Anno tertio

Georgii III. Regis.

An Act to enlarge the Term and Powers of Two Acts passed in the First and Twelfth Years of the Reign of His late Majesty King *George* the Second, for repairing the Road from the *Powder Mills* on *Hounslow Heath* in the County of *Middlesex*, to a Place called *Basing stone*, near the Town of *Bag shot*, in the Parish of *Windlesham* in the County of *Surrey*.



WHereas by an Act made in the First Year of the Reign of His late Majesty King George the Second, for repairing the Road from the Powder Mills on Hounslow Heath in the County of Middlesex, to a Place called Basingstone, near the Town of Bagshot, in the Parish of Windlesham, in the County of Surrey, certain Tolls and Powers were granted for repairing and keeping in Repair the said Road, which Act was to commence from the First Day of May, One thousand seven hundred and twenty eight, and to have Continuance for the Term of Twenty one Years; and which said Act was, by an Act passed in the Twelfth Year of the Reign of His said late Majesty, continued from the Expiration of the said first mentioned Term, for the further Term of Twenty one Years, and the Powers granted by the said Preamble.

first mentioned Act were enlarged: And whereas, the Trustees appointed to put the said Acts in Execution have, in pursuance of the Powers given them by the said first mentioned Act, borrowed a considerable Sum of Money upon the Credit of the Tolls thereby authorized to be taken, which Sum so borrowed, and still remaining unpaid, has, together with the Tolls collected on the said Road, been applied in repairing the said Road, and great Progress has been made therein, but it has not been possible effectually to repair the said Road, nor can the same be done, and the Money borrowed be repaid, unless the Term of the said Acts be further continued, some further Tolls granted, and the said Acts in other Respects made more effectual: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Clauses, Powers, Penalties, Forfeitures, Provisoes, Articles, Rules, Matters, and Things, in them or either of them contained, shall be in full Force, and the same are hereby further continued, with respect to each and both the Districts in which the said Road is by this Act divided, from and after the Expiration of the Term granted by the said Act of the Twelfth Year of his said late Majesty, and of the additional Term granted by an Act made in the Twenty eighth Year of his said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, in as full and ample a Manner as if the same were herein repeated and re-enacted, with respect to each District of the said Road, but subject to the Amendments, Alterations, Variations, and Additions, herein after contained.

Road divided into Districts.

And be it further enacted by the Authority aforesaid, That the said Road shall from and after the First Day of May, One thousand seven hundred and sixty three, be deemed and construed to consist of Two Districts, and that so much of the said Road as lies between the Powder Mills on Hounslow Heath, and to the Distance of One Mile West of the Nineteen Mile Stone standing on Egham Hill, shall be One District, and shall be, and be called

The

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The Eaſtern Diſtrict of the ſaid Road, and that the Reſidue of the ſaid Road leading from thence to Baſingſtone, near the Town of Bagſhot, ſhall be the other Diſtrict, and ſhall be, and be called The Weſtern Diſtrict of the ſaid Road.

Truſtees Names for the Eaſtern Diſtrict.

