



ANNO TERTIO

GEORGII IV. REGIS.

Cap. xcvi.

An Act to continue the Term and Powers of Three several Acts for repairing and widening the Road from the *Swan Inn* at *Leatherhead*, to the *May Pole* at the upper End of *Spital* or *Somerset Street* in the Parish of *Stoke*, near the Town of *Guldeford* in the County of *Surrey*.

[24th June 1822.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Swan Inn at Leatherhead, to the May Pole at the upper End of Spital or Somerset Street, in the Parish of Stoke, near the Town of Guldeford in the County of Surrey*: And whereas an Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Thirty-first Year of the Reign of His late Majesty, for repairing and widening the Road from the Swan Inn at Leatherhead, to the May Pole at the upper End of Spital or Somerset Street, in the Parish of Stoke, near the Town of Guldeford in the County of Surrey*: And whereas

31 G. 2. c. 77.

~~91 G. 3. c. 104.~~

10. 1. 3 c. 104

[Local.]

36 F

an

40 G. 3. c. 27. an Act was passed in the Fortieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing for Twenty-one Years, and from thence until the End of the then next Session of Parliament, the Term and altering the Powers of Two Acts passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, and in the Nineteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the Swan Inn at Leatherhead, to the May Pole at the upper End of Spital or Somerset Street in the Parish of Stoke, near the Town of Guldeford, in the County of Surrey*: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded to put the same in Execution, for which Purpose they have borrowed several considerable Sums of Money on the Credit thereof, which still remain due and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term and Powers of the said Acts be further continued: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained, except such as relate to Exemptions from Stamp Duties, shall be and continue in full force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Alterations, and Additions, herein contained, and which shall commence and take effect from and after the passing of this Act, and that all and every the Tolls granted by the said last-mentioned Act shall be continued to be demanded and taken at the several and respective Gates or Turnpikes which have been or shall be erected in, upon, or on the Side of the said Road, for and during the Term herein-after mentioned; and this Act, and the said Tolls, and the additional Term hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on account of the said several former Acts, or any or either of them, or hereafter to be borrowed or become due on the Credit of the said several former Acts and this Act, and of all Interest due and to grow due for the same respectively.

Acts further continued.

Appointing additional Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Surrey* for the Time being, together with *Joseph Bonsor*, the Reverend *John Gipps Bolland*, the Right Honourable Lord Viscount *Cranley*, *William Currie* the younger, *Henry Drummond*, *George Bogle Delapp*, the Reverend *William Heberden*, *James Mangles*, the Right Honourable *Thomas Earl of Onslow*, the Reverend *Arthur Onslow*, the Reverend *George Walton Onslow*, the Reverend *George Pollen*, *Borleau Pollen*, *William Holme Sumner*, *Miles Stringer*, *John Stringer*, *Thomas Seawell*, and *Edward Bray*, (being qualified according to the Directions of this Act), shall

shall be and they are hereby appointed the Trustees for putting the said recited Acts and this Act into Execution, as fully and effectually to all Intents and Purposes as if they had been originally appointed Trustees in and by the said first recited Act.

III. And be it further enacted, That it shall be lawful for the said Trustees at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Ten Days Notice in Writing shall be given by the Clerk to the said Trustees, by affixing the same upon all the Turnpikes or Toll Gates upon the said Road), to elect and appoint any Number of Persons not exceeding Five in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed, and such Trustees so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act and the said recited Acts, as if they had been appointed in and by this Act.

Power to appoint additional Trustees.

IV. And whereas it would tend to the better and more convenient Execution of the said recited Acts if the Number of Trustees required to do and perform certain Acts, Matters, and Things, in Execution thereof were lessened; be it therefore enacted, That in all Cases whatsoever where by the said Acts, or some or one of them, a greater Number than Three of the said Trustees are required to be present, to do, execute, and perform any Act, Matter, or Thing, for the putting of the said recited Acts, or any or either of them into Execution, it shall and may be lawful for the major Part of the Trustees appointed by or in pursuance of this Act, who shall be present at their respective Meetings, the whole Number present not being less than Three, to do, execute, and perform all such Acts, Matters, and Things; and that all such Acts, Orders, Proceedings, Matters, and Things, which shall hereafter be done, executed, and performed by any Three or more of the said Trustees, shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if the same had been done and executed by the Number of Trustees required by the said recited Acts, or any or either of them, to do, execute, and perform the same; any thing contained in the said recited Acts, or any or either of them, to the contrary hereof notwithstanding.

