Anno tricesimo

Georgii II. Regis.

An Act for repairing the Road from a Place called *The Golden Farmer*, near *Bagshot*, in the County of *Surry*, to *Hertfordbridge Hill*, in the County of *Southampton*.



WHEREAS the Road leading from Bagshot, in the County of Surry, through Frimley, Yateley, and several other Places in the Counties of Surry, Berks, and Southampton, to Hertfordbridge Hill, where the Basingstoke Turnpike terminates, in the said County of Southampton (being the great Western Road) is very ruinous, and cannot be amended by the ordinary Course of Law: May it therefore please your most Excellent 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 Sir Anthony Thomas Abdy Baronet, Arthur Annesley Esquire, the Right Honourable George Beauclerk, commonly called Lord George Beauclerk; William Baker, Peter Bathurst, James Matchwick Battin, William Beckford, William Belchier, Edmund Brampston, Robert Bristow, Esquires; the Reverend Walter Bigg Clerk, Edward Bayley, William Burt, Thomas Bunch, Sir Nicholas Carey, Sir Talbot Clerk, Sir Monoux Cope, Baronets; John Chute, Ralph Congreve, John Mordaunt Cope, John Cope, Courtney, John Coxe,

Preamble.

Trustees Names.

Coxe, Thomas Cudden, Esquires; the Reverend Richard Cope Clerk, Daniel Chase, John Clarke, James Courtneis, Gentlemen; James Dawkins, Francis Blake Delaval, Thomas Diggle, John Dodd, Esquires; James Dicker Gentleman, Welbore Ellis, Brice Fisher, Henry Foxcraft, James Foxcraft, Esquires; William Gregory Gentleman, Sir Robert Henley Knight, his Majesty's Attorney General; Thomas Hall, Thomas Hall the younger, John Harwood, Peter Hawker, Henry Hawley, Thomas Orby Hunter, Esquires; John Hasker Gentleman, Ralph Jennison, Richard Jorvois, Esquires; the Right Honourable Henry Bilson Legge, Sir Robert Long Baronet, Bryan Limbrey, John Limbrey, Philip Grave Lamport, Esquires; William Lamport, Thomas Lodge, Gentlemen; the Honourable Sir John Mordaunt Knight of the Bath, Colonel Macartney, George Nayres, George Onslow, Esquires; the Honourable Sir Charles Powlett Knight of the Bath, commonly called Marquis of Winchester; the Honourable Henry Powlett, commonly called Lord Henry Powlett; Norton Pawlett, George Pitt, John Pitt, Thomas Pitt, William Pitt, William Augustus Pitt, Esquires; the Reverend Phipps Clerk, Pelsant Reeves, William Russell, Esquires; the Reverend Richard Russel LL. D. John Russell the elder, Gentleman; Goodier Saint John, Henry Saint John, Powlett Saint John, Peter Searle, Hans Stanley, Esquires; the Reverend Ellis Saint John Clerk, Samuel Shipton Gentleman, William Searle, the Right Honourable the Earl Tilney, in the Kingdom of Ireland; Sir Henry Titchburn Baronet, Alexander Thislethwayte, John Toovey, William Trumbull, Esquires; the Reverend Charles Toll, the Reverend Frederick Toll, the Reverend Joseph Trapp, Clerks; Stephen Terry, Sir Charles Vernon Baronet, William Wither, George Woodroffe, Helyar Wadham Wyndham, Thomas Wyndham, Wadham Wyndham, Esquires; and John Woodroffe Gentleman, shall be, and they are hereby appointed Trustees for putting this Act in Execution; and it shall be lawful to and for the said Trustees, and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or cross the said Road, or any Part or Parts thereof; and also a Toll-house or Toll-houses in or upon, or near the same; and shall demand, receive, and take, at every such Gate or Turnpike, the Tolls and Duties following, before any Horse, or other Cattle or Carriage, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses, &c.

and take the following Tolls thereat.

For

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For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Chaise Marine, Car, or Hearse, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling. The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Chaise Marine, Chair, or Hearse, drawn by less than Four Horses, or other Beasts of Draught, the Sum of Six Pence.

For every Waggon, Wain, Cart, Frame, Dray, or other Carriage, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling; and if drawn by Three Horses, or other Beasts of Draught, the Sum of Nine Pence; and if drawn by Two Horses or other Beasts of Draught, the Sum of Six Pence; and if drawn by One Horse, or other Beast of Draught, the Sum of Three Pence.