And be it further enacted by the Authority aforeſaid, That from and after the Firſt Day of May, One thouſand ſeven hundred and ſixty three, Thomas Boighton Clerk, Richard Bulſtrode Eſquire, Paul Burrard Eſquire, John Baber Eſquire, George Bridges Eſquire, Thomas Bates Eſquire, Francis Bartholomew junior, Richard Blunt, Richard Blunt, Richard Blunt, Monoux Cope, John Chetwynd, Chandler, John Clark, James Calvert, Thomas Dacres, Henry Drax, Thomas Eyre, Thomas Eyres, the Honourable John Fitzwilliam, Edward Forbes, Thomas Farrington, Richard Forbes, Robert Gardiner, John Grimes, Henſhaw Halſey, Hodgſon, Robert Jewers, Edward Kingdon, Thomas Lewis, Edward Leigh, John Lee, Edward Lewis, Thomas Miſſing, Anthony Morgan, Maurice Morgan, John Manwaring, George North, the Right Honourable Arthur Onſlow, Denzil Onſlow, Captain George Ogilvie, Bulſtrode Peachy alias Knight, Robert Piper, Sir Thomas Reynell Baronet, Thomas Scawen, Edward Southen, Stone, John Temple, Edmund Turner, James Tillier, Gilbert Eaſt, Everard Buckworth, Sir Henry Tichburn Baronet, John Paget Clerk, John Paul Yronett, Leonard Hamond, Sir Peter Somes, Thomas Foſter, Peter Hamond, Philip Stone, Samuel Foſter, Richard Ford, Vanſittart Hudſon, Humphry Henchman Clerk, Sir John Elwill Baronet, Richard Penn, Sir Edward Walpole, Percival Haſlam, John Randall, Cockburne, Henry Spencer, John Allett, Sir Philip Muſgrave Baronet, Thomas Wood, Sir William Beauchamp Proctor Baronet, George Cooke, John Trenley, Captain Edward Shatter, William Whitmore, William Nicholls, John Bullock, Iſaac Townſend, the Right Honourable Lord Orwell, Alexander Thiſtlethwaite, John Wills Clerk, Charles Dancer, William Edgell, Walter Bowman, James Clitherow, Sir Anthony Thomas Abdy Baronet, Thomas Harwood Clerk, Richard Burbydge, Richard Wyatt, George Gilburne, Jeremiah Hodges, Doctor James Hawley, Sir John Gibbons Knight of the Bath, George Onſlow, Joſeph Mawbey, Henry Bullock, Francis Child, Bertie Burgh, John Frederick, Hugh Stevenſon, Thomas Grice, Robert Child, Doctor Charles Terrant Clerk, John Stevenſon, Francis Edwin Stanhope, Charles Townſhend, William Deacle, William Whitaker, William Baker, Doctor John Jebb Clerk, Doctor John Merrick,

Doctor Bouchier, Humphry Cotes, the Reverend Nathaniel Hume Clerk, Henry Thomas Greening, Thomas Sewell, Joſeph Muſgrave, Peter Shakerley, Thomas Bullock Finloe, John Trenley, Frederick Bartholomew junior, Edward Holden, Charles Buckworth, the Reverend Edward Cooper Clerk, Gilbert Joddrell Clerk, Frederick Atherton Hindly, Doctor Cutts Barton Clerk, Thomas Virgo, Charles Withers, Thomas Wyndham, John Walter, Abel Walter, Francis Whitworth, John Ward, Edmund Waller, Harry Waller, Charles Worſley, Richard Wilſhaw, John Whitfield, John Weſt, Thomas York, **ſhall be, and they and their Succeſſors are hereby appointed Truſtees to put the ſaid former Acts, and this preſent Act, in Execution, for the Purpoſe of repairing and keeping in Repair the Eaſtern Diſtrict of the ſaid Road only; and that**

Truſtees Names for the Weſtern Diviſion.