Reducing the Quorum of Trustees in certain Cases.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts or this Act, unless at the Time of his acting, he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of a Person seised of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate to the Amount of Four thousand Pounds; any thing in the said recited Acts contained to the contrary thereof notwithstanding.

Qualification of Trustees.

VI. And

Penalty for acting not being qualified.

VI. And be it further enacted, That if any Person not qualified as by this Act is required, or not having taken and subscribed the Oath of Qualification as herein mentioned, or being a Quaker, made and subscribed the Affirmation as herein mentioned, or being concerned or interested in any Contract or Contracts under the said recited Acts and this Act or any of them, shall nevertheless act as a Trustee in the Execution thereof, or of the said recited Acts, 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 recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and the Person so prosecuted or sued shall prove that he is so qualified, or otherwise shall pay the Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person acting, or who shall act in the Execution of the said recited Acts or this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that every Person before he acts as a Trustee in the Execution of the said recited Acts or this Act (except in administering the following Oath or Affirmation), shall take and subscribe such Oath or Affirmation before any Two or more of the said Trustees, who are hereby empowered to administer the same in the Form or to the Effect following; (that is to say),

‘ I do swear [*or, being One of the People called Quakers, do solemnly declare and affirm*], That I am in my own Right [*or, in the Right of my Wife*], in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes [*or, Heir Apparent of a Person seised of an Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds, or, possessed of a Personal Estate of the Amount of Four thousand Pounds, as the Case may be*]; and that I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts, Powers, and Authorities reposed in me as a Trustee under and by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act.*]

‘ So help me GOD.’

‘ [*Or, being a Quaker, omit the Words ‘ So help me God.’*]

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

VII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of the said recited Acts and this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Trustees; and no Action or Suit which shall be so brought, shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said

said Trustees; but that the Clerk or the Trustee in whose Name such Action or Suit shall have been so brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit (as the Case may be): Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceedings shall be had, taken, prosecuted, continued, or defended in pursuance of the said recited Acts or this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceedings, he shall pay, bear, sustain, expend, or be put unto or become chargeable with or liable for, or be fairly entitled to by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent, and shall not be disqualified from being a Witness, by reason of his so being Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent as aforesaid.

VIII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls aforesaid, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any of the said Trustees or Creditors to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Accounts to be kept open to the Inspection of Trustees and Creditors.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of said recited Acts or this Act, or to continue or appoint the Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or if any Person, being the Partner of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Acts, or this Act, every Person so

Same Person not to be Clerk and Treasurer.

offending 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 recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Repealing
Directions
for Officers
to account
on Oath.

X. And be it further enacted, That so much of the said recited Act of the Thirty-first Year of His said Majesty King *George* the Second as directs or requires that the Treasurer, Collector, Surveyor, and other Officers to be elected and appointed by the Trustees as therein mentioned, and other Persons, shall upon their several Oaths, if thereunto required, verify the Accounts of all Monies which shall have been by them received or collected, and how, to whom, and for what Purposes the same shall have been applied, and the particular Articles thereof, and the several Receipts and Payments which shall be therein contained, and as subjects any such Officers or other Persons to any Penalty or Punishment for refusing to verify the same upon Oath, shall be and the same is hereby repealed.

An Action of
Ejectment
may be sup-
ported by
One Mort-
gagee.

XI. And be it further enacted, That if any Mortgage or Mortgages of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Monies and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Tickets to be
delivered.

XII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by virtue of the said recited Acts or this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Ticket denoting such Payment, and which Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name of the Gate at which Payment shall have been made, and also the Names of the several or respective Gates which such Ticket shall free, or which ought, under the Provisions of this or the said recited Acts, to be passed free for One Payment of Toll.

Table of
Tolls.

XIII. And be it further enacted, That a Table of the Tolls payable under this Act shall be affixed on all the Toll Houses erected

or to be erected on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

XIV. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County or Place in which the Cause of Dispute shall arise; who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Disputes to be settled by a Justice.

