shall appoint; and in case any Clerk, Treasurer, Receiver, Collector, Surveyor or other Officer or Person shall not give in and verify such Account and make such Payment as aforesaid, or shall not deliver up the Vouchers for the same, or shall not deliver up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, until Ten Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, Writings, Tools, Matters and Things in their Hands, Custody, or Power, relating to the Execution of this Act, or which they shall have disposed of without the Consent and Approbation of the said Trustees or any Five or more of them, that then any Justice of the Peace for the County where such Officers shall dwell, shall and may make Enquiry of and concerning such Default as aforesaid in a summary Way; and if such Clerk, Treasurer, Receiver, Collector or other Officer or Person shall be convicted before such Justice of any one or more of the Offences aforesaid, either upon his own Confession, or by the Testimony of one or more credible Witnesses or Witnessess upon Oath (which Oath such Justice is hereby empowered and required to administer), such Justice may commit the Party to the Common Gaol of the County wherein such Offender shall then reside, there to remain without Bail or Mainprize, until he or they shall have rendered a perfect Account, verified as aforesaid, and made Payment of what shall be due thereon; or until he or they shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition Money (which Composition the said Trustees, or any Five or more of them, are hereby authorized and empowered to make and receive), and shall also have rendered and given up to the said Trustees, or to such Person or Persons as they, or any Five of Officers to account. Power to compel an Account or Payment.

[Loc. & Per.]

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them,

them, shall direct, all Books, Papers, Writings, Tools, Matters and Things aforesaid, or made Compensation for the same, to the Satisfaction of Five or more of the said Trustees (which Composition the said Trustees, or any Five or more of them, shall and may receive and take): Provided always, that no Person who shall be committed as aforesaid shall remain in Prison for a longer Space of Time than Three Calendar Months.

Orders and Proceedings of Trustees to be entered in a Book.

X. And be it further enacted, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the said Trustees, or by their Clerk or Clerks; which said Book or Books, and all other Book and Books directed to be kept for registering the said Assignments, Mortgages and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatsoever.

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

XI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit, to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of the said Clerk or Clerks, without the Consent of the said Trustees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action.

Trustees may erect Toll-houses, &c.

XII. And be it further enacted, That the said Trustees, or any Five of them, shall and may from Time to Time erect and set up, or cause to be erected and set up, such and so many Turnpike or Toll-gates in, upon, across, or on the Side or Sides of the said Road, and across any new Road or Roads to be made pursuant to the Powers of this Act, and across the End of any Lane or Way leading into, from, or out of the same new Road, and also such Toll-house or Toll-houses, Weighing Engine or Engines to each Gate or Turnpike, with suitable Out-buildings thereto; and also may inclose from the said Road convenient Garden Spots, not exceeding Forty Rods each, to the said Toll-houses, as they or any Five or more of them may judge proper; and may cause any such Turnpikes, Toll-gates, Toll-houses, Weighing Engines or other Buildings, from Time to Time to be taken down, removed or altered, as they or any Five or more of them shall judge proper; which said Turnpikes, Toll-houses, Weighing Engines, and Buildings, and all Materials for making or repairing the same, are hereby vested in the said Trustees: Provided nevertheless, that no Turnpike Gate or Gates shall be erected upon or across any of the present Turnpike Roads in the several Parishes hereinbefore mentioned.

But not on the Ockshot and Leatherhead Road.

XIII. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Trustees to erect any Gate or Turnpike, or take any Tolls upon or across the Road leading from

from *Ockshot* to *Leatherhead*, or between the Junction of the said Road at *Woodbridge Bottom* and its Termination at *Leatherhead Street*.

XIV. And be it further enacted, That the several respective Tolls following shall be demanded and taken at each and every of the Turnpike or Toll-gates to be erected as aforesaid, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through any Gate or Gates, Turnpike or Turnpikes erected under the Authority of this Act. Power to take Tolls.

For every Horse or Beast of Draught drawing any Coach, Chariot, Chaise, Berlin, Landau, Calash, Hearse, Caravan, or Pleasure Carriage, the Sum of Four-pence Halfpenny: Tolls.

For every Horse or other Beast of Draught drawing any Cart or any such like Carriage, with Wheels of the Breadth of Six to Nine Inches or upwards in the Fellies thereof, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain or other such like Carriage, with Wheels of less Breadth than Six Inches in the Fellies thereof, the Sum of Four-pence Halfpenny:

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

For every Drove of Oxen, Cows or Neat Cattle, the Sum of Ten-pence per Score; and so in proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep or Lambs, the Sum of Five-pence per Score; and so in proportion for any greater or less Number.

XV. Provided always, and be it further enacted, That no Person shall be liable to pay Toll at any Toll-gate erected or to be erected across or on the Side of the said Road, or be subject to any Penalty for any Carriage, Horse or Beast which shall only cross such Road, and shall not pass above One hundred Yards thereon. No Toll to be taken for crossing the Road.

XVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than One Toll in any One Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, from any Person or Persons whomsoever, for or in respect of the same Horse, Beast or other Cattle, or Coach, Chariot, Chaise, Calash, Berlin, Landau or Pleasure Carriage, Waggon, Wain, Cart, or Dray, or any other Carriage of what Nature or Description soever, passing and repassing through the same or any other Gate or Gates, Turnpike or Turnpikes to be erected by virtue of this Act. Tolls to be taken but once a Day for passing and repassing.

XVII. And be it further enacted, That if any Person or Persons owning, renting or occupying any Lands, Tenements or Hereditaments near or adjoining the said Road, shall go or pass with any Cattle or Carriage through or over any Lands, Tenements or Hereditaments, or through any Gate, Passage, Inclosure, Place or Way in order or with an Intent to avoid the Payment of any of the Tolls hereby granted, or shall knowingly or willingly permit or suffer any other Person to go or pass with any Cattle or Carriage through or over any such Lands, Tenements or Hereditaments, in order or with Intent that the Payment of the said Tolls, or any Part thereof, Penalty on Persons evading Tolls.

thereof, should be avoided; or if any Person shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements or Hereditaments or through any Gate, Passage, Inclosure, Place or Way in order or with Intent to avoid the said Tolls or any Part thereof; or if any Person shall give to or receive from any Person other than the Collector of the said Tolls, any Note or Ticket to be given by the Collectors of the said Tolls, or shall forge, counterfeit or alter any such Note or Ticket, or make use of any such forged, counterfeited or altered Note or Ticket, knowing the same to have been forged, counterfeited or altered, whereby the Payment of the said Tolls, or any Part thereof shall be avoided; or if any Person shall pass through any of the Turnpikes to be erected as aforesaid, with any Carriage or Cattle without Payment of the Tolls due for the same, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or put or add any Horse or other Cattle to any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, or other Cattle, or any Goods, with Intent to avoid the Payment of the said Tolls, or the Tolls or Penalties payable for Overweight at any Weighing Engine; or if the Owner or Hirer of any Carriage, Cattle, or other Person being the Driver or Rider thereof, having travelled on the said Road or any Part thereof, shall drive or turn out of the same into any other Road, in order or with Intent to avoid paying any of the said Tolls, and shall afterwards return into or on the said Road, or any Part thereof with such Cattle or Carriage, or shall do any other Act whatsoever in order or with Intent to avoid the Payment of the said Tolls or any Part thereof; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; of which said Penalty One Moiety shall go to the Informer, and the other Moiety to the Clerk or Clerks to the said Trustees, to be applied to and for the Benefit of the said Road.

Persons and Things exempted from Tolls.

XVIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for the Passage of any Horse or other Beast drawing any Cart, Waggon, Wain or other Carriage, through any of the Turnpikes to be erected by virtue of this Act, laden with Stones, Gravel, or other Materials for making or repairing the said Road, or any Part or Parts thereof respectively, or laden only with Hay, or Corn in the Straw only or other Produce, from or to any of the Lands in the Occupation of the respective Inhabitants of the several Parishes in which the said Road lies, or any neighbouring Parishes, and to be laid up in the Houses, Barns, Outhouses or Yards of such Inhabitants only, and not for Sale; nor for any Horse, Beast or other Cattle drawing any such Carriage going empty for the Purpose of loading such Stones, Gravel, and other Materials for making and repairing the said Road, Hay or Corn in the Straw only or other Produce, or for any Horse or other Beast employed in conveying any Dung, Mould, Soil or Compost, to be used only for manuring Land, or going to be or returning from being so employed, or returning empty, having been laden therewith on the same Day; nor shall any Toll be demanded or taken from any Rector, Vicar, Curate or any other Person or Persons residing in any of the Parishes through which the said Road leads, who shall pass through any Turnpike or Toll-gate, to or from his or their Parochial Church, Chapel or other Place of Religious Worship situate in their respective Parishes, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Cattle or Carriage

Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road lies; nor for any Horse or Cattle going to or returning from Water, or to or from Pasture, or going to or returning from being shod or farried; nor for any Horses or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Post-master General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; nor shall any Toll be demanded or taken for the Horses of any Officers or Soldiers that are upon their March or on Duty, or for Carts, Carriages or Waggon employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or 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; nor for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture and Accoutrements according to the Regulations appointed by such Corps, at the Time of claiming the Exemption; nor for Horses, Carts or Waggon travelling with Vagrants sent by legal Passes; nor for any Horses drawing Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Surrey*, on the Day or Days of such Election; and if any Person shall, by any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Forty Shillings, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Passenger on Election Days for Knights of the Shire for Surrey exempted.

XIX. 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 other 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.

Owners or Drivers of Waggon employed in the Service of the King's Forces not to be subject to Penalties for Overweight.

XX. And be it further enacted, That the said respective Tolls hereinbefore granted, shall be and are hereby vested in the said Trustees, and in Trustees.

