ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XLII.

An Act for amending, lighting, and watching, the Highways or Roads within the Town, Village, or Chapelry, of *Petersham*, in the County of *Surrey*.

WHEREAS the Highways or Roads within the Town and Village, or Chapelry, of Petersham, in the County of Surrey, are in a ruinous Condition, and incommodious to Passengers, and it would be of great Benefit and Convenience to the Inhabitants of the said Town, Village, or Chapelry, and to all other Persons having Occasion to make Use of the said Roads, if some more effectual Means were provided for amending and keeping the said Highways or Roads in good Repair; and if proper Provision was made for lighting the same; and for establishing a regular Nightly Watch for the Protection of the Inhabitants: And whereas the Inhabitants and Owners of Estates within the said Town, Village, or Chapelry, are willing and desirous that a Rate should be raised upon Preamble.

themſelves, to defray the Charge of amending, lighting, and watching, the ſaid Roads; but the ſame cannot be made, and the ſeveral good Purpoſes aforeſaid effected, without the Aid of Parliament; 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 Right Honourable Stanhope, commonly called Lord Peterſham; the Right Honourable Graham, commonly called Lord Graham, Sir James Cockburn Baronet, John Crank, William Crank, Joſeph Davis, William Ducket, Robert Goſling, Thomas Hotchkin, Richard Halliday, George Long, Stephen Long, Brice Lambert, William Newark, Ord, Sir Joſhua Reynolds, Joſhua Rowley, the Honourable Charles Townſhend, the Honourable William Townſhend, all ſuch Juſtices of the Peace for the County of Surrey for the Time being as reſide within the ſaid Town and Village, or Chapelry, of Peterſham, and the Miniſter and Chapelwarden of the ſaid Town and Village, or Chapelry, of Peterſham, for the Time being; ſhall be, and they are hereby appointed Truſtees for amending and keeping the ſaid Highways and Roads in Repair, and for cauſing the ſaid Roads to be lighted and watched in the Night-time, and for putting this Act, and the ſeveral Powers and Authorities herein-after contained, into Execution: And when any of the ſaid Truſtees herein named, or hereafter to be elected, ſhall die, reſign, or refuſe to act, or ſhall remove from the ſaid Town, Village, or Chapelry, of Peterſham, or ſhall be diſqualified to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, at any of their Meetings, in either of the ſaid Caſes, from Time to Time, to elect and appoint One other fit Perſon reſiding in the ſaid Town, Village, or Chapelry, to be a Truſtee, in the Stead of every ſuch Truſtee ſo deceaſed, reſigning, refuſing to act, removing, or being diſqualified, as aforeſaid; and every ſuch Perſon ſo from Time to Time elected and appointed, ſhall be joined with the ſurviving or remaining Truſtees, and is hereby

Truſtees Names.

Election of new Truſtees.

hereby impowered to act to all Intents and Purposes, in as full and ample Manner as if such Person had been particularly named and appointed in this Act.

And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorised and impowered to meet at the Plough and Harrow in Petersham, on the Second Monday next after the passing of this Act, and shall proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves, and meet there, or at such Place or Places within the said Town, Village, or Chapelry, of Petersham, as the said Trustees, or any Five or more of them, shall think most convenient, as often as it shall be necessary for putting this Act in Execution.

Qualifications of Trustees.

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein he shall be seized, in his own Right, or in the Right of his Wife, and be in the actual Possession, or Receipt of Rents and Profits of a real Estate in Law or Equity, of the clear yearly Value of Five Pounds above Reprizes; or unless such Person shall rent or occupy Lands, Tenements, and Hereditaments, within the said Town, Village, or Chapelry, of the yearly Value of Sixteen Pounds: And if any Person or Persons hereby made incapable to act, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; to be recovered in any of his Majesty's Courts of Record at Westminster; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Plaintiffs in such Action, than that such Person hath acted as a Trustee in the Execution of this Act; and the Money to be recovered in such Action, shall, after Payment of the extra Costs and Expences attending such Action, be applied to the Purposes of this Act.

