



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 33.

An Act to continue the Term and enlarge the Powers of Three Acts, passed in the Fourth Year of His late Majesty, and the Sixth and Twenty-sixth Years of His present Majesty, for repairing the Road from *Godstone* in the County of *Surrey*, to *Highgate* in the Parish of *East Grinstead* in the County of *Suffex*. [28th April 1809.]

WHEREAS an Act was passed in the Fourth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act for the more effectual repairing the Road leading from Godstone in the County of Surrey, to Highgate at the Entrance into Ashdown Forest in the Parish of East Grinstead in the County of Suffex*: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for enlarging the Term and Powers of an Act of the Fourth Year of his late Majesty, for repairing the Road from Godstone in the County of Surrey, to Highgate in the Parish of East Grinstead in the County of Suffex*: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His said present Majesty, intituled, *An Act to enlarge the Term and Powers of Two Acts made in the Fourth Year of the Reign of King George the Second, and the Sixth Year of the Reign of His present Majesty, for repairing the Road from Godstone in the County of*
[Loc. & Per.] 7 R Surrey,

4 G. 2. c. 8.
6 G. 3. c. 58.
26 G. 3. 147.

Surrey, to Highgate in the Parish of East Grinstead in the County of Suffex : And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, for which Purpose they have borrowed a considerable Sum of Money on the Credit of the Tolls granted and continued by the said recited Acts ; which Money still remains due and owing, and cannot be paid off, nor can the Road comprised in the said Acts be properly and effectually amended, widened, improved, and kept in Repair, unless the Term granted and continued by the said Acts be further continued, and some of 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 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Fourth Year of the Reign of his said late Majesty King *George* the Second, and in the Sixth and Twenty-sixth Years of the Reign of His present Majesty, and such of the Clauses, Powers, Provisions, Penalties, and Forfeitures therein contained as are now in force (except so much thereof as relates to Exemptions from Stamp Duties, and also except such as are hereby altered or varied) shall be and the same are hereby declared to be and continue in full Force and Effect for and during the Term hereinafter mentioned, in as full, large, and ample Manner as if the same had been expressly inserted and re-enacted in the Body of this Act ; which said additional Term hereby granted shall be and is hereby made subject and liable to the Payment of all Money now due and owing on the Credit or on Account of the said former Acts, or of the Tolls thereby granted, or that may be borrowed or become due and owing on the Credit or by virtue of the said former Acts or either of them or of this Act, and all Interest due or to grow due for the same respectively.

Acts further continued.

4 Geo. 2.

II. And whereas by the said recited Act of the Fourth Year of the Reign of his said late Majesty King *George* the Second, it is enacted, That for the more effectual repairing and better keeping in Repair the said Road leading from the *White Hart* Inn in *Godstone* Town or Street, to *Highgate* at the Entrance into *Ashdown Forest* aforesaid, it should be in the Power of the Trustees appointed or to be appointed by certain Acts therein recited, or any of them, for amending and repairing the Roads leading from the *Stones End* in the Borough of *Southwark* to *Highgate* at the Entrance into *Ashdown Forest* aforesaid, and the said Trustees or any Seven or more of them, or such Person or Persons as they or any Seven or more of them should authorize and appoint, should and might take, receive, and levy at any Gate or Gates, Turnpike or Turnpikes then already erected or to be erected upon every Part of the said Road thereby intended to be repaired, and not elsewhere, the additional Tolls or Duties therein particularly mentioned : And it was by the said recited Act further enacted, That certain Persons therein named should be added to and joined with the Trustees appointed or to be appointed by virtue or in pursuance of any former Act or Acts of Parliament passed for repairing the Roads aforesaid, and should have the same Powers and Authorities for putting the said former Acts and the now reciting Act in Execution, as if they had been expressly named therein, and appointed by the said former Acts : And whereas by an Act made and passed in the Forty-second Year of the Reign of His said present Majesty, intituled, *An Act for repealing an Act*