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

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

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so to be raised and collected, is and shall be hereby vested in the said Trustees for the time being; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses and Purposes, and in such Manner, as is herein after-mentioned (the reasonable Charges expended, or to be expended, in or about, or by reason of passing this Act of Parliament, being first deducted and paid) and it shall be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall under their Hands and Seals, from time to time, appoint to demand and take the Tolls or Duties hereby required to be paid, and to levy the same upon any such Person or Persons who shall, after Demand thereof made, neglect or refuse to pay the same, as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Carriage or Goods upon which any Toll or Duty is by this Act imposed, or by Distress of any other of the Goods and Chattles

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Chattles of such Person or Persons who ought to pay the same; and to detain and keep the same, until such Tolls or Duties, with the reasonable Charges of such Distress, detaining and keeping the same, shall be fully paid and satisfied; and after the Space of Four Days, such Person or Persons so distraining (in case such Tolls, with the reasonable Charges incident to such Distress as aforesaid, shall remain unpaid or unsatisfied) shall and lawfully may sell the said Cattle, Carriage, or Goods, so distrained, for Payment thereof; returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 4 Days.

Provided always, That in case there shall be more than One Gate or Turnpike erected cross or on the Sides of the said Road, hereby intended to be repaired and amended, as aforesaid, no Person or Persons having paid the said Toll or Duty at the First Gate or Turnpike through which such Person or Persons shall have passed, and producing a Note or Ticket taken at such Gate, that such Toll or Duty was paid (which Note or Ticket the Receiver and Receivers, Collector and Collectors, is and are hereby required to give gratis) shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes upon the said Road, such Person or Persons producing and delivering the said Note or Ticket to the Receiver or Receivers, Collector or Collectors of the said Toll or Duty at the latter Gate or Turnpike the same Day; and that no Person or Persons having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day before Twelve of the Clock at Night, with the same Horse, Ass, Mule, or other Cattle, or the same Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Chair, Car, Calash, Caravan, Hearse, Waggon, Wain, Frame, Dray, Cart, or other Carriage, shall be liable or compelled the same Day to pay the said Toll or Duty more than once.

Tolls to be paid but once a Day.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or if any Person or Persons shall, with any Horse, Mare, Gelding,

Penalty on Persons permitting, or going through, private Passage, &c.

ing,

ing, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to or lying near any or either of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any or either of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, to go or pass through the same Ground, Land, or Hereditaments; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Car, Chaise Marine, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace of and for the County or Place where the said Offence or Offences shall be committed (which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied towards amending the said Road.

or taking off Horses, &c.

to avoid Payment of the Tolls.

And be it enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter, as often and for such Times as they shall think proper, to lessen all or any, or either of the Tolls and Duties by this Act made payable at any Turnpike or Toll-bar; and so again, as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any

Trustees, with Consent of the Creditors, may lessen the Tolls, and raise them again, if necessary.

or

or either of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

20 Days Notice to be given of Trustees Meeting.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last-mentioned.

No Toll on Election Days.

Provided also, and it is hereby enacted, That no Toll shall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Car, Caravan, or Passenger on Horseback, going to, or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Surrey, Berks, or Southampton, on the Day or Days of such Election.

Property of the Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be, and are hereby vested in the Trustees appointed or to be appointed, by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper; and to bring or cause any Actions to be brought in the Names of any Five or more of them, or in the Name or Names of their Clerk or Treasurer for the time being; or to prefer, or cause Bills of Indictment to be preferred against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part thereof.

Trustees to appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may and are hereby authorized and impowered to chuse a Clerk or Clerks, Treasurer or Treasurers, and appoint a Collector or Collectors of the Tolls or Duties aforesaid; and also a Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same be repaired; and such other Officers as they, or any Nine or more of them, shall think necessary for the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion; and to appoint new ones on their Death or Removal: And all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall upon Oath, when thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby

On Death or Removal, others to be chosen.

Officers to account upon Oath.

by

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by impowered to administer, and for administering of which Oath no Fee shall be taken) on the First Tuesday in every Month, or oftener, if the said Trustees, or any Five or more of them, shall so require, give in a true, exact, and perfect Account, in Writing, to the said Trustees, or any Five or more of them, of all Monies which such Persons shall to such Time respectively have received by virtue of this Act, and how, and to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments: And in case any Money so received, shall remain in their respective 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, or any Five or more of them, shall impower to receive the same; and shall be laid out and disposed of according to the true Intent and Meaning of this Act; and the said Trustees, or any Five or more of them, to whom such Account shall be given, may and shall out of the said Tolls or Duties make such Allowance to the said Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Persons as shall be assisting to them, or any or either of them, in or about repairing or widening the said Road, or any Part thereof, as to the said Trustees, or any Five or more of them, shall seem reasonable; and in case such Collectors, Receivers, Clerks, Treasurers, or other Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof on Oath, when required so to do, then and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace, for any Division in which any Part of the said Road doth lie, shall make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers,

