Anno decimo

Georgii III. Regis.

An Act for enlarging the Term granted by an Act of the Twenty-eighth Year of His late Majesty's Reign, "for repairing and widening the Road from *Sutton*, in the County of *Surrey*, through the Borough of *Reigate*, by *Sidlow Mill*, to *Povey Cross*, and from *Sutton* aforesaid, through *Cheam*, and over *Howell Hill*, to *Ewell*, and also the Road from *Tadworth*, by the *Windmill*, to the Bottom of *Pebble Hill*, in the said County;" and for impowering the Trustees appointed by an Act of the Tenth Year of His late Majesty King *George* the First, for repairing several Roads in the Counties of *Surrey* and *Sussex*, to make a yearly Allowance to the Trustees appointed by the said Act of the Twenty-eighth of *George* the Second, and for taking certain Roads out of the Power of the Trustees appointed by the said Act of the Tenth of *George* the First, and putting them under the Direction of the Trustees appointed by the said Act of the Twenty-

eighth of *George* the Second; and for repairing the Road from *Povey Cross*, in the County of *Surrey*, to the *Oak* dividing the Counties of *Surrey* and *Sussex*; and also the Road from *Woodhatch* to *Peteridge Lane*, in the County of *Surrey*.

Preamble.

WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of his late Majesty King George the Second, intituled, An Act for repairing and widening the Road from *Sutton*, in the County of *Surrey*, through the Borough of *Reigate*, by *Sidlow Mill* to *Povey Cross*; and from *Sutton* aforesaid, through *Cheam*, and over *Howell Hill*, to *Ewell*; and also the Road from *Tadworth*, by the *Windmill*, to the Bottom of *Pebble Hill*, in the said County; divers Tolls and Powers were granted to Trustees therein named for repairing the said Roads, which were to commence and have Continuance on and from the Tuesday Three Weeks after the passing of the said Act, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the said Trustees have, in pursuance of the Powers vested in them by the said Act, borrowed a large Sum of Money, and have laid out the same, together with the Produce of the Tolls arising by virtue of the said Act, in repairing the said Roads, whereby Part thereof is sufficiently repaired; yet some Part of the said Roads is still in a ruinous Condition, and the said Trustees are not able, during the subsisting Term of the said Act, to repair the same, or to repay the Money borrowed upon the Credit of the said Tolls and Duties: To the End therefore that the said Roads may be repaired, and the said Money so borrowed be repaid; May it 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 Act of the Twenty-eighth Year of his late Majesty King George the Second, and all the Powers, Provisoes, Limitations, Exceptions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, except such as are by this Act altered or repealed, shall be continued, and are hereby declared to be continued, from and after the Expiration of the said Act for and

Act of Twenty-eighth of his late Majesty continued.

during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, as fully and effectually as if the ſame were repeated and re-enacted in the Body of this preſent Act.

And be it further enacted by the Authority aforeſaid, That Thomas Thomas, Charles Frewen, Joſeph Baldwin, Charles Howard, Charles Scraſe, William Wright, Robert Shallcroſs, Daniel Lambert, Sir Joſeph Yates Knight, James Tatterſall Clerk, John Scawen, John Briſtow, John Hinton, William Wright, Richard Barnes, Peter Whaley Clerk, Thomas Jackſon, Henry Jackſon, Joſeph Cocks, James Cocks, Thomas Somers Cocks, Richard Cocks, James Sayer, John Cocks Clerk, and Philip Cocks Clerk, ſhall be and they are hereby nominated and appointed Truſtees, together with the Truſtees appointed or elected by virtue of the ſaid former Act, for putting the ſaid former Act and this preſent Act in Execution. Additional Truſtees Names.

And whereas the Road from Povey Croſs, in the County of Surrey, to the Oak dividing the Counties of Surrey and Suſſex, and alſo the Road from Woodhatch to Peteridge Lane, are in a ruinous Condition, and cannot be repaired by the ordinary Courſe of Law, and the repairing the ſame would be of publick Utility; be it therefore enacted by the Authority aforeſaid, That the ſaid Act of the Twenty-eighth Year of his late Majeſty, and alſo this preſent Act, ſhall and they are hereby declared to extend to the ſaid Road from Povey Croſs to the Oak dividing the Counties of Surrey and Suſſex, and alſo to the Road leading from Woodhatch to Peteridge Lane, as fully and effectually as if the ſaid Roads had been inſerted in the ſaid Act of the Twenty-eighth Year of the Reign of his late Majeſty. New Roads added.

