



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act to repeal an Act for maintaining and repairing the Turnpike Road from *Bramley* in the County of *Surrey* to *Ridgewick* in the County of *Sussex*, and to make other Provisions in lieu thereof. [17th June 1852.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from Bramley in the County of Surrey to Ridgewick in the County of Sussex*, and by that Act the Roads comprised therein were divided into Two Districts, called respectively the First District and the Second District, and each of the said Districts was placed under the Care and Management of a separate Body of Trustees: And whereas the Trustees of each of the said Districts duly made, and have since maintained, so much of the said Roads as lies within their respective Districts: 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 Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless Parliament shall in the meantime continue the same: And whereas considerable

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58 G. 3. c. 69.

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able Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act in each of the said Districts, which Money still remains owing, together with certain Interest thereon, and such Money cannot be paid off or the said Roads effectually repaired, unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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,)

Recited Act repealed, and this Act to be put in force.

I. That upon the Twenty-sixth Day of *October* next after the passing of this Act the said recited Act of the Fifty-eighth Year of the Reign of His Majesty King *George* the Third shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.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 whatsoever it shall be sufficient to use the Expression "The *Bramley and Ridgewick* Turnpike Road Act, 1852."

Monies and Property to vest in the new Trustees.

III. 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 of either of the said Districts, under the said repealed Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees under this Act, and such 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 repealed Act; and the Trustees under this Act shall be liable to all the Debts and Engagements to which the Trustees of the respective Districts under the said repealed Act were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Surrey*, with the Knights of the Shire for the County of *Surrey*, and the Members serving in Parliament for the Borough of *Guildford* for the Time being, together with *John Arnold, Edward Bennett, John Boughton, James Braby, John Bradshaw, John Churchman*, the Reverend *William Hodgson Cole, Edward Eager, William Eager, Jacob Ellery, James Elmes, Rowland Goldhawk* the younger, *William Haydon, Samuel Haydon, William Lewis Henning, William Walter Henning*, the Honourable *James Norton*, the Honourable *George Chapple Norton, Brinsley Norton, William Fletcher Norton Norton, John Gabriel Ryde*, the Reverend *John Henry*

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Henry Sapte, William Haydon Smallpiece, John Sparkes of Woodhill, John Sparkes of Wonersh, John Sparkes of Gosden, Henry Street, William Street, Thomas Lyon Thurlow, James Tickner, the Vicar for the Time being of the Parish of Wonersh, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for putting this Act into execution.

V. 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 Six in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees thereof 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 Trustees.

Power to
appoint
additional
Trustees.

VI. That the Trustees shall hold their First Meeting on the Twenty-sixth Day of *October* 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 and meet at such Time, and at such Places in the Neighbourhood of the Roads comprised in this Act, as they shall think proper; and the First Meeting of the Trustees shall be held at the *Grantley Arms Inn*, in *Wonersh*, or at some other convenient Place in the Neighbourhood of the said Roads.

Meetings of
Trustees.

VII. That the Trustees may appoint Committees out of their own Number to take the Care and Management of either of the said Districts of Roads herein-after defined, or any particular Part of the 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.

Power to
appoint
Committees.

VIII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road leading from the Village of *Bramley* in the County of *Surrey*, through and to the further Boundary of the Parish of *Wonersh*, (which said Road shall constitute the First District,) and the Road from the said further Boundary of the Parish of *Wonersh*, through the Parishes of *Cranley* and *Ewhurst*, to the Boundary of the Parish of *Ridgewick* otherwise *Rudgewick*, in the County of *Sussex*, forming a Communication with the Road from *Brighton* to *London* (which said last described Road shall constitute the Second District).

Roads to
which this
Act is appli-
cable.

IX. That,

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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 Road in each District until the First Day of *December* One thousand eight hundred and fifty-two.

Power to
take Tolls.