Penalty of acting not being qualified.

Trustees may appoint Officers.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, from Time to Time, (if

they shall think fit) appoint a Clerk, who shall enter all their Proceedings in a Book or Books to be kept for that Purpose, and shall and may also, from Time to Time, appoint such Collector or Collectors, and such other Officer or Officers, as they shall think proper to employ in the Execution of this Act; and shall and may, from Time to Time, make such Allowances to all such Clerks, Collectors, and other Officers, for their Trouble and Attendances in the Execution of this Act, as the said Trustees, or any Five or more of them, shall, at any of their General Meetings, from Time to Time, think fit; and shall and may also (if they think fit) appoint a Treasurer for the Receipt of the Money to be raised and collected by the said Rates or Assessments to be made by virtue of this Act; and every such Treasurer so to be appointed, is hereby directed and required to account, at the End of every Three Months, (or oftener, if required) to the said Trustees, or any Five or more of them, for all Monies by him received and disbursed by virtue of this Act, and to pay such Money as upon the said Account shall appear to be remaining in his Hands to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, to be applied to and for the several and respective Uses and Purposes for which the same was levied and raised.

Treasurer to account every three Months.

Provided always, That the said Trustees shall take such Security from their Treasurer and other Officers as they, or any Five or more of them, shall think fit; but no Salary or Allowance whatsoever shall be made to any Treasurer, upon any Account or Pretence whatsoever: And that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of holding the Place of Clerk, or any Place or Office under this Act.

Treasurer to give Security.

Victualler, &c. disqualified from holding any Place of Profit.

And, in order that a sufficient Sum of Money may from Time to Time be raised for the Purposes of this Act, be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and are hereby authorised and required to meet in the Vestry Room of the said Town, Village, or Chapelry, or in some convenient Place near the said Roads, upon the Third Monday after the passing of this Act, and shall

Trustees may make Rates.

also

also meet annually upon the First Monday next after the Feast of Saint John the Baptist, or within Seven Days afterwards, at such Time and Place near the said Roads as they, or any Five or more of them, shall think fit. Notice of the Time and Place of every such annual Meeting being first given in the Chapel of Petersham on the Sunday next before every such Meeting; and the said Trustees, or any Five or more of them, shall, and are hereby authorised and required, at their First Meeting, to be held as aforesaid, and also at all subsequent annual Meetings which shall be held in pursuance of this Act, to make a Pound Rate to be equally assessed for the amending, watching, lighting, and keeping in Repair the said Roads, and for defraying all the Charges and Expences attending the Execution of this Act, upon all and every Person or Persons who do and shall inhabit, hold, use, occupy, or enjoy, any House, Shop, Warehouse, or other Building, Land, Tenement, or Hereditament, within the said Town, Village, or Chapelry, of Petersham, or on any other Person or Persons who by Law is or are chargeable and assessable for and towards the Relief of the Poor, (except as herein-after is excepted), for such Sum and Sums of Money as the said Trustees, or any Five or more of them, assembled at their First Meeting, or at any of their annual Meetings, shall order, direct, and appoint; and the said Rates or Assessments shall be paid Quarterly, and shall be signed by any Five of the said Trustees.

Rates not to exceed 1 s. 6 d. in the Pound.

Provided always, That no Rate or Assessment directed to be made, as aforesaid, shall exceed in the Whole the Sum of One Shilling and Sixpence in the Pound, in any One Year, of the yearly Rent of such Houses, Shops, Warehouses, or other Buildings, Lands, Tenements, or Hereditaments, as aforesaid.

Persons exempted from Rates.

Provided also, That all Persons who occupy Tenements under the yearly Value of Six Pounds, and who subsist only by their manual Labour, and do not keep an open Shop for the Sale of Goods, Wares, and Merchandises, shall be freed and exempted from the Payment of the said Rates, or any Part thereof; any Thing contained in this Act to the Contrary notwithstanding.