XV. And be it further enacted, That all and every Toll Collector, being Lessee of the Tolls authorized to be collected upon the said Road, or appointed or continued, either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Acts or this Act, shall and he or she is hereby required to place his or her Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his or her coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall be on Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he or she shall be authorized to do, by virtue of the said recited Acts or this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit and suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her Christian or Surname to any Person

For punishing Collectors for Misconduct.

Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to any such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket, denoting the Payment of the Toll, and naming and specifying the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment; or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

Stage
Coaches, &c.
to pay every
Time of pass-
ing and re-
passing.

XVI. Provided also, and be it further enacted, That the Tolls by the said recited Acts granted shall be paid for and in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage carrying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads.

Exemptions
from Tolls.

XVII. And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages employed in carrying or conveying or in going to carry or convey, or returning empty from carrying or conveying, on the same Day, any Stone, Brick, Gravel, or other Materials for repairing the said Road, or for repairing any public Highways, or any public Bridge or Bridges, or laden only with Dung, Marle, Bones, Soil, or other Manure (Chalk and Lime excepted), to be used in manuring of Lands or Grounds, or with any Grass, Hay, Clover, Fodder of any Sort, Turnips, Straw, or Corn in the Straw, Wood, Apples, Potatoes, or Milk, not sold or disposed of or going to be sold or disposed of, but to be laid up or consumed in any of the Houses, Out-houses, Yards, Barns, or Premises of any of the respective Inhabitants or Occupiers of Land within the said respective Parishes or Places; nor for any Horses or Cattle drawing or going with, or going empty or returning empty after being laden only with Stones, Tiles, or other Materials for draining Lands, or with any Ploughs, Harrows, or other Implements of Husbandry, or any thing whatsoever that shall be used or employed in the clearing, draining, fencing, or stocking of Land in any of the said Parishes or Places belonging to any such Inhabitant or Occupier; nor for any Horse or Horses or other Cattle going to or from Water, Pasture, or Plough, or other Work in Husbandry, upon or in any of the Lands within any of the said several Parishes or Places, or going to or returning from being shod or farried; or for any Horses or other Beasts conveying or drawing any Person or Persons, being Owner or Occupier of any Farm or Lands in any Parish or Place, contiguous to any of the Turnpikes upon the said Road to his or their Farm or Lands, only to view the same, not going or travelling from or out of the Parish or Place where such Farm or Lands are situate; nor shall any Toll be demanded or
taken

taken of or from any Person or Persons residing in any Parish, Hamlet, or Place in which the said Road lies, going to or returning from his, her, or their proper parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship tolerated by Law on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or going to attend or returning from attending the Funeral of any Person who shall die and be or to be buried in any such Parish, Hamlet, or Place; or from any Minister going to or returning from visiting any sick Person, or on other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses or Carriages employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from carrying or guarding the same; or any Horses or Carriages attending His Majesty or any of the Royal Family; or for the Horses of Soldiers upon their March or upon Duty, or for Horses, Cattle, or Carriages attending them, or laden only with their Arms or Baggage, or employed in conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty or for the Use of His Majesty's Forces; or for Horses or Carriages travelling with Vagrants sent by legal Passes, or of carrying or conveying or returning from carrying or conveying any Prisoner in Custody under a legal Warrant; or for any Coaches, Berlins, or Landaus, Sociables, Chariots, Curricles, Chaises, or Carriages whatsoever, or Passengers on Horseback, going to or returning from the Nomination and Elections of any Knight or Knights of the Shire to serve in Parliament for the County of *Surrey*, or on the Day before or Day after such Election shall begin or be concluded, the Persons travelling thereby being Freeholders and entitled to vote at such Election; and that no Toll shall be demanded or taken for any Horse furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; one Moiety whereof shall go to the Informer and the other Moiety shall be applied to the Purposes of this Act.

XVIII. Provided always, and be it further enacted, That all Horses travelling for Hire, and drawing or having drawn any Chaise

[*Local.*]

36 H

Exempting
Return
Chaises and
OR Post Horses.

or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning within the Space of Twelve Hours, after having so passed without a Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

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

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 and used only 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 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 the said recited Acts or this Act contained, to the contrary notwithstanding.

Abatement of Toll in certain Cases.

55 G.3.c.119.

XX. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels of the Width and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled, *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*; and for and in respect of the several Horses and other Beasts drawing the same, the several Privileges and Exemptions granted and allowed by such Act shall be granted and allowed by the said Trustees in the Execution of this Act.