[*Loc. & Per.*]

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shall

shall be applied in such Manner as hereinafter mentioned ; and it shall be lawful for such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time nominate and appoint, to demand, collect and take the Tolls hereby granted and made payable ; and if any Person 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 any Person or Persons, appointed as aforesaid, to collect the said Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain the Cattle or Carriage upon which such Toll is by this Act imposed, or any of the Goods and Chattels of the Person so neglecting or refusing ; and if such Toll, and the reasonable Charges of such seizing and distraining (which it shall be lawful to do) shall not be paid within the Space of Five Days, the Person or Persons so seizing and distraining shall and may sell the Cattle, Carriages or Goods so seized and distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Tolls and all reasonable Charges of seizing, distraining, and selling the same shall be deducted.

Power to
lessen and
vary the
Tolls.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, from Time to Time as they shall think proper, to lessen or reduce all or any Part or Parts of the Tolls hereby granted at all, any or either of the said Turnpikes or Toll-gates, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls ; but no such Reduction shall be made, unless Notice in Writing shall be given for that Purpose by affixing the same upon all the Turnpike-gates then erected on the said Road, at least Fourteen 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, recovered and applied.

Trustees em-
powered to
compound for
the Tolls.

XXII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding one Year at any one Time, with any Person or Persons, for any Horses, Cattle, Beasts or Carriages passing through any of the said Turnpikes or Toll-gates, so that no Composition shall be made for any Cattle or Carriages travelling for Hire ; and all such Composition Money shall be paid one Year in advance, otherwise such Composition shall be void.

Power to bor-
row Money.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, upon Fourteen Days previous Notice to be given upon all the Toll-gates or Turnpikes then standing upon the said Road, to borrow and take up at Interest such Sum or Sums of Money as they shall from Time to Time think fit upon the Credit of the said Tolls, and by any Writing under their Hands and Seals, to assign over or mortgage the said Tolls, or any Part or Parts thereof (the Charges of such Assignments or Mortgages to be paid out of such Tolls) to any Person or Persons for any Term during the Continuance of this Act, as a Security
or

or Securities for the Payment of the several Sums that shall be borrowed, with the Interest thereof; which Assignments or Mortgages shall or may be in the Words or to the Effect following; (that is to say)

‘ BY virtue of an Act of Parliament, passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [here set forth the Title of the Act] We of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer or Treasurers for the said Road in Hand paid by do hereby grant and assign unto the said Executors, Administrators and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Toll-houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum now due, owing, or to be advanced on the Credit thereof, to be had and holden from the Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of for One hundred Pounds for a Year, shall be sooner repaid and satisfied. Witnesses our Hands and Seals the Day of in the Year of our Lord.’

And Copies of all such Assignments or Mortgages as shall be granted by virtue of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof respectively, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy; and all Assignments and Mortgages which shall be made in the Manner aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes; and all and every Person and Persons to whom any Assignments or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her or their Hand or Hands, transfer his, her or their Right, Title or Interest in and to the Principal and Interest thereby secured, to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; (that is to say)

‘ I being entitled to the Sum of secured to Executors, Administrators and Assigns, by virtue of an Assignment or Mortgage bearing Date the Day of under the Hands and Seals of the Trustees acting in the Execution of a certain Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [Here set forth the Title of this Act] made of the Tolls arising on the said Road, do hereby transfer all my Right and Title in and to the said Sum of and all Interest now due for the same, unto Executors, Administrators and Assigns. Dated the Day of ’

Which said Transfer shall be produced and notified to the said Clerk or Clerks within Twenty-one Days after the Date thereof, who shall cause a Copy thereof to be entered in the said Book or Books to be kept for entering the said original Assignments and Mortgages, and attest the same; for

Form of Mortgage.

Copies to be made.

Transfer.

Memorials of such Transfers to be registered.

Creditors to
have no
Preference.

for which the said Clerk or Clerks shall be paid the Sum of Five Shillings and no more; which said Book and Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, every such Transfer shall entitle such Assignee, his, her or their Executors and Administrators, to the Benefit thereof and Payment thereon; and it shall not be in the Power of any Person making such Transfer, to make void, release or discharge the same, or any Monies due thereon or any Part thereof; and all Persons to whom any such Assignments or Mortgages shall be made as aforesaid, and their respective Assigns or Representatives, shall be, in proportion to the Sums therein mentioned, respectively Creditors in the said Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing such Monies, or the Dates of such Assignments; and all and every such Copies of the original Assignments or Mortgages, and the Transfer so entered in the said Book or Books, and attested by the Clerk or Clerks for the Time being, shall be deemed, considered and taken as original Assignments or Mortgages and Transfers, and shall be received in all Courts of Law and Equity and elsewhere as Evidence of such original Assignments, or Mortgages and Transfers, in the same Manner to all Intents and Purposes as if such original Assignments or Mortgages and Transfers were produced.

Application
of the Tolls
and Money
borrowed.