And

Overseers of the Poor may be Collectors.

And be it further enacted, That the Overseers of the Poor of the said Town, Village, or Chapelry, for the Time being, or such other Person or Persons as the said Trustees, or any Five or more of them, shall, by Writing under their Hands and Seals, appoint for that Purpose, shall be, and they are hereby appointed Collectors of the said Rates or Assessments to be raised and levied by virtue of this Act; and the said Collector or Collectors is and are hereby authorised, impowered, and required, to collect and levy the same accordingly: And, for the better enabling such Collector or Collectors to collect the said Rates or Assessments, it shall and may be lawful to and for the said Collector or Collectors to execute all such Warrants of Distress as shall be granted, from Time Time, by any Justice of the Peace of the said County of Surrey, against any Person or Persons neglecting or refusing to pay the said Rates or Assessments, in the same same Manner, and as effectually to all Intents and Purposes, as Overseers of the Poor, by any Law or Laws now in being can or may execute Warrants of Distress granted by Justices of the Peace.

For enabling Collectors to levy Rates.

Collectors to account.

And be it further enacted, That the said Collector or Collectors, and each of them, shall, and be and they is and are hereby required to make up and render to the said Trustees, or any Five or more of them, at some publick Meeting to be held in pursuance of this Act, as often as thereunto required by the said Trustees, or any Five or more of them, a full, true, and perfect Account, in Writing, of all Monies collected and received by him or them by virtue of this Act, and of all Monies rated or assessed and not received; and to pay over the Monies so by him or them collected and received, and remaining in his or their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, present at any such publick Meeting, shall, by Writing under their Hands, appoint to receive the same, to be applied for repairing, lighting, and watching the said Roads, and the several other Purposes of this Act, according to the true Intent and Meaning hereof: And if the said Collector or Collectors shall refuse or neglect to give in a just Account, as aforesaid, or to pay the Monies remain-

Penalty on Collectors refusing to account.

ing in his or their Hands, in Manner as aforesaid, he and they shall be subject and liable to such and the like Punishment as Overseers of the Poor are for Offences of the like Sort subject and liable to.

And be it further enacted, That in case any Person or Persons so rated or assessed, or charged or chargeable, and made liable, as aforesaid, shall refuse or neglect to pay any such Rate or Assessment to the Collector or Collectors, for the Space of Three Days after personal Demand thereof made, or Demand in Writing left at the last or usual Place of Abode of such Person or Persons, it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting for the said County of Surrey, upon Oath, (which Oath he and they is and are hereby impowered and required to administer without Fee or Reward), on such Demand and Nonpayment, by Warrant under his or their Hand and Seal, or Hands and Seals, (which he and they is and are hereby impowered and required to grant), to authorise and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of every such Person and Persons so in Arrear, and neglecting or refusing to pay, as aforesaid, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels on Demand thereof being made by such Owner or Owners. How Rates are to be levied.

And, for the more effectual levying the Money rated and assessed for the several Purposes of this Act, be it further enacted by the Authority aforesaid, That the Goods and Chattels of any Person rated or assessed as aforesaid, and neglecting or refusing to pay the same, shall and may be distrained in Manner aforesaid, not only in the said Town, Village, or Chapelry, where such Rate or Assessment was made, but in any other Place in the County of Surrey, and if sufficient Distress cannot be found within the same County, then, upon Oath thereof made before any One or more Justice or Justices of the Peace of any other County, City, Liberty, or Place, (which Oath shall be certified Distress may be followed.

under the Hand of the said Justice or Justices on the Warrant made for such Distress), the Goods and Chattels of the said Person so refusing or neglecting to pay shall be subject and liable to such Distress in such other County, City, Liberty, or Place, where the same shall be found, and may, by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within the said Town, Village, or Chapelry, of Petersham.

