ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. liv.

An Act for more effectually repairing the Roads leading from *Romsey* to *Stockbridge* and *Wallop*, and other Roads therein mentioned, in the County of *Southampton*. [28th *May* 1852.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Roads leading from* Romsey *to* Stockbridge *and* Wallop, *and other Roads therein mentioned, in the County of* Southampton : And whereas the Term 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 Thirty-first Day of *October* One thousand eight hundred and fifty-two : And whereas the Trustees acting by virtue of the said recited Act have proceeded to carry the same into execution, and considerable Sums of Money have been advanced on the Credit of the Tolls authorized to be taken upon the said Roads, which Money still remains owing, together with a large Arrear of Interest, and such Money cannot be paid off, or the said Arrear of Interest thereof discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act be further continued and extended: And whereas it is expedient that the said recited Act should be repealed, and that other and more effectual Powers and Provisions should be granted in lieu thereof; but the same cannot be effected without the Authority of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 Con-

7 & 8 G. 4. c. 61.

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act repealed, and this Act to be put in force.

I. That upon the passing of this Act the recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, and that this Act shall thereafter be put in execution for and during the Term herein-after mentioned for the Purpose of improving, maintaining, and keeping in repair the several Roads herein-after described; that is to say,

The Road leading from the Public House called the *Duke's Head* in the Parish of *Romsey Extra* in the County of *Southampton*, over *Timsbury Bridge*, and through the Parishes of *Timsbury*, *Mitchelmarsh*, and *Kingsomborne*, to the Town of *Stockbridge*, all in the said County:

And the Road leading from a certain Barn called the *Lone Barn* in the Tything of *Standbridge* in the said Parish of *Romsey Extra* to a certain Messuage and Garden, late in the Occupation of *David Fay*, called *Hattatt's Garden*, in the Tything of *Awbridge* in the said Parish of *Mitchelmarsh*, and from thence through Part of the said Parish of *Mitchelmarsh*, the Parish of *Mottisfont*, and Parts of the Parishes of *East Tuderly*, *Broughton*, and *Nether Wallop*, in the said County of *Southampton*, to the Turnpike Road leading from *Salisbury* to *Andover*:

And also the Road from the said Premises called *Hattatt's Garden* in the said Tything of *Awbridge*, through Parts of the said Parishes of *Mitchelmarsh* and *Mottisfont*, and Part of the Parish of *Lockerly* in the said County, to *Lockerly* Mill Stream, and from thence through Part of the said Parish of *Lockerly*, and Parts of the Parishes of *East Tuderly* and *West Tuderly* in the said County, and Part of a certain Extra-parochial Place called *Buckholt* in the said County, to the Turnpike Road leading from *Salisbury* to *Stockbridge*:

And also the Road from *Lockerly* Mill Stream aforesaid, through Part of the said Parish of *Lockerly*, to *East Dean Gate* in the said County.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Romsey*, *Stockbridge*, *and Wallop* Turnpike Roads Act, 1852."

All Arrears of Toll and Money under recited Act vested in the Trustees under this Act.

III. That all Rents and Arrears of Tolls and other Monies due to, and all Property and Choses in Action vested in or belonging to the Trustees under the Act hereby repealed, shall, immediately on the passing 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 Engage-

ments to which the Trustees under the recited Act were liable, except the Eight several Principal Sums of Fifty Pounds each and the Interest thereon respectively herein-after mentioned, and also except the Arrears of Interest hereby extinguished.

Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Southampton*, together with *William Atkins*, *Robert Bristow*, *Thomas Bradby*, *John Bradby*, *William Daman*, *Philip Emmott*, *Philip Keele Emmott*, *Thomas Edwards*, *Job Fifield*, *William Andrews Footner*, *William Fifield*, Sir *Isaac Lyon Goldsmid* Baronet, *Josiah George*, *Thomas Sims Godwin*, *William Gutch*, *Charles John Hall*, *Henry Hall*, *Thomas Hall*, *Arthur Lewis*, *James Lockhart*, *William Lintott*, *George Lawrence*, *James Reeves*, *Mortimer Smith*, *William Sharp*, *William Seward Trodd*, *Joseph White*, *Thomas Wheable*, and General *Jonathan Yates*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons, being 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.

First Meeting of Trustees.

VI. That the said Trustees shall hold their First Meeting at the Town Hall of the Borough of *Romsey* in the County of *Southampton*, or at some other convenient Place within the said County, on the Second *Thursday* after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VII. That the said 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 other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to take Tolls.

VIII. That upon and after the passing of this Act it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates or Toll Bars and Chains which shall by virtue of this

Act

Act be upon or on the Sides of the said Roads the Tolls or Sums following; (that is to say,)

For every Horse or other Beast drawing any Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast laden or unladen, and not drawing any Carriage, the Sum of Three Halfpence:

For every Ox, Cow, or Neat Cattle, the Sum of Three Farthings:

For every Calf, Hog, Sheep, or Lamb, the Sum of One Halfpenny:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings and Sixpence:

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

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

As to the Fraction of a Halfpenny in Tolls.

IX. 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.

Persons having paid Toll to return Toll-free.

X. That all Horses, Beasts, and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads, or on the Sides thereof, and not drawing a different Carriage, shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate or Toll Bar, and in going and returning through all other Gates or Bars on or on the Sides of the said Roads, to pass Toll-free at any Time or Times during the same Day.

Postchaises to pay every Time of passing.