XXIV. And be it further enacted, That out of the Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first place, pay all the Costs, Charges and Expences of obtaining and passing this Act or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in paying for the Houses, Lands, and Grounds to be purchased under this Act, in making such Compensations as are herein directed to be made, and in erecting Turnpikes and Toll-houses, and making, repairing, widening, diverting and amending the said Road, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Power to
enter Lands
for making
the Road.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyors or Surveyor and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out the same in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Ground for the Damages that shall be done to the Land or Ground on the Sides of the said Road, whilst the same shall be making; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings; and that all such Parts of the said Lands or Grounds as shall be so laid into the said Road, shall be deemed
and

and taken to be a public Highway, and shall be used as such for ever hereafter.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to make and repair the said Road through any Lands or Hereditaments (not being the Site of Ground whereon any House or Houses stand, or any Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue, to any House), without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and obtained; and from Time to Time to widen, divert, shorten, vary, turn and alter (within the Distance hereinafter mentioned) the Course or Path of the said Road, or any Part or Parts thereof respectively; and that such Road and every Variation may be of any Width not exceeding Sixty Feet, inclusive of the Ditches and Fences on each Side thereof, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damages they may sustain by the making, widening, diverting, shortening, varying and turning the said Road; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making the said Road, or by widening, diverting, turning, or altering the Course or Path of the same or any Part or Parts of the said Road through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, and Fee Tail general or special, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are, or shall be seized of, or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of and interested in any such Lands 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 or Hereditaments, or any Part thereof, for 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 to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Trustees may make and divert the Road.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall enable the said Trustees in anywise to obstruct the Passage of any old Road or Roads now in being, adjoining to and not being Part of the said intended Turnpike Road, except for the Purpose of preventing Evasion of the Tolls by this Act granted.

Restraining the Trustees from obstructing the Passage of Roads leading into the intended Road.

[*Loc. & Per.*]

25 F

XXVIII. And

Trustees not to deviate more than One hundred Feet from the Line laid down in the Plan.

XXVIII. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners or Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Surrey*: be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of One Shilling for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making, widening, diverting, shortening, varying, turning or altering the said Road, shall not deviate more than One hundred Feet from the Line described in such Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made; such Consent to be kept in the Office of the Clerk of the Peace for the said County of *Surrey*.

Trustees may make the Road through the Lands of Persons omitted in Book of Reference, &c.

XXIX. Provided always, 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 make or cause the said Road to be made into, through, across or over the several Lands or Grounds of any Person or Persons who is, or are, or may be Owner or Owners of Land over which the same is set out and described as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any One or more Justices of the Peace for the said County of *Surrey*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake; such Certificate to be annexed to and deposited with the said Book of Reference in the Custody of the said Clerk of the Peace.

Fences to be made where the Road shall be cut through Inclosed Lands, &c.

XXX. And be it further enacted, That in all Cases where any Inclosed Land shall be cut through for the Purposes of this Act, the said Trustees shall make or cause to be made proper Quickset Fences where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, Arches and other Works where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Seven Years from the Time that such Quickset Fences shall have been made and planted; or in the Compensation to be made as well to the Owners and Occupiers of such Land, the making and so keeping in Repair such Fences, Gates and Arches, Dykes or Ditches as the Case shall require, shall be taken into Consideration, and an Allowance made for the same.

In Cases where the Road shall be cut through any Land, the Trustees

XXXI. Provided always, and be it further enacted, That in all Cases where the said intended Road shall be proposed to be made and cut through any Close or Parcel of Land, and such Close or Land would by the making of the said Road be separated or divided into Two or more Parcels of Land, each or either being of a less Quantity than Two Acres lying

lying together, then and in every such Case, and also in all Cases where the Property of any Person or Persons which may be wanted for the said Road, shall be less than Two Acres of Land, or by being used or taken for the Purposes of this Act, would be reduced to a less Quantity of Land than Two Acres lying together, the said Trustees shall and are hereby required (on the Application of the Owner or Owners or Person or Persons for the Time being entitled to the Rents and Profits thereof), to purchase not only the Part of every such Close or Parcel of Land which shall be required by the said Trustees for the Purposes of this Act, but also such Piece of Land less than Two Acres lying together (except in respect to any such Piece of Land less than Two Acres which shall adjoin to other Lands of the same Owner, and with such other Land would make the Quantity of Two Acres lying together), in like Manner as they the said Trustees are empowered to purchase any other Lands necessary for the Purposes of this Act; and to pay, apply and dispose of the Purchase Money at the same Time and in the same Manner as the Purchase Money for that Part of any such Close or Parcel of Land, which may be required for making the said Road, would by virtue of this Act be payable or applicable.

to purchase
such Land,
&c.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Trustees or any of them, or their Surveyor or Surveyors, or any other Person or Persons, to begin to make the said intended Road in, upon, through or over any private Lands, Grounds or Hereditaments, until the Owner or Proprietor and every Person interested therein shall be paid and satisfied the Purchase Money, to be agreed upon, or adjudged or assessed in the Manner herein mentioned, for such private Lands, Grounds or Hereditaments to be taken for the Purposes of this Act; or such Purchase Money shall be deposited into the Bank of *England* in the Name of the Accountant General of the Court of Chancery, in the Manner and subject to the Conditions, Orders and Restrictions by this Act directed, where Persons cannot be found to treat with, as the Case may be.