Collectors embezzling any of the Rates, how to be recovered.

And be it further enacted, That in case any Collector of the said Rates and Assessments shall embezzle, detain, or misapply any Sum or Sums of Money, which shall be so collected by him, so that the same cannot be recovered from him, or shall die possessed of any Sum or Sums of Money by him collected by virtue of this Act, and which shall not be paid or recovered from his Executors or Administrators for the Space of Forty Days after his Death; then, and every such Case, all such Sums of Money shall be raised by a new Rate or Assessment, to be made for that Purpose, on the Inhabitants of the said Town, Village, or Chapelry, and shall be collected and levied in such Manner, and under such Penalties, as are herein-before provided for the collecting and levying the Rates and Assessments which shall be made in pursuance of this Act; any Thing in this Act contained to the Contrary hereof notwithstanding.

Trustees may borrow Money not exceeding 1500*l.* &c.

And, in order that a sufficient Sum of Money may be forthwith raised, to defray the Expences of repairing, lighting, and watching the said Roads, be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time, to borrow any Sum or Sums of Money for the Purposes of this Act, not exceeding in the Whole the Sum of One thousand five hundred Pounds, at Interest, not exceeding Five Pounds per Centum per Annum; and to assign over by Writing, signed by any Five or more of the said Trustees, all or any Part of the said Rates or Assessments, as a Security for the Repayment of the Principal and Interest of the Money so to be borrowed; and all such

such Securities may, from Time to Time, be assigned and transferred by Indorsement, or otherwise, without Stamps; and such Assignments and Transfers shall intitle the Person to whom the same shall be made, to all Principal and Interest Money due and to grow due upon such Securities.

Form of Securities.

And be it further enacted, That all Securities for any Money to be borrowed, as aforesaid, shall be in the following Words, or Words to the following Effect:

BY virtue of an Act, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "for "amending, lighting, and watching the Highways or Roads "within the Town, Village, or Chapelry, of *Petersham*, in "the County of *Surrey*," We or more of the Trustees, do assign to *A. B.* his Executors, Administrators, and Assigns, in Consideration of the Sum of from this Day of in the Year of our Lord until the said Sum of with Interest, at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Rates or Assessments to be rated or assessed by virtue of the said Act, between and as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

Securities to be entered in Books.

And Copies of all such Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed after such First Meeting, unless Notice for that Purpose be given in Writing, to be affixed upon the Chapel Door of the said Town, Village, or Chapelry, at least Fourteen Days before the borrowing thereof: And all and every Person and Persons to whom any such Security or Securities shall be made, as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, assign or transfer his, her, or their Right, Title, Interest, or Benefit, of the Principal and Interest thereby secured, to any Per-

Securities may be assigned.

ſon or Perſons whomſoever, by proper Words of Aſſignment to be indorſed on the Back of ſuch Security, in the Preſence of One credible Witneſs; which Tranſfer or Aſſignment ſhall be in the following Words, or Words to the like Effect:

Form of Aſſignment.

I DO tranſer this Aſſignment, with all my Right and Title to the Principal and Intereſt thereby ſecured, unto his Executors, Adminiſtrators, and Aſſigns: In Witneſs whereof, I have hereunto ſet my Hand and Seal, this Day of

Witneſs *C. I.* *A. H.*

Aſſignments to be entered by the Clerk.

Which ſaid Tranſfer or Aſſignment ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Tranſfer, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books to be kept for that Purpoſe, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, and not till then, ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may, in like Manner, aſſign again, and ſo toties quoties; and it ſhall not be in the Power of the Perſon or Perſons making ſuch Aſſignment to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof; and all and every Perſon and Perſons to whom any ſuch Security or Securities ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on ſuch Rates or Aſſeſſments, in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing ſuch Monies, or the Dates of ſuch Aſſignments.

Creditors to be deemed equal in Degree.