Sir Anthony Thomas Abdy Baronet, Moſes Adams Eſquire, Henry Aldridge, Richard Allen, Gentlemen; John Allett, John Baber, Eſquires; Thomas Draper Baber, William Baker Eſquire, William Baldwin Gentleman, Francis Bartholomew junior Eſquire, Nathaniel Baſnett Gentleman, the Right Honourable Lord Viſcount Bateman in the Kingdom of Ireland, the Right Honourable George Beauclerk commonly called Lord George Beauclerk, Thomas Beighton Clerk, John Birch Eſquire, John Birch Clerk, John Boult, Samuel Bowes, Rumſey Bowes, Walter Bowman, Gentlemen; Bernard Brocas Eſquire, Thomas Brookes Gentleman, Perrin Buckley Eſquire, Sir Everard Buckworth Baronet, Charles Buckworth, Richard Burbidge, Bertie Burgh, James Buller, Eſquires; the Honourable Charles Sloane Cadogan, George Carleton Gentleman, the Honourable James Brydges Eſquire, commonly called Marquis of Carnarvon; . Cheſter, Francis Child, Humphry Cotes, James Edward Colleton, Eſquires; Sir Monoux Cope Baronet, John Mordaunt Cope Eſquire, Richard Cope, Edward Cooper, Clerks; Thomas Dalby, William Davis, Solomon Dayrolles, William Deacle, Eſquires; Thomas Dee Gentleman, Thomas Diggle, John Dodd, John Doncaſtle, Roger Drake, Dominic Duany, William Edgell, Welbore Ellis, Eſquires; Sir John Elwill Baronet, the Right Honourable Lord Viſcount Fane in the Kingdom of Ireland, John Feſtin Gentleman, the Honourable John Fitzwilliam, Richard Ford Gentleman, Thomas Forſter, Henry Foxcroft, John Frederick, John French, Eſquires; Gordon Clerk, Thomas Grice Eſquire, Sir John Griffin Griffin Knight of the Bath, John Griffin, Nathaniel Griffin, Hodgſon, Thomas Hall, Lane Hatch, William Henry, Toovey Hawley, Eſquires; Humphrey

Humphry Henchman Clerk, Lovelace Hircy, Jeremiah Hodges, Esquires; John Horne, John Terry Horsenaile, Gentlemen; Thomas Orby Hunter, Henry Lanoy Hunter, Esquires; John Jebb D. D. Gilbert Jodrell, George Johnson, Edward Kingdom, Philip Grave Lamport, Esquires; William Lamport Gentleman, William Philips Lee, Henry Bilson Legge, Andrew Lindegreen, Esquires; Sir Robert Long Baronet, James Long, John Maslin, Joseph Mawbey, Esquires; John Micklem, Nathaniel Micklem, Gentlemen; Blanden Moore Esquire, Sir John Mordaunt Knight of the Bath, Richard Neville Neville Esquire, George North Gentleman, George Onslow Esquire, Colonel George Onslow, John Paget Clerk, John Parker of Farnham, George Pitt, William Pitt, William Augustus Pitt, John Pocock, Herbert Mackworth Praed, Richard Rainsford, Thomas Ravenshaw, John Reeves, William Reynolds, Thomas Round, Powlett Saint John, Esquires; Sir Henry Saint John Knight, Ellis Saint John Clerk, Goodier Saint John, the Honourable Martin Sandys, Esquires; Erasmus Saunders D. D. Peter Serle, Thomas Sewell, Peter Shackerley, Esquires; Thomas Skelton Clerk, Henry Spencer, Hugh Stephenson, Esquires; Deodatus Staverton, Samuel Still, Gentlemen; Sir Simeon Stuart Baronet, John Terry, Stephen Terry, Gentlemen; Thomas Tester Esquire, Sir Henry Tichborne Baronet, Charles Toll Clerk, Frederick Ashburnham Toll, Richard Tonson, Towerden, Isaac Townsend, Esquires; Joseph Trapp Clerk, William Turner Surgeon, the Right Honourable Earl of Tylney in the Kingdom of Ireland, Arthur Vansittart Esquire, Sir Francis Vincent Baronet, John Vincent of Beachill, Charles Wall, Benjamin Walker, Abel Walter, John Walter, Watts, John Westbrooke, Francis Wighwick, John Williams, Esquires; Edward Wise Gentleman, Thomas Wood, George Woodroffe, Richard Wyatt, Hellier Wyndham, Wadham Wyndham, Esquires; shall be, and they and their Successors are hereby appointed Trustees to put the said former Acts and this Act in Execution, for the Purpose of repairing and keeping in Repair the Western District of the said Road only.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of May, no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts, or either of them, or of this Act, within either of the said Districts, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value

Value of Forty Pounds, above Reprizes, or possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and if any Person not being so qualified shall presume to act contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts, or either of them, or of this Act.

