



ANNO QUADRAGESIMO OCTAVO

# GEORGI III. REGIS.

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## Cap. 37.

An Act to continue and amend Two Acts for repairing the Road from the Turnpike Road at *Wrotham Heath* in the County of *Kent*, to the Turnpike Road leading from *Croydon* to *Godstone* in the County of *Surry*. [27th May 1808.]

**W**HEREAS, an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, and keeping in repair, the Road leading from the Turnpike Road at Wrotham Heath in the County of Kent, to the Turnpike Road leading from Croydon to Godstone in the County of Surrey*: And whereas an Act was passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term of an Act of the Fifth Year of His present Majesty, for repairing, widening, and keeping in repair, the Road leading from the Turnpike Road at Wrotham Heath in the County of Kent, to the Turnpike Road leading from Croydon to Godstone in the County of Surrey*: And whereas the Trustees appointed in or by virtue of the said Acts have, in pursuance of the Powers to them thereby given, borrowed several considerable Sums of Money upon the Credit of the Tolls thereby authorized to be collected, which Money so borrowed still remains due and owing; and the same cannot be paid off, nor can the said Road be effectually amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, and the Powers and Provisions thereof altered, amended, and enlarged; 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

5 G. 3. c. 68

27 G. 3. c. 72

[Loc. & Per.]

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Temporal,

Acts further  
continued.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts made in the Fifth and Twenty-seventh Years of the Reign of His present Majesty, and all the Tolls, Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein contained, (save and except such Parts thereof respectively as relate to Exemptions from Stamp Duties, and except such Parts thereof as are hereby varied, altered, or repealed,) shall be in full Force and Effect, and shall have Continuance for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and this Act, and the additional Term hereby granted, shall be subject and liable as well to the Payment of all Money now due and owing on the Credit of the said recited Acts or the Tolls thereby granted and continued, as also to the Payment of all Sums of Money which shall hereafter be borrowed for the Purposes of the said recited Acts and this Act, and of the Interest due and to grow due for the same respectively.

Exemptions.

II. And be it further enacted, That from and after the passing of this Act, no Toll shall be demanded or received for any Horse, Mare, Gelding, Mule, or other Cattle drawing any Carriage, going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing the said Roads, or any of the Roads in the Parishes or Places in which the Roads hereby to be repaired, or any Part thereof, do lie; or any Dung, Mould, Soil, or Compost of any Kind, (Chalk, Lime, Peat Ashes, and Soot excepted), for the manuring any Garden, or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Horse, Mare, Gelding, Mule, or Cattle, going for the Purpose of or returning from ploughing, trowing, tilling, or cultivating of any Land or Ground, or employed in carrying, or conveying, or going to carry or convey, or returning from carrying or conveying any Hay, Straw, Corn in the Straw, or Wood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof, or for any Plough, Harrow, Dray, or other Implements of Husbandry, or for any Horse, or other Beast or Cattle, going to or returning from Water or Pasture, or going to be, or returning from being shod or farried, or for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same, or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses, or other Beasts employed in carrying or conveying the Arms or Baggage of such Soldiers, or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions, or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes; nor shall any Toll be demanded or taken from any Inhabitant of any Parish through which any Part of the said Road doth lie, who shall pass through any of the said Turnpikes to or from

from his, her, or their respective Parish Church or Chapel, or other Place of religious Worship tolerated by Law, on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying, and to be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or Beast, carrying any Passenger, or drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said Counties of *Kent* and *Surrey* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted and continued by the said recited Acts and this Act, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall be applied to the Purposes of the said recited Acts and of this Act.

III. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of the said recited Acts and this Act, or any of them, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme, Covert, or Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees, for executing the said Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents or Purposes; and where such Money shall not be so applied, the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance

Application of  
Compensation  
when exceed-  
ing 200 l.

veyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Under 200l.  
and not  
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20l.

IV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases such Money shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Under 20l.

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

In case of not  
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VI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, or any of them, shall refuse to accept the same, or shall not be able to make a good Title to the Premises,

misses, to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them) subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise as to the Title, the Person in Possession shall be deemed entitled to the Purchase Money.

VIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased by the said Trustees under the Authority of the said recited Acts and this Act, or any of them, the Purchase Money for the same shall be required

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

[*Loc. & Per.*]

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to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Work.

IX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads by the said recited Acts and this Act, or any of them, directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Kent* or *Surrey* in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall for every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, (at some Place to be expressed in such Summons), within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the publick Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money, in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as  
any

any Penalty is by the said recited Acts or either of them, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect, for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

X. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing of this Act, shall be paid out of any Money collected or received by virtue of the said recited Acts and this Act, or any of them, upon the said Roads, in preference to all other Payments whatsoever. Expences of the Act.

XI. 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 others, without being specially pleaded. Publick Act.

XII. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Terms granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of Act.