Officers not making Account and Payment,

Justices upon Complaint to enquire into the Default,

and commit the Offender.

ers, or other Officer or Officers to be by them appointed to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting are hereby impowered to make.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he, or any Five or more of the said Trustees shall appoint, to dig, gather, take, and carry away, or cause to be digged, gathered, taken, or carried away, any Gravel, Furze, Heath, Sand, Stones, Chalk, Flint, or other Materials, for repairing the said Road, out of any River, Brook, waste or common Grounds, in any Parish, Town, Village, or Hamlet, wherein or near which the said Road doth lie, without paying any thing for such Materials.

without paying any thing for the same.

Surveyors, by Order of the Trustees, may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant, or Order from and under the Hands of the said Trustees, or any Five or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways in, or along the Side or Sides of any Part or Parts of the said Road; and shall and may erect or build, or cause to be erected or built, any Bridges, or Arches of Stone, Brick, or Timber, upon, in, or across the said Road, or any Part thereof; and may and shall make, raise, or erect, any Mounds or Banks; or dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Road, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary, making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they may thereby sustain, as to the said Trustees, or any Five or more of them, shall seem meet.

and erect Bridges, &c.

and cut Drains, &c.

Surveyors may remove Annoyances.

And be it further enacted by the Authority aforesaid, That it may and shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and carry away all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, cross, or out of, the said Roads, to the Prejudice thereof;

thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper or necessary; and to make any new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Plantation, or Nursery for Trees; and to grub up or cut down, lop, or shroud, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, shroud, and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof shall be settled by the said Trustees, or any Five or more of them, and reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to grub up, cut down, lop, shroud, and carry away such Trees or Bushes, or to remove such other Annoyances as aforesaid; such Charges to be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures by this Act imposed are herein after directed to be recovered, levied, and disposed of: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted on Oath, shall, for every such Offence, forfeit unto the said Trustees the Sum of Twenty Shillings, to be disposed of and applied in repairing the said Road.

cleanse Ditches, &c.

and make new Drains;

Owners neglecting to remove Annoyances, &c. after Notice given them;

Surveyors to be reimbursed the Charges.

And be it further enacted, That in case the said Trustees, or any Nine or more of them, shall think proper to widen, turn, or alter any Part or Parts of the said Road, the said Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to contract and agree with any Owners, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Road, for the Purchase thereof, or for the Loss or Damage they may sustain by such widening, turning, or altering of any Part of such Road; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage as aforesaid, such Sum or Sums of Money

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

Money as shall be agreed upon between such Owners, Occupiers, or Persons interested as aforesaid, and the said Trustees, or any Nine or more of them, and also the Costs and Charges attending such Agreement and Purchase: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all other Persons whatsoever, to contract and agree with such Trustees for such Purchase or Recompence as aforesaid; and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick or Corporate, &c. impowered to sell Lands to be taken into the Road.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for as aforesaid, shall be, and is and are hereby, charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act; and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents; and, in case of Refusal to accept the same; then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into, and add to, the said Road, such Grounds, Lands, or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit: And after the Purchase of the said Lands, Grounds, or Hereditaments, and Tender of Payment, as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into, and made and deemed, and be from thenceforth Part of the said Road for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road so widened, turned, or altered, was or ought to have been repaired, and kept in Repair; and the Lands and Grounds comprized in, or constituting the former Road, and which shall

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

Lands, &c. purchased to be made Part of the Road, and esteemed as publick Highways.

no

no longer be necessary to be used as such, shall be vested in and sold by the Trustees, or any Seven or more of them, for the best Price that can be got for the same; and the Money arising thereby shall be applied for the repairing of the said Road; and the Sale and Conveyance of such Lands, Grounds, or Hereditaments, being executed by any Seven or more of the Trustees, and inrolled with the Clerk of the Peace for the County wherein such Lands, Grounds, or Hereditaments, shall respectively lie, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road may be sold.

And forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted, will not be sufficient for the speedy amending of the Road hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof by and out of the Monies arising, or to be collected by the said Tolls or Duties, with such Interest for the same as the said Trustees, or any Nine or more of them, shall think fit, and agree to give; which said Money so borrowed, shall, after paying the Expences of obtaining this present Act, be applied and disposed of as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons, to whom such Assignments shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the original Assignment and Assignments so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose by the said Clerk or Clerks,

Tolls may be assigned for Money borrowed.