Clause in the former Act repealed.

And whereas by the said Act of the First Year of His said late Majesty's Reign, it is provided, that no Person or Persons who shall pay the Toll thereby imposed at any Gate or Turnpike upon, across, or on the Side of the said Road, upon producing a Note or Ticket, shall be liable to pay any Toll at any other Gate or Turnpike on the same Day; be it therefore further enacted by the Authority aforesaid, That from and after the said First Day of May, the said Proviso, so far as the same relates to the passing through the several Gates or Turnpikes, on paying the Toll but once, shall be, and the same is hereby declared to be, repealed.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That the Trustees for the said respective Districts, or any Five or more of them, shall and may continue or remove the Turnpikes already erected, and may cause to be erected, any Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part of the said respective Districts of Road, and also on the Side or Sides thereof, and cross any Lane or Way leading into the same respectively (except as in the said recited Act, made in the First Year of his late Majesty's Reign, and in this present Act is excepted) and also to be erected or provided a Toll-house or Toll-houses at or near each Turnpike or Turnpikes; and that from and after the said First Day of May, the Right and Property of all the Turnpikes and Toll-houses already erected, or to be by virtue of this Act erected, within

Turnpikes, Toll-houses, &c. vested in the Trustees.

within the said Eastern District, and the Right and Property of the Materials for building or repairing the same, and of all Materials which shall be actually got or collected for repairing the said Road within the said Eastern District, shall be, and are hereby vested in the said Trustees, for the said Eastern District; and that the Right and Property of all the Turnpikes and Toll-houses to be by virtue of this Act erected within the said Western District, and the Right and Property of all the Materials for building or repairing the same, and of all Materials which shall be actually got or collected for repairing the said Road within the said Western District, shall be and are hereby vested in the said Trustees for the Western District; and they, or any Five or more of them, within their respective Districts, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of, Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof, or take, or retain, or hold Possession thereof, after being required, by the Order of any Five or more of them, to deliver up the same; and that the Trustees for the Eastern District of Road, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall by Writing under their Hands and Seals authorize and appoint for that Purpose, shall and may, immediately after the said First Day of May, demand, receive, and take, at any Gate or Gates, Turnpike or Turnpikes, erected or set up, or to be erected or set up, within the said Eastern District, the same several Sums of Money or Tolls as are by the said Act of the First Year of the Reign of his late Majesty, or any other Act or Acts, directed and appointed to be taken on any Part of the said Road between the Powder Mills and Basingstone aforesaid; and also that the Trustees for the said Western District of Road, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall by Writing under their Hands and Seals authorize and appoint for that Purpose, shall and may demand, receive, and take, at any Gate or Gates, Turnpike or Turnpikes, erected or set up, or to be erected or set up, within the said Western District of the said Road, the same several Sums of Money or Tolls as are by the said Act of the First Year of the Reign of his late Majesty, or any other Act or Acts directed and appointed to be taken on any Part of the said Road between the Powder Mills and Basingstone aforesaid; which said several and

respective Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty, and are hereby vested in the said Trustees of the said Eastern and Western Districts respectively, and shall be applied and disposed of to and for such Uses, Intents and Purposes, as by this present Act are directed, with the like Remedy by Distress and Sale in case of Refusal or Neglect of Payment of the said Tolls, as in and by the said recited Act of the First Year of the Reign of his late Majesty is mentioned and directed.