X. That upon and after the said 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 in each District, 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 of Draught, except an Ass, drawing any Coach, Chariot, Landau, Berlin, Chaise, Barouche, Phaeton, Vis-à-vis, Calash, Curricule, Chair, Gig, Hearse, Caravan, Taxed Cart, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast of Draught, except an Ass, drawing any Waggon, Wain, Cart, or other such Carriage, the Fellies of the Wheels whereof are of the Breadth of Six Inches or upwards, the Sum of Fourpence :

For every Horse or other Beast of Draught, except an Ass, drawing any Waggon, Wain, Cart, or other such Carriage, the Fellies of the Wheels whereof are of less Breadth than Six Inches, the Sum of Sixpence :

For every Ass drawing any Coach, Waggon, or other Vehicle, the Sum of Fourpence :

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

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

For every Dog drawing any Truck, Sledge, Barrow, or other Carriage or Vehicle, the Sum of One Penny :

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

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

For every Carriage drawn or propelled by Steam or Machinery, or other than Human or Animal Power, the Sum of One Shilling for every Wheel of such Carriage :

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

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XI. That it shall be lawful for the Trustees to demand and take Toll upon all Horses and Beasts drawing any Waggon, Cart, or Carriage employed in carrying or conveying any Chalk, whether the same shall be used or intended to be used for Manure or otherwise, during such Time and so long as the Trustees acting in execution of an Act of the Tenth Year of the Reign of King *George* the Fourth, Chapter Sixty-four, intituled *An Act for repairing and widening the Road from the North End of Dapton Wharf, in the Parish of Stoke-next-Guildford, through Guildford, to Alford Bars, in the County of Surrey*, receive and take Toll on Waggons conveying Chalk along the Roads under the Management of the Trustees under that Act. As to Toll on Lime. 10 G. 4. c. 64.

XII. 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.

XIII. That no more than One full Toll shall be demanded and taken for passing and repassing on the same Day with the same Horses, Cattle, Animals, or Carriage through all the Gates or Turnpikes erected or to be erected on the said First District of Road; and that no more than One full Toll shall be demanded and taken for passing and repassing on the same Day with the same Horses, Cattle, Animals, or Carriage through all the Gates or Turnpikes erected or to be erected on the said Second District of Road, except as in this Act otherwise provided. Only One full Toll to be taken on each District.

XIV. That it shall be lawful for the Trustees to demand and take any Toll not exceeding One Half of the respective Tolls hereinbefore authorized at each of Two Gates on the respective Districts, in lieu of taking One full Toll at One Gate only in respect of the whole District. Power to take Half Toll at each Gate.

XV. That all Horses, Beasts, Cattle, or other Animals (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 respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the Roads on either of the said Districts or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in passing through the same Toll Gate, and in passing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free at any Time or Times on the same Day. Persons having paid Toll to return free.

XVI. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Postchaises to pay every fresh Hiring.

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Carriage

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Carriage travelling for Hire for every Time of passing and repassing along the said Roads 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.

Stage
Coaches, &c.
to pay each
Time of
passing.

XVII. That for and in respect of all Horses and Cattle drawing any Stage Coach, Van, Caravan, Omnibus, Waggon, 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 or repassing through any Toll Gate.

Regulations
as to Stage
Coaches.

XVIII. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

As to
Amount of
Debt on the
First Dis-
trict.

XIX. And whereas there is now due and owing on the Credit of the Tolls authorized to be taken on the Roads comprised in the First District the Sum of One thousand four hundred and eighty Pounds: Be it enacted, That the said Sum of One thousand four hundred and eighty Pounds shall be deemed and taken to be wholly charged on the Tolls to be taken on the Roads comprised in the First District.

Application
of Monies on
the First
District.

XX. That separate Accounts shall be kept by the Trustees of all Monies which shall come to their Hands by virtue of this Act in respect of the First District of Roads, and of the Expenditure and Application of the same; and such Monies shall be applied as follows:

Firstly, in paying and discharging One Moiety of the Expenses of applying for, obtaining, and passing this Act, or incident thereto:

Secondly, in paying the Salaries of Officers, and defraying the necessary Expenses of the Management of the Roads within the First District, not exceeding in any One Year the Sum of Thirty-five Pounds, including the Expenses of collecting the Tolls on the said last-mentioned Roads:

Thirdly, in paying Interest at the Rate of Two Pounds Five Shillings *per Centum per Annum* upon the Sum of One thousand
four

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four hundred and eighty Pounds, being the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the Roads comprised in the First District, or on such Part of the said Sum of One thousand four hundred and eighty Pounds as shall from Time to Time remain due and owing :

Fourthly, in paying the Expenses of maintaining and keeping in repair the Roads comprised in the First District, and erecting, altering, and repairing Toll Gates and Toll Houses, not exceeding in any One Year the Sum of Seventy-five Pounds :

Fifthly, in reducing, paying off, and discharging the said Sum of One thousand four hundred and eighty Pounds, or so much thereof as shall for the Time being be due and owing and undischarged :

And lastly, in paying all other Expenses of maintaining and keeping in repair the Roads comprised within the First District, and otherwise in putting this Act into execution with reference to such last-mentioned District of Roads.

