



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xxxix.

An Act to repeal the Act for more effectually repairing the Road leading from the *High Street* in the Town of *Arundel* in the County of *Sussex* to the Turnpike Road leading from *Petworth* to *Stopham* on *Fittleworth Common* in the said County, and to make other Provisions in lieu thereof. [28th *May* 1852.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and amending the Road leading from the High Street in the Town of Arundel to the Turnpike Road leading from Petworth to Stopham on Fittleworth Common in the County of Sussex*: And whereas the Powers granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Roads, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be in the meantime further

[*Local.*] 6 I continued:

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continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken on the said Road, which Money still remains owing, and cannot be paid off, unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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 Authority of the same, as follows; (that is to say,)

Repeal of
recited Act.

I. That upon the Thirtieth Day of *October* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Bury (Sussex)* Turnpike Road Act, 1852."

Roads to
which this
Act is ap-
plicable.

III. That this Act shall be put into execution for the Purpose of maintaining, keeping in repair, and improving the existing Turnpike Road leading from the *High Street* in the Borough of *Arundel* in the County of *Sussex*, through the Parishes of *Houghton* and *Bury*, to the Turnpike Road leading from *Petworth* to *Stopham* on *Fittleworth Common* in the County of *Sussex*.

Monies and
Property to
vest in the
new Trus-
tees.

IV. That all Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such of them as are by this Act extinguished.

Appoint-
ment of
Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Sussex* and the Borough
of

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of *Arundel*, together with the Right Honourable *Henry Granville Howard* commonly called the Earl of *Arundel and Surrey*, Sir *John William Hamilton Anson* Bart., the Reverend *John Austin* Clerk, *George Barttelot*, *Walter Barttelot Barttelot*, *Anthony John Wright Biddulph*, *John Boniface*, *Thomas Boniface*, *Levi Bushby*, the Honourable *Robert Curzon*, the Honourable *Robert Curzon* the younger, *Richard Challen*, *George Augustus Coombe*, *George Constable*, *George Sefton Constable*, *Frederick Cooper*, *Richard Coote*, *George Cosens Coote*, the Reverend *John Delafield* Clerk, *Robert Drewitt*, *William Duke* (of *Leominster*), *Thomas Evans* (of *Leominster*), *Robert French*, the Reverend *John Cheale Green* Clerk, *William Gratwicke Kinleside Gratwicke*, the Right Honourable Lord *Edward George Fitzalan Howard*, the Reverend *George Augustus Frederick Hart* Clerk, *John Halliday*, *Richard Hasler*, *John Heywood Hawkins*, *Henry Thomas Christopher Hawkins*, *Dennett Hersee*, *Richard Holmes*, *Richard Holmes* the younger, *Henry Holmes*, *Edward Carleton Holmes*, *Henry Howard* (of *Graystock*), *Henry Howard* (of *Corby Castle*), *Edward Ireland*, *John James King*, the Right Honourable Lord *John George Lennox*, *John Lear*, *George Lear*, *Arthur Mant*, *John Neale*, *Charles New*, *Charles Newland*, *George Olliver* (of *Kingston*), *William Osborn*, the Reverend *George Palmer* Clerk, Sir *George Richard Pechell* Baronet, *Edward Greenfield Penfold*, *Richard Prime*, *Arthur Prime*, *George Bowden Puttock*, the Reverend *Edward Hamer Ravenhill* Clerk, *George Sharp*, *Thomas Shiffner*, the Reverend *Maurice Smelt* Clerk, *Silas Stilwell Stedman*, *Bridger Stent*, *John Cole Tompkins*, *John Newland Tompkins*, the Reverend *James Tripp*, *George Tripp*, *Charles Upton Tripp*, *Edward Fuller Upperton*, *Robert Upperton*, *Henry Upton*, *Richard Watt Walker*, *William Walker*, the Reverend *John Holmes Wardroper* Clerk, *Robert Watkins*, the Reverend *William Andrew Weguelin* Clerk, *Hugh Penfold Wyatt*, *George Wyndham*, *Henry Wyndham*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

VI. That it shall be lawful for the Trustees, from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint
additional
Trustees.

VII. That the Trustees shall hold their First Meeting at the *Norfolk Arms* in *Arundel* aforesaid, or at some other convenient Place

Meetings of
Trustees.

Place

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Place in the Neighbourhood of the said Road, on the Eighth Day of *November* One thousand eight hundred and fifty-two, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and from Time to Time thereafter adjourn to meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to
appoint
Committees.

VIII. That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees and their Surveyors may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls
continued
for a Term.

IX. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads, until the Thirty-first Day of *December* One thousand eight hundred and fifty-two.

Power to
take Tolls.