No Turnpike to be erected between *Egham* and *Virginia Water Gate.*

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act, or in either of the said former Acts, contained, shall extend, or be construed to extend, to impower the said Trustees, or any of them, to erect, or cause to be erected, any Gate or Turnpike upon the said Road between the Town of Egham, and the Gate leading into Windsor Great Park near Virginia Water, commonly called Virginia Water Gate.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That One Moiety of the Charges and Expences of procuring and passing this Act, shall, as soon as may be, be paid out of the Monies already borrowed, collected, or raised by virtue of the said former Acts, or either of them, or out of the First Monies that shall be borrowed, collected, or raised, by virtue of this Act, upon the Eastern District of the said Road; and that the other Moiety of the said Charges and Expences shall be advanced by the Trustees for the said Eastern District, and shall, as soon as may be, be repaid out of the first Monies that shall, by virtue of this Act, be borrowed, collected, or raised, upon the Western District of the said Road; and that, from and after the said First Day of May, the several Tolls to be collected upon the Eastern District of the said Road, and the Money to be borrowed upon the Credit thereof, shall, subject to the Payment of all Monies due and owing at the Time of passing this Act, upon the Credit of the said former Acts, and by virtue of this Act, and the Interest due and to grow due upon the same, be applied in repairing, altering, widening, and keeping in Repair, the said Eastern District of Road only; and all Tolls to be collected upon the Western District of the said Road, and the Money to be borrowed upon the Credit thereof, shall, subject to the Repayment of the Money so to be advanced as aforesaid, be applied in repairing, altering, widening, and keeping in Repair, the said Western District of Road only.

Tolls to be paid but once a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be

liable to pay Toll more than once for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Cattle or Carriage, through all or any of the Gates or Turnpikes, erected or to be erected upon or on the Sides of either of the said Districts of Road respectively, but that all and every Person and Persons having paid Toll once in either of the said respective Districts, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriages, through the Gate or Turnpike at which any such Toll was paid, and also through all other Gates and Turnpikes across or on the Sides of such respective District of Road whereon the Toll was first paid as aforesaid, or cross any Lane or Way leading into the same, upon producing a Note or Ticket denoting the Payment of such respective Toll; which Notes or Tickets the respective Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

And whereas it has been found necessary to borrow and take up at Interest a considerable Sum of Money upon the Credit of the Tolls by the said recited Act of the First Year of His late Majesty granted: And whereas it may be thought necessary to borrow further Sums of Money upon the Credit of the said former Acts, and this Act, for the Purpose of repairing the said Road; be it therefore further enacted by the Authority aforesaid, That Copies of all Assignments and Conveyances already made, or that shall hereafter at any Time be made, of the Tolls to be collected on the said Eastern District of Road, or any Part thereof, shall be entered at Length in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the Trustees for the said Eastern District; and that Copies of all Assignments and Conveyances that shall at any Time be made of the Tolls to be collected on the said Western District, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the Trustees for the said Western District; and that then all and every Person and Persons possessed of any such Assignment already made, or to whom any such Assignment shall be made as aforesaid, shall be, and is and are hereby impowered, from time to time, by Assignment under his, her, or their Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal

Assignments to be entered in a Book.

or

or Interest Money thereby secured, or any Part or Parts thereof, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of Parties, and Sums of Money therein mentioned to be assigned and transferred in the said Book or Books to be respectively kept for entering the said original Assignments, for which the Clerk or Treasurer respectively shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person, who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Provided always, That nothing in the said former Acts, or this present Act, contained, shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the Money borrowed upon the Credit of the Tolls, or any Part thereof, with or to the Payment of the same, by reason of their or any of their signing or sealing any such Assignments or other Securities.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said Eastern District, or any Five or more of them, shall meet together at the House known by the Sign of the Bush at Staines, in the County of Middlesex, on Tuesday the Seventeenth Day of May, One thousand seven hundred and sixty three; and the Trustees for the said Western District, or any Five or more of them, shall meet together at the House known by the Sign of the Red Lion at Bagshot, in the County of Surry, on Friday the Twentieth Day of May, One thousand seven hundred and sixty three; and respectively proceed to the Execution of the said Acts, and this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places within or near the respective Districts, as they the said respective Trustees, or any Five or more of them, shall, from time to time, think most convenient; and if it shall happen that there shall not appear, at any Meeting to be held by the said respective Trustees, a sufficient Number to act, or to adjourn

In Default of a sufficient Number of Trustees to act,

journ to another Day, the Truſtee or Truſtees then preſent, or the Clerk to the ſaid Truſtees, ſhall, by affixing Notice in Writing upon all the Turnpikes then ſtanding upon the reſpective Diſtricts of Road, at leaſt Five Days before the next Meeting, appoint the reſpective Truſtees to meet at the Houſe where the Meeting was laſt appointed to be held, on that Day Sevennight next after the Day on which ſuch laſt Meeting was appointed; any thing in the ſaid former Acts, or either of them, contained to the contrary notwithſtanding.