42 Geo. 3.

passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, for the more effectually repairing the Roads leading from the Stones End in Blackman Street in the Borough of Southwark in the County of Surrey, to Highgate in the County of Suffex, and several other Roads therein mentioned, and for granting other Powers for those Purposes, certain Persons therein named, and their Successors, to be elected in Manner therein-after mentioned, were appointed Trustees for amending, altering, improving, and keeping in Repair among other Roads therein mentioned the Road leading from the Stones End in Blackman Street in the Borough of Southwark in the County of Surrey, to Highgate in the County of Suffex, of which the said Road leading from Godstone afore said to Highgate afore said forms a Part, and for otherwise putting the now reciting Act in Execution: And whereas it is expedient that the Trustees for executing the said Act of the Forty-second Year of His said present Majesty should be Trustees for executing this and the said recited Acts; be it therefore further enacted, That the Trustees named in and appointed by virtue of the said recited Act of the Forty-second Year of the Reign of His present Majesty, and their Successors from Time to Time elected and to be elected in Manner therein mentioned, shall to all Intents and Purposes be and be deemed to be Trustees for executing the said recited Acts of the Fourth Year of the Reign of his late Majesty King George the Second, the Sixth and Twenty-sixth Years of the Reign of His present Majesty, and this Act, in such and the same Manner as if they had been expressly and particularly named in and appointed by the said recited Acts or this Act.

Trustees for executing the Act of 42 G. 2. to be Trustees for executing this Act.

III. And whereas by the said recited Act of the Fourth Year of the Reign of His late Majesty King George the Second, it is among other Things enacted, That all and every the Powers, Authorities, and Clauses mentioned or contained in the therein recited Acts of the Fourth, Sixth and Tenth Years of the Reign of His then late Majesty not thereby altered, amended or otherwise explained, should be extended to the said Act, as amply and fully to all Intents and Purposes whatsoever, as if the same were particularly and at large repeated or set down and enacted in and by the now reciting Act, and the Trustees thereby appointed and to be appointed should and might and were thereby empowered and required to execute or cause the same to be executed accordingly, so far as related to the Road therein mentioned: And whereas the said Road leading from Godstone to Highgate afore said, forms a Part of the Road leading from the Stones End in Blackman Street in the Borough of Southwark to Highgate afore said, as herein before-mentioned, and is in Part amended, improved, regulated and kept in Repair by the Trustees named in or appointed under or by virtue of the said Act of the Forty-second Year of the Reign of His present Majesty; be it therefore further enacted, That all and every the Powers, Authorities, and Clauses mentioned and contained in the said Act of the Forty-second Year of the Reign of His present Majesty (not hereby altered, amended or otherwise explained) shall be extended to this Act, as amply and fully to all Intents and Purposes whatsoever, as if the same were particularly and at large repeated or set down and enacted in and by this Act, and the said Trustees and their Successors shall and may and they are hereby empowered and required to execute or cause the same to be executed accordingly upon the said Road leading from Godstone to Highgate afore said.

Extending the Powers of 42 G. 3. to the Road leading from Godstone to Highgate.

IV. And

Power to re-
move the
Turnpike Gate
at Blue An-
chor Lane, to
prevent Eva-
sion of the
Tolls, &c.

IV. And whereas by the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Second, it is provided and declared, That the additional Tolls to be collected by virtue of the said Act, should not be paid at any Turnpike which should or might be erected nearer *Godstone* aforesaid than the Turnpike then erected in the Lane called *Blue Anchor Lane*, in the said Road thereby directed to be repaired: And whereas since the passing of the said recited Act it has been found that the Tolls thereby directed to be taken, received and levied, are evaded by reason of the local Situation of the said Turnpike Gate or Bar, by which the Public have been and are materially injured, and which would be prevented if the said Trustees were empowered to remove the said Turnpike Gate to some other Part of the said Turnpike Road, nearer to the Town of *Godstone* aforesaid, be it therefore enacted, That the said last recited Clause of the said Act of the Fourth Year of His late Majesty shall be and the same is hereby repealed; and that it shall and may be lawful to and for the said Trustees or any Seven or more of them, by Order to be made by them at any Meeting or Meetings to be holden for putting the said recited Act of the Forty-second Year of the Reign of His present Majesty, or this Act into Execution (of which Meeting or Meetings and the Purpose thereof Ten Days Notice shall be given in some Newspaper, and by Writing to be affixed upon the several Toll-gates or Turnpikes which shall be then standing upon the said Road) to take down and remove the said Turnpike Gate, and erect the same on any other Part of the said Road and nearer to the Town of *Godstone* aforesaid, as shall appear to them to be more convenient or proper, and from Time to Time to vary the Situation of such Turnpike Gate, and place the same nearer to or further from the Town of *Godstone* as they shall think fit, and that the said additional Tolls and all other Tolls shall be paid and collected at such newly erected Turnpike Gate; any Thing in the said recited Act of the Fourth Year of His late Majesty contained to the contrary thereof in anywise notwithstanding.