Road not to deviate more than 100 Yards.

XXI. Provided always, and be it further enacted, That the said Trustees, in altering or improving any Part of the said Road under or by virtue of the said recited Acts or this Act, shall not deviate more than One hundred Yards from the present Line thereof, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate through whose Lands or Grounds such Deviations shall be made.

Gates to open Inwards.

XXII. And be it further enacted, That from and after the passing of this Act, no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the respective Hanging Posts shall be so far removed from the Centre of the said Road, so that no Part of such Gate when opened shall swing or hang over any Part of the said Road or Footpath belonging thereto; and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening outwards contrary to the Meaning of this Act shall, within Ten Days after Notice to

him, her, or them, given either personally or in Writing from the Surveyor of the said Road, cause such Gate to be hung so that the same shall not open outward or swing towards the said Road whenever the same shall be practicable, but in every Case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said County, as the Case may require, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Five Pounds for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made, and such Penalty shall be recovered, levied, apportioned, and applied in manner provided by the said first recited Act for the Recovery and Application of Penalties.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price or Rent such Trustees can at the Time get for the same, payable Two Calendar Months in advance, or at such other Time or Times as the said Trustees shall think proper, to any Person or Persons who shall be willing to take to farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and at such Letting the Trustees present shall have and be entitled to One or more Bidding or Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

For letting
the Tolls.

XXIV. And be it further enacted, That if upon or after any Letting, or Agreement for letting the said Tolls or any Part thereof, either with or without any Weighing Engine or Engines erected or

Power to
declare
Leases void
on Non-
payment
to
of Rent.

to be erected on the said Road, any Default shall be made on the Payment of the Rents agreed to be paid for the same or any Part thereof, on the Days and Times appointed for the Payment thereof, then and in such Case the said Trustees shall and may, and they are hereby empowered, at any Meeting to be held after Seven Days previous Notice of holding such Meeting shall be given to the Lessee or Lessees, Renter or Renters of the said Tolls or Weighing Engine or Weighing Engines, to declare any Lease of the said Tolls or Weighing Engine or Engines, or any Contract or Agreement for letting the same void, and the same shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but in such Case the Lessee or Lessees, Renter or Renters, and his and their Surety and Sureties shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences which the said Trustees, or their Clerk or Treasurer for the Time being, shall and may pay, sustain, or be put to by reason of the Nonperformance of any Covenant or Agreement, Covenants or Agreements to be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

On the Death of Gate-keeper, Trustees may nominate another until the next Meeting.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint some other fit and proper Person to be Collector in his or her Place until the next Meeting of the Trustees, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all respects as the Person in whose Room or Stead he or she shall be so appointed, any thing in the said recited Acts or this Act contained to the contrary notwithstanding, but such Appointment shall continue in force no longer than until the Day of the next Meeting of the said Trustees; and that if any Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances, which he or she held, occupied, or enjoyed in Right of his or her Appointment to that Office, within Three Days after Notice given to him or her, or left at such Toll House in Writing, under the Hands of any Three of the said Trustees, or if the Wife, or Widow, or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Toll House, Building, and Appurtenances, within Three Days after Notice of such new Appointment being made as aforesaid, shall have been given to him, her, or them, or left at such Toll House, signed by the said Trustees, then and in either of the said Cases, it shall be lawful for any Justice of the Peace for the County or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer with such Assistance as shall be necessary to enter such

such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in possession thereof.

XXVI. And be it further enacted, That for the better preventing Frauds and Collusions respecting Carriages carrying Overweights, if any Lessee or Lessees of the Tolls payable at any of the Toll Gates to be continued or erected by virtue of the said recited Acts or of this Act, or any Collector or Collectors of the Tolls, or any Person or Persons appointed to the Care of any Weighing Engine erected or to be erected in or upon the said Road, shall suffer or permit any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any such Engine or Engines, to pass through the Toll Gate or Gates to be continued or erected on the said Road without weighing the same, or shall permit or suffer any such Waggon, Wain, Cart, or other Carriage, to proceed on the said Road or any Part thereof, without having first paid the Toll for any such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart, or other Carriage respectively shall or may happen to have therein or thereon, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collectors suffering Carriages to pass without weighing.