All Creditors deemed as such in an equal Degree.

Assignments to be entered in a Book.

Treasurer or Treasurers; which said Book shall and may be perused at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls, after their First Meeting, unless Twenty Days Notice be previously given thereof, by Writing under the Hand of the Clerk to the said Trustees, and be, by Order of the said Trustees, or any Seven or more of them, affixed upon all the Turnpikes erected by virtue of this Act.

20 Days Notice to be given of borrowing Money.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, or any Nine or more of them, or who shall be intitled to the Money thereby secured, may, and are hereby impowered, from time to time, by Words of Assignment, to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again.

Assignments may be transferred, and the Manner of doing so.

Provided always, and be it enacted by the Authority aforesaid, That no Tolls or Duties shall be demanded or taken, at any Turnpike erected by virtue of this Act, for any Waggon, Wain, Cart, Dray, or other Carriage, laden with, or for any Horse, Ox, Mule, Ass, or other Beast, drawing or carrying any Materials for repairing any Road or Highway; or any Dung, Mould, Soil, Marl, Chalk, Lime, or Compost, for manuring any Land or Grounds; or any Grass, Hay, Saintfoin, Fodder, Straw, Corn in the Straw; or Wood, Heath, Furze, or Peat, for Fuel, to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides, of the Owners thereof; or any Ploughs, Harrows, or other Implements of Husbandry, to be used for the tilling or stocking of Land; nor for any Horse or Horses, or other Cattle, going to or from Water, Pasture, Plough, or other Tillage or Work in Husbandry; or any Post Horse or Vehicle carrying the Mail or Packet; or the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to, and passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes.

Persons and Things exempted from Tolls.

Provided

Provided also, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings, to be recovered and applied in Manner herein after directed. Penalty on Persons making illegal Claims, not being intitled thereto.

Provided also, and it is hereby enacted, That all Persons who by Law are obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Road by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, or Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work, in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law, and ought to do. Persons chargeable to the Highways, to continue so. Persons renting 50 *l. per Ann.* to be deemed Team-holders.

And be it enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways for the respective Townships, Parishes, or Hamlets, wherein any Part of the said Road doth lie, and in case no Surveyor or Surveyors is or are appointed for such Townships, Parishes, or Hamlets, then the Churchwardens or Overseers of the Poor of such Townships, Parishes, or Hamlets, shall, and are hereby required, at the First Meeting of the said Trustees, after the Twenty fifth Day of March, in every Year, during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees, true and perfect Lists in Writing, before such Trustees, or any Five or more of them upon Oath (which Oath they are hereby impowered to administer) of the Names of the several Persons, who, within each Township, Parish, or Hamlet, respectively, are obliged by this Act, or by any other Law, to do their Statute-work for that Parish Surveyors, &c. to deliver in Lists of Persons liable to perform Statute-work

that Year, with Teams and Draughts, or otherwise; and also the Number of Days Work which each Person ought to perform on the Highways within their several Townships, Parishes, or Hamlets, respectively, Part of which said Statute-work, not exceeding Three Days for each Person, shall be done at such Times, and in such Manner, and in such Part of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time, direct and appoint: And if any such Person as aforesaid, shall neglect or refuse to do such Statute-work, every such Person shall, for every such Neglect or Default, forfeit and pay the several Sums herein after mentioned; that is to say, Every such Inhabitant, or Person who shall keep, or shall by virtue of this Act be deemed to keep a Team, the Sum of Ten Shillings; and every other Inhabitant not keeping, or not deemed by this Act to keep a Team, the Sum of One Shilling and Six Pence for each Day's Default: And in case any of the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor, shall refuse or neglect to deliver in true and perfect Lists, as aforesaid, then every such Surveyor, Chuchwarden, and Overseer, shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Penalty on Persons not performing Statute-work;

and on Surveyors, &c. neglecting to deliver in such Lists.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes (by and with the Consent of the Inhabitants of such Parishes first had at a Vestry, or other publick Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the Trustees, or any Seven or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Parishes, upon any Part of the said Road: And if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways: And in case such Composition-money shall not be paid to the said Trustees, or any Seven or more of them, or to such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace, within their respective Counties (upon Oath made before him or them of such Default) and he and they is and are hereby required

Surveyors, with Consent of Inhabitants, may compound with Trustees for Statute-work.

Surveyors, &c. paying the Composition-money to be reimbursed.

