



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. lxxxiv.

An Act for continuing the *Godstone and Highgate Turnpike Trust* for a limited Period, for the Purpose of paying off the Mortgage Debt.

[29th July 1850.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road* 9 G. 4. c. 110. from *Godstone in the County of Surrey to Highgate in the Parish of East Grinstead in the County of Sussex*: And whereas there is a considerable Sum of Money still remaining due and owing on the Credit of the Tolls authorized to be taken by virtue of the said Act, and such Sum cannot be paid off unless the Term of the said Act is further continued for the Period herein-after mentioned; but the Purpose aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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

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Recited Act repealed; Authority of the same, That from and after the Commencement of this Act the said recited Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth shall be repealed (except so far as the same repealed or altered any former Act or Acts).

and this Act to take effect for the Purpose of liquidating Debt. II. And be it enacted, That this Act shall from the Commencement thereof be put into execution for and during the Term herein-after mentioned for the Purpose of liquidating and paying off the Principal Monies still remaining due and owing on the Credit of the Tolls authorized to be taken by the recited Act hereby repealed.

New Term and Tolls liable to former Debts. III. And be it enacted, That this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies now due and owing, or secured upon or made payable out of the Tolls authorized to be taken by virtue of the recited Act hereby repealed, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be taken.

Former Debts and Property vested in new Trustees. IV. And be it enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in, the Trustees acting under the said recited Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such Trustees shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act.

Appointment of Trustees. V. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said Counties of *Surrey* and *Sussex* respectively, together with *John Allnut, Thomas Allcock M.P., Spencer Ashlin, Edward Richards Adams, John Baker Baker, George Cuddington Bethune Clerk, Henry Bilke, Edward Bilke, James Bailey, John Bocket, Edward Burmester, Henry Butterworth, George Parker Bidder, James Bridger, John Bradbury, Henry Butler, John Courage, William Curling, William Cooper, Jesse Curling, William Miller Christy, Thomas Castle, James Coster, Charles Chatfield, James Cox, Joseph Dowson, Beriah Drew, George Drew, John Deacon, Frederick Owens Dickins, George Neale Driver,*
Thomas

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*Thomas Dunnage, William Evans, Charles Evans, Joseph Ellis, Samuel Elyard, Robert Wells Eyles, Thomas Fleming, Samuel Fisher, Charles Francis, Thomas Farncomb, Henry Floud, Francis Fuller, Charles Few, John Farley, Thomas Farley, Robert Alexander Gray, Samuel George, Joseph Henry Goodhart, James Goding, William Gilpin, Robert Garrard, John Gray, William Haslam, John Owen Hart, John Netherton Hayward, Charles Nairne Hastie, George Head, William Hedger, James Hunt, Thomas Horne, Edward Harvey, James Eland Hobson, James Horne, Thomas Alers Hankey, William Mackintosh Hutton, George Smith Hayter, James Hill, Edward I'Anson, John Edward Johnson, Thomas Jones, Henry Kemble, Henry Garret Key, John Bicknell Langton, John Locke, James Leyton, John William Lidiard, George Lawdell, John Dorrien Magens, John Gilbert Meymott, Richard Mathews, Henry M'Kellar, William Mitalfe, William Thomas Nixon, William Nottidge, William Steward Owens, James Courthorpe Peache, Thomas Bless Pugh, Thomas Penfold, David Riddall Roper, William Rogers, Lawrence Redhead, James Marmaduke Rossiter, William Shadbolt, James Henry Shears, John William Sutherland, John Stenning, Edward Stenning, Thomas Allen Shuter, Thomas Turner, Charles Hampden Turner, William Woodyer, William Woodbridge, Daniel Watney, Charles Webb, John Watney, Stephen Wilson, William Westall, Henry Walmisley, Edward Westall, James Watney, William Wood, James Forbes Young, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution, and it shall be necessary for Five at least of such Trustees to be present to constitute a Quorum and to act at a Meeting of Trustees.*

VI. And be it enacted, That when any of the Trustees (except 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 either of the said Counties of *Surrey* and *Sussex*, or within One Mile of either of such Counties, the surviving or continuing Trustees may and they are hereby empowered and required from Time to Time to choose and appoint any other Person residing in either of the said Counties, or within One Mile of either of such Counties, in the Place of any such Trustee so dying, neglecting, or refusing or declining to act, or ceasing to reside in the said Counties, or within One Mile of either of such Counties: Provided always, that Ten Days previous Notice of the Meeting for every such Election shall be given by publishing the same once in some Newspaper which shall be published in *London* at least Six Days in the Week, and by affixing a Copy of such Notice in Writing or in Print upon all the Toll Gates which shall be then standing upon the Roads included

Power to
appoint new
Trustees.