And be it further enacted, That all and every the Sum and Sums of Money, so to be advanced and lent, and the Interest thereof, shall be, and they are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising from the Rates and Assessments to be rated and assessed by virtue and for the Purposes of this Act; and all Persons, who shall be so possessed of such Securities, shall be Creditors in equal Degree, without Preference in respect of the Priority of his, her, or their advancing the Money thereon. Money borrowed to be charged on the Rates.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, from Time to Time, cause the said Highways and Roads to be lighted, for such Time and Times, and in such Manner, and by such Ways and Means, as they, or any Five or more of them, shall judge proper and convenient; and shall and may also appoint such Number of able-bodied Men, to be employed as Watchmen in the Night-time, for the Safety of Persons travelling the said Roads, to attend from Time to Time, and at such Times and Places, and to perform such Duty, as the said Trustees, or any Five or more of them, shall order, direct, and appoint; and shall and may remove all such Watchmen, from Time to Time, as they shall see Cause, and appoint others in the Room of such of them as shall be so removed; and shall and may apply so much of the said Rates or Assessments, or of the Money to be borrowed or raised on the Credit thereof, as shall be necessary for the several Purposes aforesaid. Roads to be lighted and watched.

And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or damage, any of the Lamps that shall be set up for lighting the said Highways and Roads, or shall wilfully extinguish the Light or Lights within the same, or damage the Irons, or other Furniture thereof, or shall pull up, break down, carry away, injure, or damage any Posts, Rails, or other Fences, already erected or set up, or which may hereafter be erected or set up, for the fencing any Pit or other Place, either within the said Town, Village, or Chapelry, of Petersham, or in any other Place or Places How Persons wilfully breaking Lamps, &c. may be prosecuted.

where by this Act the Trustees are impowered to take Gravel, or other Materials, for repairing any of the Roads aforesaid, or for any other Purpose, it shall and may be lawful to and for any Person or Persons whomsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of Surrey; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced, to give Information touching such Offence, which Oath the said Justice is hereby authorised and required to administer; and if the Party or Parties accused shall be convicted of all or any of the Offences aforesaid, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall forfeit and pay for every such Offence to the Trustees, for the Time being, the Sum of Twenty Shillings, and moreover, shall make Satisfaction to the said Trustees, or to such Persons as they, or any Five or more of them, shall appoint to receive the same, for the Damage so by him, her, or them done, as aforesaid; and in case such Offender or Offenders shall not, upon Conviction, pay such Forfeiture, and make such Satisfaction, as aforesaid, such Justice is hereby required to commit him, her, or them, to the Bridewell for the said County, situate in the Town of Kingston upon Thames, in the County of Surrey, there to be kept to hard Labour, for any Space of Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall have been so committed, unless such Penalty, or Forfeiture, and Satisfaction, shall be sooner paid and given.

Penalty on Persons accidentaly breaking Lamps.

And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage, any of the said Lamps so to be set

up as aforesaid, or the Irons, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto; then, and in every such Case, it shall and may be lawful for any One Justice of the Peace for the said County of Surrey, upon Complaint made to him by One or more credible Person or Persons, to summon before him the Person or Persons, who shall be complained of for doing such Damage as last-mentioned; and upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Party or Parties so complained of and summoned, to award such Sum or Sums of Money, by way of Satisfaction for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal of the Party or Parties to pay such Sum or Sums of Money so awarded within Three Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his, her, or their Goods and Chattels, the Surplus, (if any), arising by such Distress and Sale to be paid to him, her, or them.

Trustees may contract for repairing and lighting the Roads.