Composition-money how to be recovered.

quired to issue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering such Persons so by the said Trustees, or any Seven or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways, for the time being, of the said Parish or Parishes respectively; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be by the said Trustees, or any Seven or more of them, applied towards amending the said Road, and to no other Use or Purpose whatsoever.

Surveyors may appeal to Quarter Sessions to determine Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Road directed by this Act to be repaired, doth lie, shall think the said Trustees, or the Surveyor or Surveyors by them authorized, have directed or appointed too large a Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, to be done on the said Road, it shall be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Sessions of the Peace next after such Direction or Appointment, to be held for the County wherein such Highway lies; and the Justices in their respective Quarter Sessions are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the Road by this Act directed to be repaired; such Surveyor or Surveyors of the Highways, as aforesaid, having first given Twenty Days Notice in Writing of such Appeal to the Surveyor or Surveyors authorized by the said Trustees, as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered to compound or agree with any Person or Persons usually travelling the said Road (except Persons carrying Goods for Hire) for any Sum or Sums of Money, to be paid annually, or otherwise, in lieu of the said Tolls or Duties granted by this Act.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall direct, and they are hereby required to cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any

Penalty on breaking or defacing Mile-stones.

Person shall wilfully and maliciously break, pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person so offending, shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new Ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Road directed to be repaired by this Act: And in case such Offender shall have no Goods or Chattles, then it shall be lawful for the said Trustees, or any

For want of Distress Offender to be committed.

Five or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the House of Correction of the County or Place where the Offence shall be committed, for the Space of One Calender Month, or until he or they shall have paid the said Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the County where the Offence shall be committed; which Warrants the said Justices are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charge of such Distress and Sale being first deducted, shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, and

shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Road.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any Act, Order, or Judgement, done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him or her to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the County where the Cause of Complaint shall arise, he, she, or they, causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices so assembled, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Notice of Appeal to be given.

Proceedings not to be quashed for want of Form;

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the said Justices, to be had touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form; or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ, shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds, to the Person or Persons in whose Favour such Conviction, Judgement, or Order, shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be, or be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

nor removeable by *Certiorari*,

until Security given to prosecute.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance from the First Day of June, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years; and from thence to the End of the then next Session of Parliament.

And

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so deceased, or refusing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee shall be fixed at all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving Trustees; and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

14 Days Notice to be given of the Meeting for such Election.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Seven or more of them, shall meet together at the House known by the Sign of the Red Lion in Bagshot aforesaid, upon the Second Tuesday in June, in the Year of our Lord One thousand seven hundred and fifty seven, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place near the said Road, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn themselves, the Clerk to the said Trustees shall by publick Notice in Writing to be affixed at or on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks, from the Day on which such Meeting was appointed to be held; and that the said Trustees shall at all their Meetings defray their own Charges and Expences.

Notice to be given of future Meetings.

Trustees to bear their own Expences.

Qualification of Trustees.

Provided always, and be it enacted, That no Person shall be deemed qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in 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, above Reprizes; or is possessed of, or intitled to, a Personal Estate alone, or

Real

Real and Personal Estate together, to the Amount or Value of One thousand Pounds; and unless he shall also take and subscribe the Oath following, before any Five or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of this Act; which Oath shall be in the Words following; that is to say,

Trustees to take the Oath following before they act.

I *A. B.* do swear, That I am truly and *bona fide* in my own Right, or in Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, after all my Debts are paid.

So help me God.

The Oath.

And if any Person hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Road.

Penalty on Persons acting, if not duly qualified.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit.

Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; and that no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, shall be capable of holding or enjoying any Office or Place of Trust or Profit under this Act.

No Trustee to accept of any Place of Profit arising from the Tolls.

No Victualler, &c. to accept of a Place of Profit.

Provided also, and be it further enacted by the Authority aforesaid, That such of the said Trustees as are or

Trustees, who are in Commission of the Peace, may act as Justices.

shall be in the Commission of the Peace for the said Counties of Surrey, Berks, or Southampton, may and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Proceedings to be enter'd in Books.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

No Order to be repealed, unless 9 Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Nine Trustees shall be then present.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done in pursuance of this Act, the same shall be commenced within Three Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried, within the County where the Cause of Suit shall have arisen, and not elsewhere; and the Defendant or Defendants in

General Issue.

such Action or Suit may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be so brought

was done in Pursuance and by the Authority of this Act; and if it shall appear so to be done; or if any such Action or Suit shall be commenced after the Time before limited for bringing the same; or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the said Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

FINIS.