Notice to be given of another Meeting.

And be it further enacted, That in caſe the Truſtees for the reſpective Diſtricts, or any Nine or more of them, ſhall at any Time think proper to turn, alter, or divert, any Part or Parts of the ſaid Road, within their reſpective Diſtricts, through any Lands, Grounds, or Hereditaments, for the better Accommodation and Conveniency of Travellers, it ſhall and may be lawful to and for the ſaid reſpective Truſtees, or any Nine or more of them, and they are hereby authorized and impowered to alter, turn, or divert the ſame, or any Part thereof, or cauſe the ſame to be altered, turned, or diverted, as they ſhall think fit, provided that ſuch Part or Parts of the ſaid Road as ſhall be ſo altered or diverted, be not thereby made wider than, or extended beyond, the Breadth of Thirty five Feet, excluſive of the Ditches or Fences, and for that Purpoſe to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, of any ſuch Lands, Grounds, or Hereditaments, for the abſolute Purchaſe of ſo much or ſuch Part or Parts thereof, as they the ſaid reſpective Truſtees, or any Nine or more of them, ſhall think neceſſary, or for the Loſs or Damage which the ſaid Owners or Occupiers ſhall or may receive by the altering, turning, or diverting, any Part or Parts of the ſaid Road: And it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots or Lunaticks, Huſbands, or other Truſtees whatſoever, for or on Behalf of any Infants, Idiots, Lunaticks, Femes Covert, or Ceſtuique Truſts, and for all and every other Perſon and Perſons whatſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in, any ſuch Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the ſaid reſpective Truſtees, or any Nine or more of them, for the Sale of ſuch Lands, Grounds, or Hereditaments, any Part or Parts thereof, for the Purpoſes aforeſaid, or for Satisfaction to be made them reſpectively therefore, or for their Intereſt therein, and to ſell and convey the

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

Bodies Politick, &c. impowered to treat for the Sale of ſuch Lands.

same as Occasion shall require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, to the contrary notwithstanding; and the Person or Persons making the same, is, and are, and shall be, hereby indemnified for what he or they shall respectively do by virtue or in pursuance of this Act: And if any such Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon Notice in Writing describing the Land, Ground, or Hereditaments, intended to be purchased, and the Place or Places where the same shall lie, to him or them respectively given, or left at his or their Dwelling-house or Houses, or Place or Places of Abode, or at the Dwelling-house or Place of Abode of the Tenant in Possession of such Lands, Grounds, or Hereditaments, or affixed, in case such Lands, Grounds, or Hereditaments, should be untenanted, on the Door of the Dwelling-house of any or some publick Place on the Tenement to which such Lands, Grounds, or Hereditaments, so intended to be purchased shall belong, shall, for the Space of Twenty Days after such Notice given, left, or affixed, as aforesaid, refuse or neglect to treat for such Lands, Grounds, or Hereditaments, or shall not agree as to the Price or Value thereof, or shall, by reason of Absence, be prevented from treating; then, and in every such Case, the said respective Trustees, or any Nine or more of them, shall cause the same to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men residing near the said Road (which Oaths the said respective Trustees, or any Two or more of them, are hereby authorized and impowered to administer) what Damages shall have been sustained by, and what Satisfaction or Recompence shall be made to, such Owner, or other Person or Persons interested on account of the taking such Lands, Grounds, or Hereditaments, into the said Road, according to their respective Interest therein; and in order thereto, the said respective Trustees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses, and shall examine all such Witnesses before the said Jury, upon Oath, which Oath the said respective Trustees, or any Two or more of them, are hereby impowered and required to administer;

Persons neglecting to treat, &c.