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included in the recited Act hereby repealed; 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.

Meetings of
Trustees.

VII. And be it enacted, That the Trustees for executing this Act shall hold their First Meeting at the Sessions House at *Newington* in the County of *Surrey*, or at some other convenient House or Place, on the Fourth *Saturday* next after the passing of this Act, or as soon after such Fourth *Saturday* as conveniently may be, and shall and may then and from Time to Time afterwards adjourn, and meet at such Times and such Place or Places, either at *Newington* aforesaid, or at some other convenient Place, as the said Trustees, or the major Part of them present at any such Meeting, shall think proper and appoint.

Power to
appoint
Committees.

VIII. And be it enacted, That the said Trustees may appoint Committees, each Committee to consist of not less than Five, out of their own Number, to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General or Special Meeting; and the said Committees and their Officers may proceed and act according to such Appointment, Instructions, and Regulations.

Style of the
Trust, and
short Title of
the Act.

IX. And be it enacted, That the said Trustees shall be styled "The Trustees for paying off the Debt of the *Godstone and Highgate Turnpike Trust*;" and in citing this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "*The Godstone and Highgate Turnpike Trust Liquidation of Debt Act, 1850.*"

Trustees
or Clerk
competent
Witnesses in
Actions.

X. And be it enacted, That no Trustee, Clerk, or other Officer acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee, Clerk, or other Officer, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Toll Gates
to be con-
tinued until
removed by
Order of the
Trustees.

XI. And be it enacted, That the several Toll Gates, Toll Bars, and Toll Houses now standing or being on the said Roads included in the recited Act hereby repealed, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall

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shall be lawful for the said Trustees to order and cause to be erected and set up in, upon, or across the said Roads, or on the Sides thereof, any Turnpike, Toll Gate or Bar, and to remove the present or any future Turnpikes, Toll Gates or Bars, or any of them, as they shall think proper.

XII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at any Toll Gate continued on the said Roads included in the recited Act hereby repealed, or to be erected thereon by virtue of this Act or any Act for regulating Turnpike Roads in *England*, such Tolls or Sums of Money as they shall think proper, not exceeding the following; (that is to say,) Tolls.

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

For every Ass not drawing, the Sum of One Halfpenny :

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

For every Dog drawing any Cart or Vehicle, by whatever Name the same may be called, the Sum of One Penny :

For every Carriage with Four or more Wheels not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of Two Shillings ; and for every Carriage with Three or a less Number of Wheels not drawn by any Horse or Beast, but propelled or moved by Machinery, the Sum of One Shilling :

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

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

XIII. And be it enacted, That on all the said Roads, notwithstanding anything contained in any general Act relating to Turnpike Roads in *England*, One Half more than the Toll herein-before made payable for every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, or other such like Carriage, by whatever Name the same may be called, shall be demanded and taken for every Horse or other Beast drawing any such Carriage, having the Bottoms or Soles of any of the Wheels thereof of less Breadth than Four and a Half Inches, and that One Fourth more than the said Toll herein-before made payable shall be demanded and taken for every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, or other such like Carriage, by whatever Name the same may be called, having the Bottoms or Soles of the Wheels thereof of

Additional
Tolls in
respect of
narrow
Wheels and
Wheels not
having a flat
Surface.

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the Breadth of Four and a Half Inches, but of less Breadth than Six Inches; and that for every Horse or other Beast drawing any Waggon, Caravan, Cart, Dray, or other such like Carriage, by whatever Name the same be called, having the Bottoms or Soles of the Wheels thereof of the Breadth of Four and a Half Inches, or of any greater Breadth, but having the Tires thereof deviating in any respect whatsoever more than Half an Inch from a flat and level Surface, the same additional Toll shall be demanded and taken as is herein-before made payable for every Horse or other Beast drawing any such Carriage having the Bottoms or Soles of the Wheels thereof of less Breadth than Four and a Half Inches: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the levying of additional Toll for any Horse or other Beast drawing any Cart or such like Carriage not having more than Two Wheels when not drawn by more than One Horse or Two Oxen, or to alter any Provision in any general Act relating to Turnpike Roads in *England* which provides that Two Oxen or Neat Cattle shall be considered as One Horse with respect to Tolls or other Things.