Allowing cer-
tain Exemp-
tions from
Toll.

V. And be it further enacted, That none of the Tolls granted and continued by the said recited Acts or this Act shall be demanded, received, or taken for or in respect of any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commitariat or other public Stores of or belonging to His Majesty for the Use of His Majesty's Forces, or for or in respect of 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 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 Exemption as aforesaid; and if any Person or Persons shall claim or take the Benefit of any or either of the Exemptions aforesaid not being entitled to the same, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds.

Carriages
employed in
the public
Service not

VI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance,
Barrack,

Barrack or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

to be subject to Penalties for Overweight, or for an additional Number of Horses.

VII. And whereas by a certain Act of Parliament made and passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, the Trustees of any Turnpike Road or any Seven of them, are empowered to allow such Number of Horses as they shall judge necessary to be used in Waggons and Carts respectively, for the Purpose of drawing the same up Hill or Hills in certain Cases therein particularly mentioned: And whereas great Injury is done to the Roads by reason of the Person or Persons driving such Waggons and Carts not using Skidpans or Machines at the Bottom of the Wheels during the Time the said Waggons or Carts are descending or going down such Hill or Hills; in order to remedy such Evil and Injury, be it further enacted, That all and every Person or Persons who shall drive or act as the Driver or Drivers of any such Waggon or Cart, shall in descending all and every Hill or Hills on the said Road hereinbefore mentioned and hereby and by the said recited Acts ordered to be repaired and amended, where such increased Number of Horses are allowed to be used as aforesaid, use or cause to be used and placed a Skidpan or Machine at the Bottom of one of the Wheels of such Waggon or Cart respectively, to prevent the Wheels of such Waggon or Cart destroying or injuring the said Road, which Skidpan or Machine shall be placed or affixed under such Wheel at the Post or Stone erected or to be erected at or near the top of such respective Hill or Hills, and be continued and kept thereon until such Waggon or Cart shall arrive at or reach the Post or Stone erected or to be erected at or near the Bottom of such respective Hill or Hills; and in case any such Person or Persons as aforesaid shall fail or neglect to put on, continue and use such Skidpan or Machine in Manner aforesaid, and shall drive such Waggon or Cart down any such Hill or Hills without using such Skidpan and Machine in Manner aforesaid, it shall and may be lawful to and for any Constable, Tythingman, Surveyor, or any other Person or Persons, to apprehend and take or cause to be apprehended and taken every such Person or Persons so driving or acting as Driver or Drivers as aforesaid, before any one or more Justice or Justices of the Peace in the Limit where the said Offence shall be committed, and upon the Conviction thereof either by the Confession of the Party or by the Oath of one or more credible Witness or Witnesses before such Justice or Justices of the Peace, every such Person or Persons so offending shall respectively forfeit and pay for every such Offence a Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

To enforce the using of Skidpans or Machines to Waggon and Cart Wheels in certain Cases.

[Loc. & Per.]

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VIII. And

In case of
not making
out Titles,
&c.

VIII. And be it further enacted, That in case any Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited or before-mentioned 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, to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public 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.

Where any
Question shall
arise touching
ing the Title
to Money to
be paid, the
Person who
shall be in
Possession of
the Lands at
the Time of
such Purchase
shall be
deemed en-
titled there-
unto accord-
ing to such
Possession.

IX. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name or with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited or before-mentioned Acts or this Act, or any of them, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and of this Act, or any of them, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such 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 the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

X. Provided also, and be it further enacted, That where by reason of any Disability, or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited or before-mentioned Acts and this Act, or any of them, the Purchase Money of the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of the said recited or before-mentioned Acts and this Act, or any of them, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

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

XI. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid out of the Money already raised by virtue of the said former Acts, or out of the Monies which shall be first raised by virtue thereof or of this present Act.

Paying the Expences of the Act.

XII. And be it further enacted, by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

XIII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts of the Fourth Year of the Reign of His said late Majesty King *George* the Second, and the Sixth and Twenty-sixth Years of His present Majesty, 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.

Term and Continuance of this Act.

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