And whereas by an Act paſſed in the Tenth Year of the Reign of his late Majeſty King George the Firſt, intituled, An Act for amending the Road from the *Stones End* in *Southwark* to *Highgate*, at the Entrance of *Aſhdown Foreſt*, in the Pariſh of *Eaſt Grinſtead* in the County of *Suſſex*, and from *Kingſton* to *Burton Common*, and alſo the Lane leading from *Woodhatch* to *Sidlow Mill*, and the Lanes called *Horſehills*, *Bonehurſt* alias *Boners*, and *Peteridge Lanes*, in the County of *Surrey*, by enlarging the Terms granted by Two former Acts, One of the Fourth, and the other of the Sixth Year of His Majeſty's Reign, which Act was further continued by a ſubſequent Act of the Tenth Year of his late Majeſty King George the Second, the Truſtees in the ſaid Act appointed are impowered to repair (amongſt other Roads) the Road leading from the Borough of Woodhatch, in the Pariſh of Reigate, to the further End Act 10 *Geo.* I.

of Horſehills Lane, in the Pariſh of Horley, and from the Beginning of Peteridge Lane to the further End of Bonehurſt Lane, alias Boners Lane, in the Pariſh of Horley aforeſaid: And whereas by the ſaid Act of the Twenty-eighth Year of the Reign of His Majeſty King George the Second, the ſaid Road leading from the Borough of Woodhatch, in the Pariſh of Reigate, to the further End of Horſehills Lane, in the Pariſh of Horley, was likewiſe put under the Power of the Truſtees appointed by the ſaid Act of the Twenty-eighth Year of His late Majeſty King George the Second, who, without knowing that the ſaid Road was under the Direction of the Truſtees appointed by the ſaid Act of the Tenth Year of His late Majeſty King George the Firſt, proceeded in the Repair of, and have actually repaired the Road from Woodhatch through Horſehills Lane: And whereas it would be advantageous to the Publick if the Power of repairing and keeping in Repair the ſaid Roads leading from the Borough of Woodhatch, in the Pariſh of Reigate, to the further End of Horſehills Lane, in the Pariſh of Horley, and from the Beginning of Peteridge Lane to the further End of Bonehurſt alias Boners Lane, in the Pariſh of Horley aforeſaid, in the County of Surrey, was veſted in the Truſtees appointed to put the ſaid former Act of the Twenty-eighth Year of the Reign of His late Majeſty King George the Second and this Act in Execution; and the ſaid Truſtees for putting the ſaid Act of the Tenth Year of the Reign of His late Majeſty King George the Firſt in Execution, being willing that the ſaid Roads ſhould be transferred from their Truſt to that of the Truſtees appointed to put the ſaid Act of the Twenty-eighth Year of the Reign of His late Majeſty and this preſent Act into Execution: Be it therefore enacted, That the ſaid Act of the Tenth Year of His late Majeſty King George the Firſt, intituled, An Act for amending the Roads from the *Stones End* in *Southwark* to *Highgate*, at the Entrance of *Aſhdown Foreſt*, in the Pariſh of *Eaſt Grinſtead*, in the County of *Suſſex*, and from *Kingſton* to *Burton Common*, and alſo the Lane leading from *Woodhatch* to *Sidlow Mill*, and the Lanes called *Horſehills*, *Bonehurſt* alias *Boners*, and *Peteridge Lanes*, in the County of *Surrey*, by enlarging the Terms granted by Two former Acts, One of the Fourth and the other of the Sixth Year of His Majeſty's Reign; ſo far as the ſame relates to the Road leading from the Borough of Woodhatch, in the Pariſh of Reigate, to the further End of Horſehills Lane, in the Pariſh of Horley, and from the Beginning of Peteridge Lane to the further End of Bonehurſt Lane alias Boners Lane, in the

Act 28 *Geo.* II.

