ANNO NONO

GEORGII IV. REGIS.

Cap. cx.

An Act for more effectually repairing the Road from *Godstone* in the County of *Surrey* to *Highgate* in the Parish of *East Grinstead* in the County of *Sussex*. [19th *June* 1828.]

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 Grinsted *in the County of* Sussex: And whereas an Act was passed in the Sixth Year of the Reign of His late 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 Grinsted *in the County of* Sussex: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty King *George* the Third, 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* Surrey *to* Highgate *in the Parish of* East Grinstead *in the County of* Sussex: And whereas an Act was passed in the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *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*

4 G. 2. c. 8.

6 G. 3. c. 58.

26 G. 3. c. 147.

49 G. 3. c. 33.

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* Sussex: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution of the same to the Advantage of the Public, and have for that Purpose borrowed a considerable Sum of Money on the Credit thereof, and on the Security of the Tolls thereby authorized to be taken, which Money still remains due and cannot be repaid, nor can the said Road be properly maintained, improved, and kept in repair unless the Term of the said Acts be continued, and the Powers and Provisions thereof altered, amended, and rendered more effectual, and the said Tolls increased or altered: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His said Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His said Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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 late Majesty King *George* the Second, and the Sixth, Twenty-sixth, and Forty-ninth Years of the Reign of His late Majesty King *George* the Third, shall, from and after the Second *Friday* next after the passing of this Act, be and the same are hereby declared to be then repealed, and null and void to all Intents and Purposes whatsoever.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

8 G. 4. c. 24.

Recited Acts of 4 G. 2. 6, 26, and 49 G. 3. repealed.

This Act to take effect for repairing the Road.

II. And be it further enacted, That this Act shall thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for repairing, widening, and improving the Road leading from the *White Hart Inn* at *Godstone* in the said County of *Surrey*, to *Highgate*, at the Entrance into *Ashdown Forest*, in the Parish of *East Grinstead* in the said County of *Sussex*.

Powers of the General Turnpike Acts extended to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Clauses, Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (except such Parts thereof as are varied, altered, or repealed,) and also the said herein-before recited Acts passed in the Fourth, Fifth, and Seventh and Eighth Years of His present Majesty's Reign, and all and every the Clauses, Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained,

tained, shall apply and be in force and effect with regard to the said Road hereby authorized to be repaired, as fully and effectually, to all Intents, Constructions, and Purposes, as if the same were respectively repeated and re-enacted in the Body of this Act.

Tolls under this Act to be liable to Debts, &c. under former Acts.

IV. And be it further enacted, That the Tolls granted and made payable under this Act for the Term hereby granted shall be and are hereby made subject and liable to the Payment of all and every Sum and Sums of Money now due and owing, as well upon the Credit of the Tolls granted by the said recited Acts of the Fourth Year of the Reign of His late Majesty King *George* the Second, and the Sixth, Twenty-sixth, and Forty-ninth Years of His late Majesty King *George* the Third, or either of them, as on any other Security given or entered into on account of or for the Use of the said Road, and all other Monies owing on account of the said Road, and also of such other Sum and Sums of Money as shall be borrowed for the Purposes of this Act, and the Interest due and to grow due for the same respectively.

All Persons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force.

V. And be it further enacted, That all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on Account and for the Benefit of the Trust under this Act, in the same Manner as if such Bonds, Covenants, Agreements, Contracts, and Securities had been entered into by such Person or Persons under and by virtue of this Act, and with the Trustees hereby appointed; and all Lettings of Tolls, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the said recited Acts hereby repealed, to or with any Person or Persons, or for any other Purpose, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties thereto, according to the Terms, Stipulations, and the true Intent and Meaning thereof.

Persons who have received Tolls, &c. by virtue of former Acts, to account with Trustees in like Manner.