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

minister; and they shall also order and cause the said Jury to view the Place in Question, and to use all other lawful Means, as well for their own, as the said Jury's Information in the Premisses, as they the said respective Trustees, or any Nine or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said respective Trustees, or any Nine or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners or Occupiers of the said Lands, Grounds, or Hereditaments, or other Person or Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all and every Person and Persons whomsoever, to all Intents and Purposes whatsoever: And, for summoning and returning such Jury or Juries, the said respective Trustees, or any Nine or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Middlesex or County of Surry respectively, as the Case may happen, thereby commanding and requiring such respective Sheriff to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified by Law to serve on Juries, to appear before the said respective Trustees, or any Nine or more of them, at such Time and Place as in such Warrant shall be appointed; which respective Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return, such Twenty four Persons accordingly; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to and upon such Summons, the said respective Trustees, or any Nine or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of the Jurymen so returned, the said respective Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured or summoned, qualified as aforesaid, to attend the Service, to the Number of Twelve; to all or any of which Jurymen to be summoned in pursuance of this Act, all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges, in such and the like Manner as any Party in any Action brought or to be brought, depending or to be depending, in any of his Majesty's Courts of Record at Westminster, is or shall be

Verdict of the Jury to be binding.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

Jurors may be challenged.

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

be by Law intitled to; and the said respective Trustees, or any Nine or more of them, are hereby impowered, from time to time, to impose any reasonable Fine (not exceeding the Sum of Forty Shillings, upon any One Person for One single Offence) on such respective Sheriff, his Deputy or Bailiff, who shall make Default in the Premisses; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or, after having appeared, shall refuse to be sworn on the said Jury, or, after having been sworn, shall refuse to give his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try, or to inquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Persons who, being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse or neglect to attend, or be sworn, or examined, or give Evidence or Testimony touching the same.

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

And be it further enacted, That from and after such Verdict and Judgement, and after Payment or Tender of the Damage and Recompence therein and thereby found and directed to be given for the said Lands, Grounds, or Hereditaments, to the respective Owner or Owners thereof, or other Person or Persons interested therein, or after the Execution of any Conveyance of the said Lands, Grounds, or Hereditaments, to the said respective Trustees, or any Nine or more of them, by the respective Owner or Owners thereof, or by any other Person or Persons by this Act impowered to sell and convey the same, and Payment or Tender of the Money thereby stipulated to be paid as the Consideration thereof (which Money, Damages, and Recompence, the said respective Trustees, or any Nine or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be borrowed, raised, and collected, by virtue of this Act, within the respective Districts) the said Lands, Grounds, and Hereditaments, and every Part thereof, shall be, and is hereby vested in the said respective Trustees, and their Successors, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said respective Trustees, or any Nine or more of them, or any Person or Persons by them, or any Nine or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized

Lands when purchased to be made Part of the Roads.

to

to take and lay the said Lands, Grounds, or Hereditaments, and every Part thereof, into the said Road; and then, and from thenceforth for ever afterwards, such Lands, Grounds, and Hereditaments, and every Part thereof, shall be deemed, taken, and used, as, and the same are hereby declared to be, a Part or Parts of the said Road, and a publick and common Highway, and shall for ever be repaired and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any Lands, Grounds, or Hereditaments, shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and completed, the Lands, Grounds, and Hereditaments, comprised in and constituting the old Road, or that Part thereof in lieu of which such new Road shall be purchased and made, shall, unless the same shall lead over some Heath, Moor, or waste Ground, be, and the same is hereby declared to be, vested in the said respective Trustees, and shall or may be sold or disposed of for the best Price that can or may be gotten for the same; and the Money arising by such Sale, shall be applied to the repairing the same District of Road; and the Conveyance or Conveyances to be made of such Lands, Grounds, or Hereditaments, being executed by the said respective Trustees, or any Nine or more of them, and inrolled with the Clerk of the Peace of the said County of Middlesex or Surrey, as the Case may happen, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Old Road to be sold.