X. That upon and after the said Thirty-first Day of *December* One thousand eight hundred and fifty-two it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Hearse, Chariot, Calash, Chaise, Chair, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth or less than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Sole thereof, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches, the Sum of Threepence:

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For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Twopence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number :

For every Dog or Goat drawing any Cart or other Carriage whatever, the Sum of One Penny :

For every Carriage, of whatsoever kind, propelled or drawn by Steam or other Power than Animal Power, the Sum of Two Shillings and Sixpence :

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

XI. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

XII. That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle, or Carriage, used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Lime, Compost, Chalk, or Manure for improving Lands. Exemptions from Toll.

XIII. That no more than One full Toll shall be taken (except in the Cases herein-after mentioned) for passing and repassing on the same Day (such Day to be computed for the Purposes of this Act from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll, through all or any of the Turnpikes, Toll Gates or Bars, to be continued or erected upon, across, or on the Sides of the said Road. Only One full Toll to be taken.

XIV. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, Postchaise, or other Carriage travelling for Hire, as herein-after mentioned,) in Persons having paid Toll to return free.
[Local.] 6 K respect

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respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon Production of a Ticket denoting such Payment, be permitted, in returning, passing, and repassing through the same or any other Toll Gate on the said Road (if any), to pass Toll-free the same Day.

Postchaises,
&c. to pay
every fresh
Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Horses draw-
ing Stage
Coaches, &c.
to pay each
Time of
passing.

XVI. That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing and repassing through any Toll Gate on the said Roads.

Respecting
Toll Gates.

XVII. That the several Toll Gates and Toll Houses now standing or being upon the said Road, or at the Entrance of any Lane or Way leading into, from, or out of the same, shall be continued until removed by any Order of the Trustees; and the Trustees may order and cause to be set up, in, upon, or across the said Road, or at the Entrance of any Lane or Way leading into, from, or out of the same, any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House: Provided always, that no such Toll Gate or Toll House shall be so removed, erected, or set up, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Application
of Monies.

XVIII. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of maintaining and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Road, not exceeding the annual Sum of Twenty-six Pounds Five Shillings:

Thirdly,

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Thirdly, in paying Interest at the Rate of One Pound *per Centum per Annum* upon the Principal Sums which may from Time to Time be owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken on the said Road :

Fourthly, in paying the annual Sum of Eighty-five Pounds for or towards the Expenses of maintaining and keeping the said Road in repair, and in putting this Act into execution with reference thereto :

Fifthly, in reducing, paying off, and discharging, in the Mode hereinafter mentioned, the Principal Sums so for the Time being owing as aforesaid :

Lastly, in maintaining, keeping in repair, and improving the said Road, and in putting this Act into execution with reference thereto.

XIX. That whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid, at the Rate herein-before mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate herein-before mentioned, upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force

Mortgagees to take possession for Arrears of Interest only.

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force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Mode
of discharg-
ing Debt.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Sixty Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, either by Letter under the Hand of the Clerk to the Trustees for the Time being given to each of the Persons entitled to any Part of the Sum of Two thousand five hundred and fifty Pounds herein-after mentioned which may then remain unsatisfied, or left at his usual or last known Place of Abode, or sent by Post addressed to him thereat, or in some Newspaper published in the County of *Sussex*, or if there shall be no Newspaper published therein then in some Newspaper published in an adjoining County; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

XXI. That

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XXI. That whereas the Mortgage Debt upon the Tolls under the said recited Act now amounts to the Sum of Two thousand five hundred and fifty Pounds, exclusive of Two Sums of Fifty Pounds each, which now are and for upwards of Twenty Years have been unclaimed, and there is a large Arrear of Interest due on the said Sum of Two thousand five hundred and fifty Pounds : Be it enacted, That the Sum of Two thousand five hundred and fifty Pounds shall be and be deemed to be the whole Principal Sum owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken on the said Road, and that all Arrears of Interest now due thereon, and all Interest on the said Debt which may accrue until the Trustees shall have received a Sum sufficient to discharge the Expenses of obtaining and passing this Act or incident thereto, shall be considered as satisfied and discharged, and that from thenceforth Interest at the Rate of One Pound *per Centum per Annum* shall be payable on the said Debt of Two thousand five hundred and fifty Pounds, or such Part thereof as for the Time being shall remain due.

As to
Amount of
Debts and
Interest
thereon.

XXII. That it shall not be lawful for the said Trustees to borrow any further Sum of Money on the Credit of the Tolls by this Act authorized to be taken.

No more
Money to
be borrowed
on the Tolls.

XXIII. That no Money shall be laid out by the Trustees on the said Road within the Town of *Arundel*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected by them therein.

No Money
to be taken
or laid out
by Trustees
in Towns.

XXIV. That nothing herein contained shall be deemed to exempt the said Road 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.

Road not
exempted
from Pro-
visions of
future Ge-
ral Acts.

XXV. That this Act shall commence on the Thirtieth Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Commence-
ment and
Term of Act.

XXVI. 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,)

Interpreta-
tion of
Terms.

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

[*Local.*]

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The

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The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act :

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates.

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