VI. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Monies by virtue or on account of the said recited Acts hereby repealed, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for the same and every Part thereof to the said Trustees for executing this Act.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said Counties of *Surrey* and *Sussex* respectively, together with the Honourable *Charles Abbot*, *Sackville Stevens Bale* Clerk, *George Bankin*, *Morris Halford Barrow*,

Barrow, *George Maximilian Bethune* Clerk, Doctor in Divinity, *Benjamin Birckhead*, *Francis Scawen Blunt*, *William Cowdry*, *Edward Cranston*, *Robert Crawfurd*, *John Manship Ewart*, *Thomas Fulcher*, *Augustus Elliott Fuller*, *Fitzherbert Fuller* Clerk, *Charles Nairn Hastie*, *John Head*, *Henry Hewitson*, *Major Jacob Henniker*, *John Cuthbert Joyner*, *Thomas Lane*, *Isaac Lowdell Magens*, *Dorrien Magens*, *John Dorrien Magens*, *Henry Malcolm*, *Fasham Nairn*, *William Sewell*, *Christopher Smith*, *John Stenning*, *Richard Taylor* Clerk, Sir *Thomas Turton* Baronet, *Matthias Wilks*, *Joseph Brown Wilks*, *John Withers*, *Jonathan Worrell*, and their Successors, to be elected in manner herein-after mentioned, (the said several Persons herein-before named, and their Successors, being duly qualified according to the Provisions of the said Act passed in the Third Year of His present Majesty's Reign,) shall be and they are hereby appointed Trustees for putting this Act into Execution; and all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to or directed to be done by or before the said Trustees, shall be exercised, had, or done by the major Part of the said Trustees who shall be present at the respective Meetings of the said Trustees, the whole Number of Trustees present not being less than Three; and all such Acts, Matters, and Things shall be of as full Force and Effect as if done or executed by or before all the said Trustees.

For appointing new Trustees.

VIII. And be it further enacted, That when any of the Trustees (except the Justices of the Peace) hereby appointed or to be appointed in manner herein-after mentioned shall die, neglect, refuse, or decline to act, or shall cease to reside in the said Counties of *Surrey* or *Sussex*, the surviving or remaining Trustees, or any Three or more of them, may and are hereby empowered and required from Time to Time to choose and appoint any other Person residing in one of the said Counties, in the Place of every such Trustee so dying, neglecting or refusing or declining to act, or ceasing to reside in the said Counties: Provided always, that Ten Days Notice of the Meeting for every such Election shall be given in some One Newspaper circulated in the said Counties, and affixed upon all the Gates or Turnpikes which shall be then standing upon the said Road; and every such Trustee who shall be so appointed is hereby empowered to act in the Execution of this Act in such and the same Manner, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

First and other Meetings of Trustees.

IX. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at the *Crown Inn*, or at some other convenient House or Place at *East Grinstead* in the said County of *Sussex*, on the Second *Friday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be; and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there, or at any other Place on the said Road, as the said Trustees, or any Three or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in execution.

X. And

Present Officers (except the Treasurer) to continue.

X. And be it further enacted, That the present Clerk, Surveyor, and Collectors of the Tolls arising upon the said Road, and other Officers (save and except the Treasurer,) appointed by virtue of the said recited Acts hereby repealed, or either of them, for the Care and Management of or relating to the said Road, shall and they are hereby authorized to act in the Execution of this Act until they shall be removed or others appointed in their Stead.

Trustees may continue or take down Turnpikes, and erect others.

XI. And be it further enacted, That the said Trustees, or any Three or more of them, may and are hereby authorized and empowered to continue or take down all or any of the Toll Gates, Bars, or Turnpikes and Toll Houses now or hereafter to be erected in, upon, or across the said Road, or on the Side or Sides thereof, and also to erect or cause to be erected such Toll Gates, Bars, or Turnpikes, in, upon, or across the said Road, or upon or near the Side or Sides thereof, across any Lane or Way leading into the same, as they shall think proper, and to continue or erect a Toll House adjoining or near to the said respective Toll Gates, Bars, or Turnpikes, or such of them as they shall think proper; and the respective Tolls following shall be demanded and taken at all such Toll Gates, Bars, or Turnpikes as aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; (that is to say,)

May take Tolls.