Road not to
be begun to
be made until
the Owners
of the Lands
shal be paid
the Purchase
Money.

XXXIII. And be it further enacted, That if any such Body Politic, Corporate or Collegiate, Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators or any other Person or Persons interested in any such Lands or Hereditaments as may be wanted for the Purposes of this Act, upon Notice to him, her or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the particular Officer or Officers of any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands and Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned or altered, shall for the Space of Two Calendar Months next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage, Value or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County, District or Place wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees or

Where Per-
sons interest-
ed neglect or
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treat.

The Da-
mages and
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to be settled
by Jury.

any

Verdict of
the Jury to
be final.

Trustees em-
powered to
issue War-
rants to the
Sheriff to im-
panel a
Jury.

Jury may be
challenged.

Trustees may
impose Fines
on Sheriffs
for making
Default, or
on Jury, or
on Witnesses.

any Five or more of them, are hereby empowered and required from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge and determine the Sum and Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgment, Order and Determination thereon, shall be final and conclusive to all Intents and Purposes against all Persons and Parties whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole; as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon and return an indifferent Jury of Twenty-four Persons qualified to serve on Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies is and are hereby required to impanel, summon and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, without some reasonable Excuse, or appearing shall refuse to be sworn and examined or to give Evidence, so that no Fine be more than Five Pounds on any One Person for One Offence.

XXXIV. And

XXXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for any such Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest or Property, or for any Loss or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid; then and in every such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries, to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by the said Trustees, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, or for the same or any more Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees, as the Purchase Money for any such old Road as aforesaid; then and in every such Case, the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person and Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justices of the Peace for the County, District or Place wherein the Cause of Dispute shall arise, not interested in the Matter in Question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the sole Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged, otherwise such Costs 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 or Clerks to the said Trustees, by the Ways and Means herein provided for the 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, the whole of such Costs and Expences shall be borne and paid by the said Trustees, or any Five or more of them, in Manner aforesaid.

How the Expences of the Jury and Witnesses are to be borne.

XXXV. And whereas by reason of the Purchases which the said Trustees are hereby 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, they may happen to be seised of some Piece or Pieces of Ground, and of some Piece or Parcel of old Road or Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Ground, or Pieces of old Road

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

or Roads, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same.

For stopping
up old Roads.

XXXVI. And be it further enacted, That in all Cases wherein by reason of the making the said intended Road, any old Road or Way, Roads or Ways now passing through, over or between any old Inclosed Lands, shall appear to have become useles and unnecessary, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by and with the Order and Concurrence of any Two of his Majesty's Justices of the Peace for the said County of *Surrey*, acting in and for the Division or Hundred where such old Road or Way, Roads or Ways shall respectively be situate, assembled at any Special Session of the Highways, to be upon due Notice holden for such Division or Hundred, to abate and stop up such old Road or Way, Roads or Ways, and to sell and dispose thereof to such Person or Persons, in such Way and Manner, and by, with and under such Methods, Rules, Powers, and Regulations as the said Trustees, or any Five or more of them, are hereby empowered to sell and dispose of any Piece or Pieces of Ground which they may happen to be seised of, over and above what shall be necessary for effecting the Purposes of this Act, subject to an Appeal to the Quarter Sessions in Manner hereinafter mentioned.

First Offer to
be made to
the Persons
from whom
the same was
before pur-
chased.

XXXVII. Provided always, and be it further enacted, That the said Trustees before they shall sell or dispose of any Piece or Pieces of Ground as aforesaid, shall 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 thereto; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to the Price thereof as hereinafter mentioned), or shall refuse (except as aforesaid) 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 County in which such Piece or Pieces of Ground shall be situate (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 hereinbefore 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 hereinbefore 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.

XXXVIII. Pro-

XXXVIII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales to be made in pursuance of the Powers of this Act, of or concerning any Lands, Tenements or Hereditaments, which shall be Copyhold, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof or otherwise, in the respective Courts of the Manors whereof such Lands, Tenements or Hereditaments shall be held according to the Custom of the said Manors respectively; and such Lands, Tenements or Hereditaments shall no longer remain and continue subject to any Fines, Rents or Services, but shall be considered as enfranchised by the Lord or Lords, Lady or Ladies of the respective Manors, whereof such respective Copyhold Hereditaments shall be holden; and such Lord or Lords, Lady or Ladies shall be respectively paid for his, her or their Estate and Interest in the said Lands, Tenements or Hereditaments out of the Monies to be raised, received or collected by virtue of this Act, such Compensation as if such Lord or Lords, Lady or Ladies had regularly enfranchised such Lands, Tenements and Hereditaments; such Compensation to be agreed upon between the said Trustees, or any Five or more of them, and such Lord or Lords, Lady or Ladies, or adjudged or assessed in like Manner as the Value of the Lands, Tenements and Hereditaments to be taken for the Purposes of the said Road, is by this Act directed to be adjudged or assessed.