And, for the better carrying the Purposes of this Act into Execution, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorised and impowered, from Time to Time, if they think fit, to contract with any fit Person or Persons for repairing and lighting the said Roads, and for keeping the same in Repair; all which Contracts shall specify the Works to be done, and the Prices to be paid for the same, and the Time and Times when such Works shall be compleated, and the Penalties to be suffered in case of Non-performance thereof; and the same shall be signed by the said Trustees, or any Five or more of them, and by the Person or Persons contracting to perform such Works; and the said Trustees, or any Five or more of them, are hereby authorised and impowered to pay such Sum or Sums of Money for such respective Works as they shall so contract and agree for out of any of the Rates

or

or Assessments which shall be made, raised, or collected for that Purpose, by virtue of this Act.

Trustees impowered to enforce Contracts.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall enter into such Contract with the said Trustees, or any Five or more of them, for performing any of the Works before mentioned, and who shall not well and sufficiently perform the same, according to the true Tenor and Meaning of such Contract or Contracts, or shall not finish and complete the Work within the Time or Times that the same are agreed to be compleated by the said Contract or Contracts; that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, in the Name or Names of any Two or more of them, to bring an Action of Debt in any of His Majesty's Courts of Law at Westminster, or in His Majesty's Town Court of Record, holden for the Town and Liberty of Kingston upon Thames, and Hundreds of Kingston, Elmbridge, Copthorn, and Effingham, against any Person or Persons so contracting as aforesaid, and who shall neglect to perform such Contract or Contracts, and for any Penalty or Penalties which shall be contained in any such Contract or Contracts; and on proving the Signing such Contract or Contracts, and Non-performance thereof, at the Time or Times for that Purpose therein mentioned, the said Trustees, or any Five or more of them, shall be intitled to, and shall recover such Penalty or Penalties; and the same, when recovered, shall be applied towards the Purposes of this Act.

Penalty on Persons laying Dust, Soil, &c. on the High ways.

And, in order to prevent Obstructions, Nuisances, and Annoyances, upon the said Roads, be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw or lay, or permit or suffer to be thrown or laid, any Ashes, Dirt, Dust, Dung, Soil, or any other Filth or Annoyances whatsoever, or shall set out or leave, or cause or procure to be set out or left, any Carriage, Stone, Timber, Logs of Wood, Chips, Shavings, or any other Matter or Thing whatsoever, which may occasion any Obstruction, Annoyance, or Nuisance whatsoever, on the said High-

ways or Roads, or the Sides thereof, so as to stop, obstruct, incommode, or endanger, any Person or Persons travelling the said Roads, either on Horseback or in Carriages, or on Foot; every Person offending in any of the Cases aforesaid, shall, for every Offence, forfeit any Sum not exceeding the Sum of Forty Shillings.

Materials may be taken from Private Grounds;

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and for such Person or Persons as shall be appointed or employed by them, to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any waste Grounds or Commons, Rivers or Brooks, within the said Town, Village, or Chapelry, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; the said Trustees, or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also that it shall and may be lawful for the said Trustees, or any Five or more of them, or such Person or Persons to be appointed as aforesaid, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons, (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees), paying or tendering Payment of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

making Satisfaction for the same.

Penalty on Persons taking Materials from Gravel Pits opened by the Trustees.

And be it further enacted by the Authority aforesaid, That if the Owner or Occupier of any Ground or Soil, or any Person whatsoever, shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes, or Grounds, River, or Brook, for the Purpose of repairing the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials for repairing the said Roads, before the said Trustees, or the Person or Persons by them appointed for that Purpose, or their Workmen, shall have discontinued working therein for the Space of Twenty-one Days, except the Owner or Occupier of any private Ground, and Persons authorised by such Owner or Occupier to get Materials therein for his or their own private Use only, and not for Sale; every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Forty Shillings.

Trustees may make Causeways, &c.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and such Person or Persons as they shall appoint, such Person or Persons having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through, under, or over, any Lands or Grounds lying contiguous thereto; and to erect, rebuild, and keep in Repair, Bridges and Arches upon the said Roads, or cross any such Ditch or Drain, where necessary, and also to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Lands or Grounds of any Person or Persons lying contiguous thereto; (such Lands or Grounds respectively not being the Lands or Grounds whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees), making such Recompence to the Owners and Occupiers of the said Lands and Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable

making Satisfaction.

able by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or waste Grounds.