Tolls.

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny:

For every Horse or other Beast drawing any Chaise, Chair, Curricle, Coach, Post Chaise, Chariot, Landau, Berlin, Hearse, Barouche, Calash, Waggon, Cart, Dray, or other Carriage, the Sum of One Penny Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number.

Toll to be paid but Once a Day.

XII. Provided always, and be it further enacted, That all Persons who shall have paid the Tolls hereby granted for or in respect of any Cattle and Carriage, at any Toll Gate, Bar, or Turnpike to be continued or erected by virtue of this Act, shall on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) be permitted to pass and repass free of Toll any Time or Times, as often as he or they shall think proper, through the same Toll Gate, Bar, or Turnpike, and through all or any other Toll Gates, Bars, or Turnpikes, which shall be continued or erected by virtue of this Act, for or in respect of the same Cattle and Carriage for which such Tolls shall have been so paid (except as by this Act is otherwise directed); and no Person passing any of the said Toll Gates, Bars, or Turnpikes, with any Horses not drawing a Carriage, and paying the Toll for such Horses, and returning the same Day (to be computed as aforesaid) with the same Horses drawing a Carriage, shall be subject or liable to pay any greater Toll than will, with what shall have been paid for such Horses

as aforesaid, make up the complete Toll authorized to be collected by virtue of this Act; and also that no Person passing any of the said Toll Gates or Turnpikes with any Horses drawing a Carriage and paying the Toll for the same, and returning on the same Day (to be computed as aforesaid,) with the same Horses not drawing any Carriage, shall be subject or liable to pay any Toll in respect of the Horses for returning; such Persons respectively producing a Note or Ticket denoting such respective Payments.

Tolls on Stage Coaches.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, to demand and take, or cause to be demanded and taken, for every Horse or other Beast drawing any Stage Coach, or other such like public Carriage for the Conveyance of Passengers, the Tolls hereby granted for and in respect of such Horse or Beast every Time such Coach or other Carriage shall pass along or upon the said Road.

Tolls on Post Chaises.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, to demand and take, or cause to be demanded and taken, the Tolls hereby granted for and in respect of all Horses and other Beasts drawing any Post Coach, Post Chaise, or other such Carriage, every Time they shall pass along or upon the said Road, in case of a fresh Hiring of such Post Coach, Post Chaise, or other Carriage.

Carts not to pass more than Twice in One Day without Payment of a fresh Toll.

XV. Provided always, and be it further enacted, That no Cart, Waggon, Dray, or other Carriage laden with Bricks, Tiles, Clay, Sand, Stones, Brick Earth, Rubbish, Soil, Chalk, or Ashes, shall be permitted to pass laden through any of the said Toll Gates, Bars, or Turnpikes more than Twice in any One Day, without paying again the like Tolls as if the same had not already passed through any of such Toll Gates, Bars, or Turnpikes, except such Carts or Waggons as shall be employed and used in carrying and conveying Materials for the repairing and amending the said Road; any thing herein to the contrary notwithstanding: Provided also, that no Cart, Waggon, Dray, or other Carriage, having Once passed laden through any such Toll Gate, Bar, or Turnpike, and returning on the same Day with empty Casks, Sacks, Cases, Vessels, or Utensils used in the Conveyance of any Article or Commodity whereof the Loading of any such Cart, Waggon, Dray, or other Carriage, consisted at the Time of first passing through such Toll Gate, Bar, or Turnpike, shall be taken or considered to be laden within the true Intent and Meaning of this Act.

Tolls vested in Trustees.

XVI. And be it further enacted, That the said several and respective Tolls, and all other Tolls by this Act and the said recited Acts of the Third and Fourth Years of His present Majesty's Reign granted or authorized to be collected, shall be and are hereby vested in the said Trustees for the Purposes of this Act.

Application of Tolls and other Monies.