Act 10 *Geo.* I. repealed as to certain Roads.

the

the Parish of Horley aforesaid, in the said County of Surrey, shall be and is hereby declared to be repealed.

The Roads in the Act 10 *Geo.* I. put under the Direction of the Trustees for the said former and this Act.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act the said Roads from the Borough of Woodhatch, in the Parish of Reigate, to the further End of Horsehills Lane, in the Parish of Horley, and from the Beginning of Peteridge Lane to the further End of Bonehurst alias Boners Lane, in the said Parish of Horley, in the County of Surrey, shall be and are hereby declared to be under the Power of the Trustees appointed to put the said Act of the Twenty-eighth Year of his late Majesty King George the Second and this present Act in Execution; any Law or Statute to the contrary notwithstanding.

Trustees may erect Turnpikes, and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees shall and they are hereby impowered to erect Gates or Turnpikes on the said Road from the Borough of Woodhatch, in the Parish of Reigate, to the further End of Horsehills Lane, in the Parish of Horley, as also on the Road from the Beginning of Peteridge Lane to the further End of Bonehurst alias Boners Lane, in the Parish of Horley, and there to demand and take the same Tolls and Duties as are by the said Act allowed to be taken on any Horse, Beast, Cattle, or Carriage passing through the Gate or Turnpike at the South End of the Village of Woodhatch.

Act 10 *Geo.* I. recited.

And whereas by the said Act of the Tenth Year of his late Majesty King George the First it is enacted, That a Sum not exceeding Nine thousand Pounds may be borrowed by virtue of the said Act, Two thousand Pounds whereof are directed to be applied in repairing and amending the Lane from the Borough of Woodhatch, by Salmon's Cross, to Sidlow Mill, in the Parish of Reigate, and Horsehills Lane, and Bonehurst alias Boners, and Peteridge Lanes, in the Parish of Horley; and if at any Time before the Expiration of the said Act the said Sum of Nine thousand Pounds should be fully paid, with all Interest due thereon, then One Fourth Part of the Tolls arising by the said Act is directed to be applied in repairing and amending the Road from the Stones End to Sutton, and from the said Borough of Woodhatch, in the Parish of Reigate, to the further End of Horsehills Lane, in the said Parish of Horley, and from the Beginning of Peteridge Lane to the further End of Bonehurst alias Boners Lane, in the Parish of Horley aforesaid: And whereas the said Sum of Nine thousand Pounds is not yet repaid, yet the Trustees appointed to put the said Act of the Tenth Year of his late Majesty King George

George the First in Execution, are desirous that an Allowance, in the Manner and Proportions herein after mentioned, shall be made out of the Tolls to be collected by virtue of the said Act to the Trustees appointed to carry the said former Act of the Twenty-eighth Year of his late Majesty and this present Act into Execution, in lieu of the Allowance out of the Tolls directed to be applied to the Roads under their Direction by the said Act of the Tenth Year of his late Majesty King George the First: Be it therefore enacted by the Authority aforesaid, That from and after the passing of this present Act, the Trustees appointed to put in Execution the said Act of the Tenth Year of the Reign of his late Majesty King George the First, intituled, An Act for amending the Roads from the *Stones End* in *Southwark* to *Highgate*, at the Entrance of *Ashdown Forest*, in the Parish of *East Grinstead*, in the County of *Sussex*, and from *Kingston* to *Burton Common*, and also the Lane leading from *Woodhatch* to *Sidlow Mill*, and the Lanes called *Horsehills*, *Bonehurst* alias *Boners*, and *Peteridge Lanes*, in the County of *Surrey*, by enlarging the Terms granted by Two former Acts, One of the Fourth and the other of the Sixth Year of His Majesty's Reign, shall and they are hereby authorised and required, out of the Tolls arising by virtue of the said Act, or the Money to be borrowed on the Credit thereof, to pay or cause to be paid to the Trustees appointed to put the said former and this present Act in Execution, or to their Treasurer, or such Person or Persons as they, or any Five or more of them, shall authorise and appoint to receive the same, the Sum of One hundred Pounds, at or upon the Twenty-fifth Day of December next after the passing of this Act, and also the yearly Sum of One hundred Pounds for the Two Years thence next ensuing; and from and after the Expiration of the said Two Years, the yearly Sum of Two hundred Pounds, for and during the Remainder of the Term granted by this Act; all which said yearly Sums shall be paid and payable by Two equal half-yearly Payments, to be made on the Twenty-fourth Day of June and the Twenty-fifth Day of December in each Year; which said annual Sums the Trustees for putting the said former Act and this present Act in Execution, are hereby impowered and required to accept from the said Trustees for putting the said Act of the Tenth Year of the Reign of his late Majesty King George the First in Execution, in lieu of and in full Satisfaction of any Share or Shares of any Toll hereafter to arise by virtue of the said Act of the Tenth