All Contracts for Copyhold Estates shall be executed in the Courts of the Manors whereof such Lands shall be held, &c.

XXXIX. And be it further enacted, That the Conveyance of any Estate or Interest of any Femes Covert to the said Trustees, or any Five or more of them, or any Person or Persons in Trust for them, by Bargain and Sale, acknowledged by such Femes Covert, and duly inrolled in the Court of King's Bench at *Westminster*, within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries would or could do if levied or suffered thereof in due Form at Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands and Hereditaments as shall be so purchased by the said Trustees, or any Five or more of them, by virtue of and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of any Estate in the Premises, in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Conveyances good by Bargain and Sale.

XL. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Lands, Tenements, Houses, Buildings, Grounds and Hereditaments, or any Part thereof, which shall be purchased by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or as Lessee for a Year or from Year to Year; or in case the said Trustees, or any Five or more of them, or such Person or Persons authorized by them; shall give Two Calendar Months' Notice to quit such Possession, then such Tenant or Tenants shall at the End of the said Two Calendar Months, or so soon after as he or they shall be required peaceably and quietly deliver up the Possession of the said Premises to the said Trustees, or any Five or more of them, or the Person or Persons authorized by them to take Possession thereof; and that in case any such Tenant or Tenants, or Person or Persons so in Possession as aforesaid, shall refuse

Tenants at Will, &c. to quit Premises.

refuse to give such Possession as afore^said, then it shall be lawful for the said Trustees, or any Five or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Surrey*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as afore^said, by Distress and Sale of his, her and their Goods and Chattels: Provided always, That when any Tenant at Will shall by virtue of this Act be required to quit any Lands, Tenements or Hereditaments before the Expiration of the current Year of such Tenancy, the said Trustees shall make such Recompence to every such Tenant for so quitting as shall be agreed upon between the said Trustees, or any Five or more of them and such Tenant; and in case they cannot agree, then such Recompence shall be assessed by a Jury in such and the same Manner as is hereinbefore directed and appointed in Cases of Purchase of Land by the said Trustees.

Money allowed for Lands, how to be charged and tendered.

XLI. And be it further enacted, That every Sum of Money or Recompence to be agreed for as assessed as afore^said, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents, upon Payment thereof to the Party or Parties entitled to receive the same, or depositing the same in the Bank of *England*, in the Manner by this Act directed, for the Use of such Parties or Persons respectively, and after Fourteen Days' Notice thereof given to such Parties, or Persons or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands and Hereditaments shall and may be laid into and made Part of the said Road, in such Manner as the said Trustees, or any Five or more of them, shall direct; and shall be by them, or by such Person or Persons as they, or any Five or more of them shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall to all Intents and Purposes whatsoever become, and be deemed and taken to be a Common Highway, and shall be from henceforth Part of the said Road for ever hereafter, and shall be repaired and kept in Repair in such Manner and by the same Ways and Means as the Road hereby authorised to be made and repaired is hereby directed to be made and repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Application of Compensation Money when exceeding 200*l*.

XLII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements or Hereditaments which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Comittees or other Trustees, or any Feme or Femes Covert, or other Person or Persons being incapacitated to give Discharges for the Purchase or Compensation Money, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the

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 or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances 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 like or the same Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands and 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 meantime 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and the 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 Lands or Hereditaments so to be purchased, in case such Purchase or Settlement were made.

XLIII. 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 and 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 said 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 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 the Trustees for executing this Act, or any Five or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon, may be applied in Manner herein directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
where Money
does not
amount to
£200 and
shall exceed
£20.

Application
where the
Money is less
than 20l.

XLIV. 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 and Hereditaments so purchased, taken or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit, or in case of Lunacy then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, or if
Persons can-
not be found,
the Purchase
Money to be
paid into the
Bank, subject
to the Order
of the Court
of Chancery
on Motion or
Petition.

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

Respecting
disputed
Titles.

XLVI. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Eng'land*, in the Name and with the Privity of the Accountant General of the said Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or for any Estate, Right or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the 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

or Persons, shall be deemed and taken to have been lawfully entitled to such Lands and 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

XLVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Coists and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, 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 Trustees.

XLVIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather and take away any Furze, Heath, Gravel, Sand or other Materials proper for the making and repairing of the said Road, Bridges, Arches and Fences in or upon the same, in, upon, or out of, or from any Waste Grounds, Commons or uncultivated Lands, Rivers, or Brooks in any Parish, Hamlet or Place, in which any Part of the said Road lies, or in any adjoining Parish, Hamlet or Place, to be used in the making and repairing the said Road, without paying any Thing for the same; and provided there shall be no other safe and convenient Way to carry such Materials, to cart and carry away the same over the Lands and Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), making such Satisfaction as hereinafter mentioned; such Surveyor or Surveyors or other Person or Persons filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Sand or other Materials, proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks contiguous to that Part of the said Road therewith to be made and repaired, then and in such Case, the said Surveyor or Surveyors or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, cut, dig and make Pits, and get, gather, take and carry away any such Materials as aforesaid, in, upon, or out of, or from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery

Surveyors to get Gravel.

Nursery for Trees). paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages, for the cutting, digging, gathering, taking and carrying away the said Furze, Heath, Gravel, Sand and Materials, and for carrying the same or the Materials gotten in any Waste Grounds, Commons or uncultivated Lands, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees or any of them, or the Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers or any or either of them, concerning the said Damages, the Justices of the Peace for the County wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County, next after such Difference shall arise, and on Ten clear Days' Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her or their respective Place of Abode, or *vice versa*, shall hear, settle or determine the Matter of the said Damage and the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties.

Notices to be given to the Occupiers of Lands before Materials are taken for repairing the Road.

XLIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take and carry away Gravel or other Materials for making or repairing the said Road, Bridges, Walls and Fences out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear for himself or herself, or his or her Agent, before the said Trustees, or any Five or more of them, or any One or more Justices of the Peace acting for the said County, Liberty or District, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his or her Agent shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, if they respectively shall so think proper, shall and may authorize such Surveyor or Surveyors or other Persons to dig, gather, take and carry away such Materials, at such Time or Times as to the said Trustees or any Five or more of them, or such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent before the said Trustees or such Justices as aforesaid, then and in such Case the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Occupier or his or her Agent had attended.

Surveyors may remove Nuisances.

L. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to remove and prevent all Nuisances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw or otherwise, and to turn any Water-courses, Sinks, or Drains running along, into, or out of the said Road; and to

open,

open, scour, cleanse, widen, or make deeper any Water-courses or Ditches adjoining thereto, and to make the same as deep or large as he or they shall think necessary; and at proper Seasons of the Year to lop, top, plash or cut down any Trees, Shrubs or Bushes growing or to grow on the said Road, or in the Hedges or Banks adjacent thereto respectively, not being a Garden, Orchard, Plantation, Walk or Avenue to a House; and to take and carry away the same, in case the Owners or Occupiers of the Premises shall, for the Space of Seven Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, plash, cut down or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Water-courses or Ditches, or remove such other Nuisances, in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require; the Charges whereof (to be settled by the said Trustees, or any Five or more of them,) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers; and no Tree shall be planted or suffered to grow in any Fence hereafter to be made by the Side of the said Road.

LI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they for that Purpose shall authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, turning, widening or repairing the said Road or any Part thereof; and for erecting Mile and Direction Stones or Posts thereon, or for doing any other Work to be 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 the Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officers, with any Workman or Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties as shall sign the same, his, her and their Executors and Administrators; and that Actions and Suits shall be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Person, Parties or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making or repairing the said Road, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit, against such Party or Person, Parties or Persons so as aforesaid, making Default in fulfilling his or their Contract or Agreement.

Trustees may contract for Repairs.

LII. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute-work on any of the Highways in the several Parishes, Hamlets, Districts or Places through which the said intended Road shall pass, shall be liable to perform their respective Works thereon, in such and like Manner in every respect as they

Persons liable to repair Roads, &c. to continue so.

[Loc. & Per.]

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are

are liable to perform the same on any other common Highway within such Parish, Hamlet, District or Place respectively.

For regulat-
ing Statute
Labour, and
Justices to
determine
Differences
touching Sta-
tute-work.

LIII. And be it further enacted, That it shall be lawful for any One or more Justices of the Peace for the said County of *Surrey*, and the said Town of *Kingston-upon-Thames*, and within their respective Jurisdiction, and they are hereby empowered and required, upon Application made to them by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute-work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute-work as aforesaid, shall be by him, her or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices, from Time to Time to summon such Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Seven Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute-work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute-work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be so paid; which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute-work as aforesaid, to do such Number of Days' Statute-work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute-work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute-work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her or them, be subject and liable

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 or Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor and Surveyors is and are hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer 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 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 or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements and Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her or their Statute-work thereon; and also that it shall be lawful for the Surveyors of the Highways of any of the said Parishes, Hamlets, Districts or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Hamlets, Districts or Places, first had at any Vestry or other Public Meeting of such Inhabitants, to compound and agree by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound for Statute-work.

LV. 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 be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his, her or their being so appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Toll-bar Keepers competent Witnesses.

LVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, or any

Persons who may be prosecutors, and

Five

Persons prosecuted indemnified.