And be it further enacted, That if any Person or Persons shall interrupt or hinder the said Trustees, or any other Person or Persons employed by them, or any of them, in the cutting, digging, taking, or carrying off, any Furze, Heath, Stones, Gravel, Chalk, Limestones, Sand, Flints, or other Materials, for the altering, widening, or repairing, the said Roads, or any Part or Parts thereof, or in digging, cleansing, or scouring, any Ditch, Drain, or Watercourse, or in doing any other Act in or for the repairing, widening, or altering, the said Roads, or any Part thereof, or otherwise in or for the Execution of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings. Penalty on obstructing Officers in their Duty.

And be it further enacted, That from and after the passing of this Act, the Right and Property of all Lamps, Lamp-irons, Posts, Pales, and Rails, which shall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things, to be gotten or purchased for repairing the said Roads, and for the other Purposes of this Act, shall be, and the same are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment, (as the Case shall require), against any Person or Persons who shall break, spoil, injure, destroy, steal, take, or carry away, any of the said Lamps, Lamp-irons, Posts, Pales, and Rails, or any of the said Materials, Implements, or Things, herein-before vested in the said Trustees, or any Part or Parts thereof; and the said Trustees, or any Five or more of them, have hereby full Power and Authority to sell and dispose of all the old Materials, or any Part thereof, and the Money arising by such Sale shall be applied for the Purposes of this Act. Property of Materials vested in Trustees.

Truſtees not to act but at a publick Meeting.

And be it further enacted, That in all Caſes where the ſaid Truſtees, or any Five or more of them, are impowered to do any Act whatſoever by virtue of this Act, the ſame ſhall be done at ſome publick Meeting of the Truſtees, to be held in purſuance of this Act, and not otherwiſe; and whenever it ſhall happen at any ſuch Meeting that there ſhall be an Equality of Votes of the ſaid Truſtees then preſent, the Chairman, in every ſuch Caſe, ſhall have the caſting Vote.

Two Truſtees may adjourn.

Provided always, That Two Truſtees ſhall be ſufficient to meet for the Purpoſe of Adjournment only: And in caſe it ſhall at any Time happen that no Adjournment of the Truſtees ſhall be made according to the Directions of this Act; that then, and in every ſuch Caſe, as often as it ſhall ſo happen, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to meet at any Houſe or Place within the ſaid Town, Village, or Chapelry, of Peterſham, Ten Days Notice in Writing being firſt affixed upon the Chapel Door of the ſaid Town, Village, or Chapelry, appointing the Time and Place of ſuch Meetings; and the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby authoriſed and impowered to meet purſuant to ſuch Notice, and ſhall proceed to the Execution of this Act, and afterwards from Time to Time adjourn to ſuch Time and Place as they ſhall think fit.

Truſtees may act as Juſtices.

And be it further enacted, That it ſhall and may be lawful for any Truſtee appointed, or to be elected, to put this Act in Execution, who is or ſhall be in the Commiſſion of the Peace for the County of Surrey, to act as a Juſtice of the Peace within his Juriſdiction, for putting in Execution the ſeveral Powers and Authorities granted by this Act, notwithſtanding his being a Truſtee.

The Expences of the Act to be paid out of the firſt Monies.

And be it further enacted, That out of the firſt Monies ariſing by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge the Charges and Expences of procuring and paſſing this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and take place upon the Second Monday next after the passing of the said Act; and that from and after the Commencement thereof, the Office of Surveyor of the Highways for the said Town and Village, or Chapelry, of Petersham, shall cease and determine, any Statute or Usage to the Contrary notwithstanding. Commencement and Continuance of the Act.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed or incurred, for the Recovery and Application whereof no particular Method is already directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of Surrey; which Warrants such Justices are hereby impowered and required to issue upon the Information of One or more Witness or Witnesses upon Oath, which Oath such Justices are hereby impowered and required to administer without Fee or Reward; and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied to and for such of the Purposes of this Act, as the said Trustees, or any Five or more of them, shall think fit. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved, by any Rate or Assessment to be made as aforesaid, he, she, or they shall, notwithstanding, be obliged to pay such Rate or Assessment; and then, upon an Appeal, either to the General Quarter- Persons aggrieved may appeal to the next Session.