Trustees of Act 10 *Geo.* I. to allow a Sum to the Trustees of Act 28 *Geo.* II.

Year of His late Majesty King George the First, or of any subsequent Act for continuing the same; and the Receipt of the Treasurer or Treasurers, or such Person as the said Trustees appointed to put the said former and this present Act in Execution shall appoint to receive the same, shall be a sufficient Discharge to the said Trustees for putting in Execution the said Act of the Tenth Year of the Reign of His said late Majesty King George the First, for the said annual Sums directed to be paid as aforesaid; which said annual Sums shall be applied to the repairing the Roads directed to be repaired by the said former and this present Act, and to no other Use or Purpose whatsoever.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed to put the said former and this present Act in Execution, to borrow any further Sum of Money, not exceeding Six thousand Pounds, upon the Credit of the Tolls and Monies granted by this Act, in such Manner and under such Regulations as is and are prescribed for the borrowing of Money on the Credit of the Tolls by the said former Act; and the Tolls granted, and Money to be paid by virtue of the said former and this present Act, are hereby declared and directed to be subject and liable to the Payment of the Principal and Interest, as well of the Money already borrowed by virtue of the said former Act, as of all Monies hereafter to be borrowed by virtue of the said former and this present Act.

No Toll to be taken for the Carriage of Fish.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, no Toll or Duty granted by the said former or this present Act shall be demanded or taken for any Carriage, Horse, Mare, Gelding, Mule, or Ass, laden with Fish, or the Horses on which the Rippiers or Drivers of such Horses, Carriages, or other Beasts, shall ride, going towards London, or for such Carriages, Horses, or other Beasts, returning; but that such Carriages, Horses, or other Beasts, shall at all Times pass Toll-free.

Carriages laden with Chalk to pay Toll as other Carriages.

And whereas by a Clause in the said Act of the Twenty-eighth Year of the Reign of His late Majesty, all Carriages laden with Chalk are exempted from the Payment of any Toll; be it further enacted by the Authority aforesaid, That the said Clause, so far as relates to the Exemption of Carriages laden with Chalk, shall be, and the same is hereby declared to be repealed; and that, from and after the passing of this present Act all and every Carriage laden with Chalk shall pay the same Tolls

with any other Carriage not exempted from the Payment of Tolls by the said Act.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time during the Continuance of the said former and this present Act, to compound or agree with any of the Parishes or Townships to which the said Roads do belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money or otherwise by the Year, as the said Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute-work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers of such Lands, Tenements, or Hereditaments chargeable, or other Person or Persons liable as aforesaid; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable Times, be seen and perused by any Person or Persons whomsoever without Fee or Reward.

Composition-money to be paid in Advance.

Provided always, That such Composition-money, whether for Travellers, Statute-work, or Persons liable to repair any Part of the said Roads, shall always be paid in Advance at the Time of making such Composition.

Surveyor to be reimbursed the Composition-money.

Provided also, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-money he shall so pay, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be re-imbursed the Monies by them expended in buying Materials for amending the said Highways.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, or in relation to the Matters

Matters herein contained; every such Action or Suit shall be commenced within the Space of Six Months next after the doing the Matter or Thing for which such Action shall be so brought, and not afterwards; and shall be brought, laid, and tried in the County where such Matters and Things shall be committed and done, and not in any other County; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall be so done, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein: And if the Plaintiff or Plaintiffs in such Action shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict or Verdicts shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath, have, or may have, for his or their Costs in Cases by Law. General Issue. Treble Costs.

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

FINIS.