XXI. And whereas there is now due and owing on the Credit of the Tolls authorized to be taken on the Roads comprised in the Second District the Sum of Three thousand five hundred Pounds : Be it enacted, That the said Sum of Three thousand five hundred Pounds shall be deemed and taken to be wholly charged on the Tolls to be taken on the Roads comprised in the Second District.

As to
Amount of
Debt on the
Second Dis-
trict.

XXII. That separate Accounts shall be kept by the Trustees of all Monies which shall come to their Hands by virtue of this Act in respect of the Second District of Roads, and of the Expenditure and Application of the same ; and such Monies shall be applied as follows :

Application
of Monies on
the Second
District.

Firstly, in paying and discharging One Moiety of the Expenses of applying for, obtaining, and passing this Act, and incident thereto :

Secondly, in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, the Salaries of Officers, and the necessary Expense of the Management of the Roads within the Second District, not exceeding in any One Year the Sum of Thirty-six Pounds, including the Expense of collecting the Tolls on the said last-mentioned Road :

Thirdly, in paying Interest at the Rate of Fifteen Shillings for every One hundred Pounds *per Annum* on the Sum of Three thousand five hundred Pounds, being the Principal Debt due and owing on the Credit of the Tolls authorized to be taken on the Second District of Roads, or so much of the Sum of Three thousand five hundred Pounds as shall for the Time being remain due and owing :

Fourthly,

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Fourthly, in paying the Expenses of maintaining and keeping in repair the Roads comprised in the Second District, not exceeding in any One Year the Sum of Fifty Pounds :

Fifthly, in reducing, paying off, and discharging the said Sum of Three thousand five hundred Pounds, or so much thereof as shall for the Time being be due and owing and undischarged :

And, lastly, in paying all other Expenses of maintaining and keeping in repair the Road comprised within the Second District, and otherwise in putting this Act into execution with reference to such last-mentioned District of Roads.

Extinguish-
ment of
Arrears of
Interest.

XXIII. That from and after the passing of this Act all Arrears of Interest on the said Sums of One thousand four hundred and eighty Pounds and Three thousand five hundred Pounds shall be and are hereby extinguished.

Mortgagees
not to take
possession of
Toll Houses,
&c. but for
Payment of
Interest.

XXIV. That whenever and as long as the Interest upon any Mortgages of the Tolls arising upon either of the said Districts shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the Roads in such District shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads in such District, 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 any Toll Gates, Toll Houses, or Buildings in either of the said Districts, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages of the Tolls arising in such District, 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 for the Time being to the Trustees 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 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 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 Trustees or any Person appointed by them to receive the same ; anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

XXV. That

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XXV. 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 Tolls arising on either of the said Districts shall amount to the Sum of One hundred 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, by a Circular Letter sent by Post to each Creditor, or by Advertisement in some Newspaper published in the County of *Surrey*, 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 arising on the Security of the Tolls of such District 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 Tolls of such District 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 Tolls arising within their District, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

As to Mode
of discharg-
ing Debt.

XXVI. That it shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken on either of the said Districts of Roads.

No more
Money to be
borrowed on
the Tolls.

XXVII. That no Money shall be laid out by the Trustees on the said Roads within the Limits of any Act of Parliament passed for
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No Money
to be taken
or laid out
in Towns.

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the Improvement of any Town, nor shall any be collected by them therein.

Roads not
exempted
from future
General
Acts.

XXVIII. That nothing herein contained shall be deemed to exempt the said Roads, or any Part thereof, 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.

Commence-
ment and
Term of Act.

XXIX. That this Act shall commence on the Twenty-sixth 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.

Interpre-
tation of
Terms.

XXX. 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,)

The Word "Person" shall include Corporation:

The Expression "the Trustees" or "the said Trustees" shall mean 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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