ſeſſions of the Peace to be holden for the ſaid County of Surrey, or the General Seſſions of the Peace to be holden for the Town and Hundred of Kingſton upon Thames aforeſaid, (except Richmond), next after the Payment of ſuch Rate or Aſſeſſment, or next after making the Diſtreſs for ſuch Rate or Aſſeſſment, it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them then aſſembled, to cauſe ſo much Money to be returned to the Appellant or Appellants as ſhall appear to the ſaid Juſtices to have been overpaid by ſuch Appellant or Appellants reſpectively, and to make ſuch other Order therein as to them ſhall ſeem meet; which Order ſhall be final and concluſive to all Parties: And alſo if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any other Thing done in purſuance of this Act, he, ſhe, or they, may appeal as aforeſaid, within Six Calendar Months next after the Cauſe of Complaint ſhall ariſe; and it ſhall and may be lawful for the ſaid Juſtices, or the major Part of them, aſſembled in ſuch Seſſions, to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; all which Determinations of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned.

Expences of this Act how to be borne.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authoriſed and impowered, at any publick Meeting, from Time to Time, to appoint ſuch Perſon or Perſons as they ſhall think fit, effectually to carry on Proſecutions for Offences committed againſt this Act; and that in caſe any Action or Proſecution ſhall be commenced or proſecuted for any Offence committed againſt this Act, under the Authority and by the Direction of the ſaid Truſtees, or any

any Five or more of them, as aforesaid, that then the said Trustees, or any Five or more of them, at some publick Meeting as aforesaid, shall, out of the Monies arising by any Rate or Assessment to be made by virtue of this Act, or out of the Money that shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs allowed by Law shall fall short of reimbursing him his just and reasonable Expences: And that if any Action, Suit, or Prosecution, Rule, or Order of Court, shall be brought, commenced, prosecuted, or obtained against any of the said Trustees, or any of their Collectors, or other Officers, for any Thing done or acted by the Direction of the said Trustees, or any Five or more of them, as aforesaid, in pursuance of this Act; that then, and in every such Case, the said Trustees, or any Five or more of them, as aforesaid, shall, out of the Money arising by any of the Rates or Assessments to be made by virtue of this Act, or out of the Money that shall be borrowed on the Credit thereof, allow and pay to such Trustee or Trustees, their Collectors, or other Officers, all such reasonable Costs, Charges, and Expences, as they, or any of them, shall or may sustain, or be put unto, by Reason or Means thereof.

Proceedings not to be quashed for want of Form;

nor removeable by *Certiorari*.

And be it further enacted, That no Order, Conviction, Judgement, or other Proceeding, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, any Law or Statute to the Contrary notwithstanding: And when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any want of Form in, or Defect of Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which

shall

shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damages in an Action upon the Case.

Not to recover if Tender of Amends have been made.

Provided always, nevertheless, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, Trespass, or other wrongful Proceeding, by virtue of this Act, if Tender of Amends shall be made by or on Behalf of the Party or Parties who shall or may commit, or cause to be committed, any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person for any Thing done in pursuance of this Act, such Action shall be commenced within Six Calendar Months after the Fact committed, and not afterwards, and shall be laid and brought in the County of Surrey, and not elsewhere; and the Defendant or Defendants, in such

General Issue.

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 same was done in pursuance and by Authority of this Act: And if it shall appear to be so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or De-

Treble Costs

fendants shall recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

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

FINIS.