Provided always, and be it declared and enacted, That the Power and Authority aforesaid by this Act given to the said respective Trustees, for the altering, turning, or diverting, any Part of the said Road, within their respective Districts, shall not extend to the pulling down any Dwelling-house, or other Building, or taking in the Site of any House or other Building, or to take in any Garden or Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to an House, or any Part or Parts thereof; except a Piece of Orchard Ground at Eghamwick, in the said County of Surrey, the Property of Elizabeth Richards Spinster, and now in the Tenure or Occupation of Richard Smith, containing Twenty Perches, which the Trustees for the said Western District, or any Nine or more of them, are hereby authorized and impowered to purchase, and be possessed of in Manner aforesaid, in case they shall think fit, in order to render the said Road more safe and convenient for Carriages

Buildings, &c. not to be injured.

Exception.

riages and Paſſengers; any thing herein, or in the ſaid former Acts, or either of them, contained to the contrary notwithſtanding.

Roads over Moors, &c. may be fenc'd off, and to be 60 Feet in Breadth.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, ſhall be, and they are hereby fully impowered from time to time, as they ſhall think proper or convenient, to divert, turn, or alter the Courſe or Path of any Part or Parts of the ſaid Road, over or through any Moor or Waſte Ground, without making any Satisfaction for the ſame, but ſuch new Road ſhall not be more than Sixty Feet wide, excluſive of the Ditches, and ſhall be deemed a publick Highway; and where any new Road ſhall be ſo made, the Inhabitants of the Pariſh or Place ſhall not be obliged to repair ſuch former Road, unleſs the ſame leads to ſome Town or Place with which ſuch new Road doth not communicate.

Penalty on Perſons defacing Mile-ſtones.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall wilfully pull up or damage any Mile-ſtones or Poſts already erected, or hereafter to be provided or erected, upon, or on the Sides of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be incribed thereon, and be thereof convicted by the Confeſſion of the Party, or by the Oath of One credible Witneſs, before any Juſtice or Juſtices of the Peace for the ſaid Counties of Middleſex or Surrey reſpectively, where the Offence ſhall be committed (which Oath ſuch Juſtice or Juſtices reſpectively is and are hereby impowered to adminiſter) every ſuch Perſon ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence, to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Offender, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied in repairing ſuch Stones or Poſts, or in ſupplying new Ones in their Stead; and if there ſhall be any Overplus, the ſame ſhall be laid out in repairing the Road whereon ſuch Stone or Poſt is placed; and in caſe ſufficient Diſtreſs cannot be found, it ſhall be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender to the Common Gaol of the County, there to remain without Bail or Mainprize for the Space of Two Months, unleſs the ſaid Penalty ſhall be ſooner paid.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, ſhall and they are hereby required to take ſuch Security from their reſpective Treaſurer or Treaſurers for the

the due Execution of his and their said respective Offices; as the said respective Trustees, or any Five or more of them, shall think fit.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Profit, under the said former Acts, or this Act. No Victualler, &c. to hold a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for borrowing Money, or any Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or any of them, or under the Hand and Seal, or Hands and Seals of any Person or Persons whatsoever, relating to the Execution of the said former Acts, or either of them, or of this Act, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of the said former Acts, or either of them, or of this Act, until Twenty one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Matter in Question shall be, and not elsewhere; and the Defendant and Defendants in every such Action shall and may at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the Special Matter, in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of the said former Acts, or this Act; and if the same shall shall appear to be so done, or that such Action or Suit shall be brought before Twenty one Days Notice shall be given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same, Limitation of Actions. General Issue. Treble Costs.

ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Publick Act. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, 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.

FINIS.