Five or more of them, in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor or such Person or Persons in whose Name or Names such Action or Actions, Prosecution or Prosecutions, shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* expend for or by reason of such Action or Prosecution, or any Judgment or Determination therein; and likewise indemnify all such Persons as shall be prosecuted or have any Action or Actions brought against them for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Offenders.

LVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every 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; (that is to say)

Form of Conviction.

‘ Surrey, } **BE** it remembered, That on the _____ Day
 ‘ to wit. } of _____
 ‘ _____ in the Year of our Lord _____
 ‘ _____ A. B. is convicted before me [or, us]
 ‘ of His Majesty’s Justices of the Peace for the
 ‘ County of Surrey [or, the said Town of Kingston-upon-Thames,] of [as
 ‘ the Case may be, specifying the Offence and the Time and Place when and
 ‘ where the same was committed, as the Case shall be]. Given under my
 ‘ Hand and Seal [or, our Hands and Seals] the Day and Year first
 ‘ above written.’

Penalties how to be levied and applied.

LVIII. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not otherwise herein directed, and where the Penalty for the Offence shall not exceed the Sum of Ten Pounds, shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall have been committed, or any One Justice of the Peace for the County, District or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnels or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party and Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is empowered to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act), from Time to Time paid One Moiety to the Informer, and the other Moiety to any Five or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said Road; and in

in case sufficient Distress shall not be found, or such Penalties or Forfeitures, with such Costs, shall not forthwith be paid, it shall and may be lawful for any One or more Justice or Justices of the Peace as aforesaid, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Goal or House of Correction for the County, District or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines and all reasonable Charges shall be sooner paid and satisfied.

LIX. And be it further enacted, That all such Fines, Penalties and Forfeitures imposed by this Act, as amount to more than the Sum of Ten Pounds, shall be sued for and recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record at *Westminster* respectively; and that One Moiety of every such Fine, Penalty or Forfeiture last mentioned, shall be to the Use of the said Trustees, to be paid to their Treasurer or Treasurers, Clerk or Clerks, and be applied in the Repair of the said Road; and the other Moiety to the Use of him, her or them, who shall inform or sue for the same, with Costs of Suit.

Recovery and Application of Penalties exceeding Ten Pounds.

LX. And be it further enacted, That no Proceedings of the said Trustees or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in Execution of any Power or Authority vested in such Trustees or Justices respectively by this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or any other Courts of Record in that Part of the United Kingdom called *England*, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form

LXI. Provided always, and be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction and Warrant of Distress, or any other Proceedings thereon; 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 Satisfaction for the special Damages in an Action upon the Case.

Distress not to be deemed unlawful for want of Form, nor the Party distraining to be deemed a Trespasser *ab initio*.

LXII. 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-eight Days' Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *Surrey* and not elsewhere; and the Defendant

Limitation of Actions.

General Issue. or Defendants in every such Action or Suit shall and may plead, at his, her and their Election, 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 have been so done, or such Action or Suit shall be brought before Twenty-eight Days' Notice shall have been given thereof 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 elsewhere than in the said County of *Surrey*, then the Jury shall find a Verdict 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 Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Persons aggrieved may appeal to the Quarter Sessions.

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 already been applied, such Persons may appeal to the Justices of the Peace at any Quarter Sessions of the Peace to be holden for the said County of *Surrey*, within Four Calendar Months next after the Cause of any such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days' Notice at the least in Writing of his or her Intent to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Town and Liberty, with Two sufficient Sureties to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the said Justices at such 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 Party appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction of or for the said County wherein such Quarter Sessions shall be held, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Subscribers shall pay their Subscriptions.

LXIV. And be it further enacted, That the several Persons who have subscribed or may hereafter subscribe any Sum or Sums of Money for and towards making and repairing the said Road, and their respective Heirs, Executors and Administrators, shall and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, within such Time and Times and to such Person or Persons as the

the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; so as the said Trustees, or any Five or more of them, shall not call at any one Time for any greater Instalment than Ten Pounds *per Centum* on every One hundred Pounds of such Subscriptions, nor shall make any such Call at a less Distance than the Space of One Month after the Call immediately preceding; and if any Person or Persons shall, after Twenty-one Days' previous Notice in Writing under the Hands of the Treasurer or Clerk to the said Trustees, for that Purpose to him, her or them given, or left at his, her or their Dwelling-house or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any Five or more of them, in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Treasurer or Treasurers, or their Clerk or Clerks, to bring or cause to be brought any Action of Debt or on the Case, Bill, Plaint or Suit against any Person or Persons so refusing or neglecting as aforesaid, his, her or their Heirs, Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no *Essoign*, Protection, Privilege or Wager at Law, nor more than one *Impar lance* shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit; and that the Venue in every such Action shall be laid in the said County of *Surrey*, or in the City of *London*, and not elsewhere.

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

LXVI. And be it further enacted, That this Act shall commence upon the Day on which the same shall receive the Royal Assent, and shall continue in Force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

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