XVII. And be it further enacted, That all the Tolls and other Monies raised by virtue of the said recited Acts hereby repealed, and now in the Treasurer's Hands, and all the Tolls and other Monies

to arise by virtue of this and the said recited Acts, shall be applied in the first place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident to or in anyways relating to obtaining and passing this Act, in the Payment of the Interest upon the Money borrowed or to be borrowed, in continuing, erecting, supporting, and lighting the several Toll Gates, Bars, Turnpikes, Toll Houses, and Sheds to be continued, erected, or supported by virtue of this Act, in paying the Salaries and Allowances to the several Clerks, Collectors, Surveyors, and other Officers and Servants to be employed under this Act, and in paying and defraying all other Costs, Charges, and Expences to be incurred or occasioned in or relating to the Execution of this Act, and to and for no other Use or Purpose whatsoever.

None to collect Tolls but those appointed by the Trustees.

XVIII. And be it further enacted, That if any Person or Persons not duly authorized and empowered by the said Trustees, shall demand, take, collect, or receive any of the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

No Turnpike or Toll Gate to be taken down or set up except by Order made at Meetings.

XIX. And be it further enacted, That none of the Toll Gates or Turnpikes now standing or hereafter to be erected upon or on the Sides of the Road by this Act directed to be repaired shall be taken down or removed, or any Toll Gate or Turnpike be erected by virtue of this Act, except by Order of the said Trustees made at some Meeting to be holden in pursuance of this Act, of which Meeting Fourteen Days Notice (specifying the Business to be done at such Meeting,) shall be given in some public Newspaper printed or circulated in the said Counties of *Surrey* and *Sussex*, and upon the Toll Gates or Turnpikes which shall be then standing upon the said Road.

Footpaths deemed Part of Road.

XX. And be it further enacted, That all and every the Footpaths on the Sides of and adjoining to the said Road by this Act authorized to be repaired, shall be and the same are hereby declared to be subject to the Regulations of this Act, and the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of His present Majesty, and to be Part of the said Road, and shall be repaired and amended by the said Trustees, by such Ways and Means and in such Manner as the said Road is and shall be repaired and amended.

No Building to be erected on Road, except Toll Houses, &c.

XXI. And be it further enacted, That it shall not be lawful to or for the said Trustees to make use of the said Road hereby directed to be repaired or any Part thereof, for the erecting of any Building whatsoever (other than such Toll Houses, Weighing Engines, Cart Houses, and other Buildings as may be erected by the Order of the said Trustees for the Use of the said Road).

Road not to be watered without the Consent of Trustees.

XXII. And be it further enacted, That if any Person or Persons shall water the said Road or Footpaths, or any Part thereof respectively, without the Consent and under the Direction of the said Trustees or their Surveyor, every Person so offending shall for

for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons employed for managing or repairing Road may act as Surveyors.

XXIII. Provided always, and be it further enacted, That all Persons who shall be employed by or act under the said Trustees for the Purpose of or superintending, managing, or repairing the said Road, shall and may have hereby full Power and Authority to execute the Powers given to Surveyors of the Road directed to be repaired by this Act, although such Person may not be employed or act by the particular Name or Description of Surveyor.

Where Road is diverted Trustees not to repair old Road.

XXIV. And be it further enacted, That in all Cases where the Course or Path of the Road included in the said recited Acts hereby repealed, or any Part or Parts thereof, may have been diverted or altered, or where the Course or Path of the said Road hereby authorized to be repaired, or any Part or Parts thereof, may be diverted or altered by making and completing a Road in lieu of the same, or of any Part or Parts thereof, nothing in this Act, or the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of His present Majesty's Reign, or any or either of them contained, shall extend, or be deemed, construed, or taken to extend, to authorize or empower the Trustees for putting this Act into Execution to repair or in any Manner to interfere with the said old Road or any Part thereof; but this Act, and every Clause, Article, Matter, and Thing herein contained, shall extend and be applied to the said new Road and every Part thereof.

Public Act.

XXV. And be it further enacted, 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.

Commencement and Continuance of Act.

XXVI. And be it further enacted, That this Act shall commence upon the said Second *Friday* next after the passing thereof, and shall be and continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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