Tolls on
Stage
Coaches.

XIV. Provided always, and be it enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, for every Horse or other Beast drawing any Stage Coach, Omnibus, 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, Omnibus, or other such like public Carriage shall pass along or upon the said Roads.

Tolls on
Post Chaises.

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

Tolls payable
but once a
Day (except
otherwise
directed).

XVI. And be it enacted, That, except as by this Act is otherwise directed, it shall be lawful for all Persons who shall have paid the Tolls hereby granted at any of the said Toll Gates to pass and repass on the same Day (to be computed from Twelve of the Clock on One Night until Twelve of the Clock on the succeeding Night) through the same Toll Gate or any other Toll Gates not exceeding Six Miles therefrom, measured as herein-after mentioned, which shall be continued or be erected on the said Roads, Toll-free for or in respect

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respect of the same Cattle or Carriages for which such Tolls shall have been so paid.

XVII. And be it enacted, That it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken for every Horse or other Beast and Carriage for which Toll shall have been paid and payable at any Toll Gate, and which shall afterwards on the same Day (to be computed as aforesaid) pass through any other Toll Gate distant Six Miles or upwards (as measured on the said Roads) from the Toll Gate at which the former Toll was paid, a further full Toll as if no former Toll had been paid.

After passing Six Miles on the Road a fresh Toll to be payable.

XVIII. And be it enacted, That all the Monies which shall be received by the said Trustees or other the Person or Persons for the Time being in possession of the Tolls authorized to be levied by virtue of this Act, shall be applied as follows ; (that is to say,)

Application of the Tolls.

Firstly.—In paying and discharging the Expenses of and incidental to the obtaining and passing of this Act :

Secondly.—In paying (if necessary) the Wages of Toll Collectors, and in paying the Expense of erecting, providing, and keeping in repair Toll Gates, Toll Bars, and Toll Houses, and in paying the Officers to be employed in the Execution of this Act in any Capacity other than that of a Toll Collector, but the Amount to be so applied shall not exceed Ten Pounds Ten Shillings in any One Year, exclusive of the Amount required for paying the Wages of Toll Collectors :

Thirdly.—In reducing, paying off, and discharging the Principal Sum which is now a Charge upon the Tolls authorized to be taken by the said former Act hereby repealed.

XIX. And be it enacted, That it shall be lawful for the said Trustees and they are hereby required to reserve and set apart the whole of the Monies and Tolls collected and received by virtue of this Act which shall remain, after providing for the several Payments hereinbefore directed to be previously satisfied, and so often as the Monies so set apart shall amount to Two hundred Pounds to apply the same in or towards Satisfaction of the Principal Monies from Time to Time remaining due upon the Security of the said Tolls, and to no other Purpose whatsoever.

For paying off the Debt of the Trust.

XX. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads included in the recited Act hereby repealed from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads not to be exempt from Provisions of future general Acts.

XXI. And

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Commence-
ment and
Term of Act.

XXI. And be it enacted, That this Act shall commence on the Fourth *Saturday* next after the passing thereof, and shall continue in force for the Term of Nine Years and no longer.

Act to cease
if Debt paid
off before the
Expiration
of Term.

XXII. Provided always, and be it enacted, That in the event of the whole of the Principal Monies which are now a Charge upon the Tolls authorized to be taken by the said recited Act hereby repealed becoming satisfied and paid off before the Expiration of the Period herein-before specified as the Period during which this Act shall continue in force, then and in such Case all the Powers of this Act shall immediately cease and determine.

Interpreta-
tion of
Terms.

XXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

The Word "Person" shall be understood to include Corporations :

Words importing the Masculine Gender shall include Females :

The Expressions "the Trustees," or "the said Trustees," shall mean the Trustees acting in the Execution of this Act :

The Expression "Toll Gate" shall be understood to include Toll Bars, Side Bars, Side Gates, and Chains.

Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.