XXVII. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Turnpike Gate or Gates erected or to be erected on the said Road, or the Collector or Collectors, or Person or Persons appointed to the Care of any Weighing Engine or Engines erected or to be erected in or upon the said Road, shall make or enter into a Bargain, Contract, Composition, or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, or any Compensation or Equivalent in gross or otherwise, is or are paid or to be paid by any Person or Persons for the Charge of Overweight in respect of any Waggon, Wain, Cart, or other Carriage liable to be weighed at any such Engine or Engines, each and every such Lessee or Lessees, and Collector or Collectors, and Person and Persons appointed to the Care of any such Weighing Engine or Engines so bargaining, contracting, and compounding, or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition, or Agreement forfeit and pay any Sum not exceeding Five Pounds for the First Offence, and Ten Pounds for the Second and every subsequent Offence.

Penalty on compounding for Overweight.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or their Surveyor or Surveyors, or such other Persons as the said Trustees shall appoint, to make Footpaths or Causeways along the Side or Sides of the said Road; and that if any Person or Persons whomsoever shall wilfully pull up, injure, or damage any of the Posts, Boards, Milestones, or Tables of Tolls, or wilfully or designedly deface or obliterate any of the Inscriptions, Letters, Figures, or Marks thereon, or shall wilfully break, throw down, or otherwise damage any Lamp, Lamp

Penalty for damaging Milestones, &c. or injuring Causeways or Road, &c.

Post, or Lamp Iron set up or affixed by Order of the said Trustees at or near to any of the said Turnpike Gates, or on any other Parts of the said Road, or shall cause or procure the same to be done; or if any Person or Persons in attempting to evade the Payment of any of the aforesaid Tolls, or on any other Occasion, shall pull up, pull down, displace, or damage any Hedge, Wall, Bank, Ditch, Gate, or Style, or cause the same to be done, or if any Person or Persons shall wilfully pull up, remove, injure, or damage any other Posts, Rails, or Fences now or at any Time hereafter to be placed or put by Order of the said Trustees, or their Surveyor or Surveyors, either by the Side or Sides of the said Road, or at or near to any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes of this Act, in order to prevent Accidents, or to protect and preserve any Hedge or Quickset, or any Part or Parts thereof, which the said Trustees shall or may make or plant for the Purposes of the said recited Acts or this Act, or which by virtue of this Act they are authorized to keep in good Order; or if any Person or Persons shall wilfully root up, cut, destroy, or damage any such Hedge or Quickset, or any Part or Parts thereof, or shall wilfully break, throw down or injure any of the Stones or Parapet Walls on the Sides of any of the Bridges or Arches, or otherwise damage any of the Bridges or Arches now or hereafter to be erected across the said Road; or shall haul or draw or cause to be hauled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Tree or Piece of Timber which shall be conveyed upon wheeled Carriages to drag upon any Part of such Road to the Prejudice thereof; or shall, without being thereto authorized by the Surveyor or Surveyors for the Time being, acting under this Act, shovel up, scrape, gather, or carry away any Stones, Gravel, Sand, or other Materials, Slush, Dirt, Mire, Drift, or Soil from off any Footway or Causeway, being Part of or adjoining the said Road, or from any other Part of the said Road; or if any Person or Persons shall ride upon or wilfully drive any Waggon, Cart, or other Carriage upon, along, or against any such Footway or Causeway, or any other Way or Ways already made or to be made upon the said Road for the Use of Foot Passengers, or shall wilfully lead or drive any Horse or other Cattle, Sheep, or any Swine, or any Cart or Carriage thereon, or shall wilfully or carelessly cause any Damage to be done to any such Footway or Causeway; or if any Person shall turn loose any Horse, Ass, Beast, or Swine upon the said Road, or suffer any Horse, Ass, Beast, or Swine to be turned loose, or to wander or stray, or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Person or Persons driving any Pigs or Swine upon the said Road, shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedgings, Backings, or Copse on either Side thereof; or if any Person or Persons shall wheel any Hurry, Truck, or Wheelbarrow on any Footway or Causeway adjoining to the said Road; or shall in or upon any Part of the same Road, or by the
Side

Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter; singe, scald, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle, or cause or permit any Blood to run from any Slaughter House, Building, Butcher's Shop, or Shambles into the said Road, or burn, dress, or sweep any Piece or Pieces of Cork, or shall hoop, fire, cleanse, wash, or scald any Cask, or Casks in any Part or Parts of the said Road, or in any exposed Situation near thereto; or shall hew, saw, or cut, or cause to be hewn, sawn, or cut any Stone, Wood, or Timber; or shall shoe, farry, or bleed any Horse, Mule, or Ass (except in case of Accidents) upon any Part of the said Road; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage used for the carrying of Goods and Merchandize, shall ride on the Shafts, or on any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same upon any Part of the said Road; or if any Person on Horseback or driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, or Person on Horseback, shall not keep his Horse or Carriage on his Left or Near Side of the said Road, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever upon the said Road, or within Eighty Feet of the Centre thereof, or play at Foot Ball or any other Game upon any Part or Parts of the said Road, to the Annoyance of any Passenger or Passengers; or if any Higler, Hawker, Pedlar, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Windows to the Front of the said Road, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall carry any Rods or Bars of Iron, Beam of Wood, Basket, Pannier, or other Matter or Thing across the Back of any Horse, Mule, or Ass passing along the said Road, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of each Horse, Mule, or Ass; or if any Person shall leave any Waggon, Wain, Cart, or other such Carriage longer than may be necessary for loading or unloading the same in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case the same shall not during such Time be placed as near to the Side of the said Road as conveniently may be; or if any Person shall, after having blocked or stopped any Waggon, Wain, Cart, or other Carriage in going up a Hill or rising Ground, leave or suffer to be or remain on the said Road, or any Part thereof, the Stone or other Thing with which any such Waggon, Wain, Cart, or Carriage shall have been blocked or stopped; or
if

if the Driver of any Waggon, Wain, or Cart, or other such Carriage shall wilfully or carelessly pull up, break, or damage any Posts or Stones to be erected for the Security of any Footway or Causeway on or adjoining to the said Road, or shall wilfully or carelessly drive the Wheel of any Carriage against the same, or shall lay any Piece of Timber, Packs of Wool, or any Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Filth, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road or on the Side or Sides thereof, or upon the Footpaths or Causeways adjoining to such Road, to the Prejudice, Annoyance, or Interruption of Persons travelling and passing thereon; or shall lay or place on the Walls or Fences of the said Road, or on the Sides of the said Road, for any Purpose whatever, any Wool, Woollen, or Cotton Cloth, Warp or Linen, every such Person shall forfeit and pay (over and above the Damage, if any occasioned) any Sum not exceeding Five Pounds for every such Offence, to be levied, recovered, and applied in the same Manner as other Penalties are by the said recited Acts directed to be levied, recovered, and applied; and such Offenders shall also pay to the said Trustees, or to their Treasurer or Treasurers, such Sum of Money as shall be a full Satisfaction for the Damages so done, which shall be settled or ascertained by the Justice or Justices of the Peace by or before whom such Offender shall be convicted of any of the Offences aforesaid, and shall and may be levied and recovered in like Manner as other Penalties or Forfeitures imposed by the said recited Acts or this Act may be recovered, and shall be applied for the Purposes of this Act.

Cattle straying to be impounded.

XXIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying upon the said Road or any Part thereof, or by the Sides thereof, (except in such Places where the Road goes over a Common, or shall not be fenced in on both Sides), it shall be lawful for the Surveyor of the said Trustees for the Time being, or for any other Person or Persons whomsoever; to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences, shall not be paid within Ten Days after such impounding, it shall be lawful for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

XXX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle, seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Monthis.

Punishment
of Persons
guilty of
Pound
Breach.

XXXI. Provided always, and be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and such Person or Persons as he or they shall appoint, at proper Seasons of the Year, to shear, cut, and reduce to the Height of Five Feet from the Surface of the Ground, as often as Occasion shall require, the Tops and Sides of all the Hedges, Banks, or Fences, standing or growing within Fifteen Feet of the Sides of the said Road, and to fill up Ditches within Fifteen Feet from the Centre of the said Road, without any previous Notice to the Occupiers or Owners of such Hedges, Ditches, Banks, and Fences; and all Charges and Expences attending the same, shall in such Case from Time to Time be paid and defrayed out of the Tolls to be collected by virtue of this Act or the said recited Acts.

For shearing
Hedges.

XXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said recited Acts or this Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing the said recited Acts or this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a

Application
of Compen-
sation Money
when
amounting
to 200*l.*

summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, and used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or 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 said Court of Chancery upon Application thereunto, 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 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, Tenements, or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in manner before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Trustees for executing the said recited Acts and this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money,

Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively. When less than 20l.

XXXV. And be it further enacted, That in case any 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 the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees 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, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, on Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interests of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, 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. Directions in case of not making out Titles.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Respecting disputed Titles.

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

Court of
Chancery
may order
Trustees to
payExpences.

XXXVII. Provided always, 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, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Repealing
Clause for
getting Ma-
terials.

XXXVIII. And be it further enacted, That from and after the passing of this Act so much and such Part or Parts of the said first recited Act as empowers the Surveyor or Surveyors to the said Trustees, or other Persons employed by them, to dig for Gravel and Materials for repairing the said Road, shall be and the same are hereby repealed.

Surveyors to
get Materials.

XXXIX. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Materials proper for making and repairing the said Road in, upon, and out of or from any Commons or Waste Grounds, common Rivers or Brooks in any Parish, Township, or Place in which any Part of the said Road lies, or in any adjoining Parish, Township, or Place to be used in making and repairing of the said Road, without pay-
ing

ing any thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons making Satisfaction as herein-after mentioned, such Surveyor or Person filling up the Pit or Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Stones, Sand, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, Commons, Rivers, or Brooks contiguous to the said Road therewith to be made and repaired, or in case it shall appear right or expedient to the said Trustees so to do, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, by an Order in Writing signed by any Two or more Justices of the Peace, made in manner herein mentioned, may cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the private Lands or Grounds of any Person or Persons where the same may be had or found within any Parish, Township, or Place in which the said Road or any Parts thereof do or shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners and Occupiers of such Lands or Grounds such Damages for cutting, digging, gathering, taking, and carrying away the said Materials, and for carrying the same or the Materials gotten in any Commons or Waste Grounds, common Rivers or Brooks as aforesaid over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees or their 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 or the Value of such Materials, then and in every such Case any Justice of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Twenty-one Days next after such Difference shall arise, (or Fourteen clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear and finally settle and determine the Matter of the said Damages and the Value of such Materials, and the Costs attending the hearing and determining the same.

XL. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Acts and this Act, or any of them, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the Trustees, &c. the same to be levied by Distress of the

[Local.]

36 L

under

Goods of such Trustees or their Treasurer.

under the Authority of the said recited Acts and this Act, or any of them, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Acts and this Act, or any of them, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

XLI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road, or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Surrey*, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners or Occupiers, or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance of such Notice, but shall not show sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, 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 Owner or Occupier had attended; any thing in the said recited Acts or this Act contained to the contrary thereof notwithstanding.

XLII. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby to the Owners and Occupiers of such Lands or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands or Grounds; as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County of *Surrey*, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages.

XLIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the County of *Surrey*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, or into which it leads, 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; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or are or may be directed by any Law or Statute in force and effect for the Repair of the public Highways, and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of
Days

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 Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts or 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, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For com-
pounding for
Statute Work.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part of the same, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes or Places in which the said Road is situated, or into which it leads, for a certain Sum

Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the said Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees in advance on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

XLV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovering whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One Justice of the Peace for the County of *Surrey*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of and previous to 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), paid One Half to the Informer, and the other Half to the said Trustees, or to their Clerk or Treasurer, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where 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.

Penalties how
to be reco-
vered and
applied.

[*Local.*]

36 M

XLVI. And

For securing
transient Of-
fenders.

XLVI. And whereas Offences may be committed against the said recited Acts and this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace for the County near to the Place where the Offence or Offences shall have been committed, and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint.

For paying
the Expences
of this Act.

XLVII. And be it further enacted, That all Charges and Expences of obtaining and passing this Act shall be defrayed out of any Money already collected or received by virtue of the said former Acts, or any or either of them, or out of the first Monies to arise by virtue of the said several former Acts and this Act, in preference to all other Payments whatsoever.

Public Act.

XLVIII. 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.

Term of this
Act.

XLIX. And be it further enacted, That the Term granted and continued by the said several recited Acts shall from and after the passing of this Act cease and determine; and that the said several Acts (subject as herein-before mentioned) and this Act shall from thenceforth continue and be 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1822.