XI. That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Cattle had been made on the same Day.

Fresh Tolls to be paid on every Change of Carriage.

XII. That the Tolls hereby made payable shall be paid for all Horses, Beasts, and Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, and Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XIII. That the Tolls hereby made payable for or in respect of Horses, Beasts, or Cattle drawing any Stage Coach, Waggon, or other

other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

Respecting Toll Gates.

XIV. That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Roads, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up on or across the said Roads, or on the Sides thereof, any Toll Gate or Bar and Toll Houses, and to remove the present or any future Toll Gates or Bars and Toll Houses as they shall think proper: Provided always, that no Toll Gate, Bar, or Toll House shall be removed, erected, or set up upon or across the said Roads, or on the Sides thereof, unless 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 Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads.* 9 G. 4. c. 77.

Determining Amount of existing Debt.

XV. And whereas the Principal Sums due and owing under the said recited Act and the Act thereby repealed amount to the Sum of Three thousand seven hundred and fifty Pounds, secured by Seventy-five several Mortgages for the Sum of Fifty Pounds each, and Interest, and numbered consecutively from One to Seventy-five inclusive, (the Mortgage, Number Nineteen, having been subsequently cancelled, and another Mortgage, Number Seventy-six, substituted in lieu thereof,) and upon which Mortgages there is a large Arrear of Interest now due and owing: And whereas the Holder or Holders of Numbers Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-five, Thirty-six, Forty, and Fifty-three of the said Mortgages, and the Person or Persons legally or equitably entitled to the Principal Money and Interest thereby respectively secured, are unknown to the said Trustees, and no Claim or Demand has been made in respect of such last-mentioned Mortgages, or of the Principal Money and Interest thereby respectively secured, for upwards of Sixty-four Years as to the said Mortgage Number Twenty-seven, for upwards of Thirty-four Years as to the said Mortgage Number Thirty-five, and for upwards of Twenty-nine Years as to the said Mortgages Numbers Twenty-eight, Twenty-nine, Thirty, Thirty-six, Forty, and Fifty-three: Be it enacted, That from and after the passing of this Act the Eight several Principal Sums of Fifty Pounds each (making together an entire Sum of Four hundred Pounds) secured by the said Mortgages Numbers Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-five, Thirty-six, Forty, and Fifty-three, and all Interest for and in respect of the said Principal Sums, and also all Arrears of Interest on or in respect of the Sum of Three thousand three hundred and fifty Pounds, the Remainder of the Money secured by the

Residue of the said Seventy-five Mortgages, and every Part thereof, on and up to the Thirty-first Day of *December* One thousand eight hundred and fifty-one, shall be considered as satisfied, discharged, and extinguished, and that all Claims and Demands whatsoever to, for, or on account of the said Eight several Principal Sums of Fifty Pounds each, Interest and Arrears of Interest, respectively, shall be and the same are hereby barred and estopped, and that the said Sum of Three thousand three hundred and fifty Pounds, and Interest thereon at the Rate of Three Pounds and Fifteen Shillings *per Centum per Annum* from the said Thirty-first Day of *December* One thousand eight hundred and fifty-one, shall be taken to be the Principal Money and Interest charged by the several continuing Mortgages on the Tolls authorized to be taken on the said Roads; and which continuing Mortgages are numbered from One to Eighteen inclusive, from Twenty to Twenty-six inclusive, from Thirty-one to Thirty-four inclusive, from Thirty-seven to Thirty-nine inclusive, from Forty-one to Fifty-two inclusive, and from Fifty-four to Seventy-six inclusive.

Application of Monies.

XVI. That all Monies vested in or which shall be received by the said Trustees under or by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, in paying the Expenses of maintaining Toll Gates, Toll Bars, and Toll Houses, and the Salaries of the Officers employed by the said Trustees, (the Salaries to the Clerks to cover all Law Charges, except the Costs, Charges, and Expenses incurred in prosecuting and defending Actions,) and the whole Amount of such Expenses and Salaries not to exceed in the whole in any One Year the Sum of Sixty Pounds:

Thirdly, in paying Interest at the Rate of Three Pounds Fifteen Shillings *per Centum per Annum* upon the several Principal Sums of Money which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fourthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Roads, subject to the Provisions of this Act, and of erecting and providing new Toll Gates, Toll Bars, and Toll Houses, and of otherwise putting this Act into execution, the Amount of such last-mentioned Expenses not to exceed in the whole in any One Year the Sum of Two hundred and ten Pounds; and

Fifthly, in reducing, paying off, and discharging the several Principal Sums which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Roads according to the Provision herein-after contained.

XVII. That

Mortgagees not to take possession of Toll Houses but for Arrears of Interest.

XVII. That whenever and so long as the Interest upon all existing Mortgages of the said Tolls 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 said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, 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 due and becoming due 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 relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Mode of discharging Debt.

XVIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls 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 the 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 Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, by Letter sent by Post to each Mortgagee directed to his usual Place of Residence or last known Place of Abode, that a Composition will be paid to such Mortgagee of the said Tolls as shall be willing to accept the smallest Composition for his Security, and requiring such Mortgagees to transmit Proposals in Writing, sealed up, to the Trustees at such Meeting, specifying therein the lowest Rate *per Centum* which such Mortgagee will accept and take for each and every Security of which he may be possessed; and at such Meeting the Trustees shall apply such

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 Mortgagee who shall, by Proposal in Writing transmitted to the Trustees at such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Mortgagee as aforesaid shall apply the Surplus, if any, of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Security of the said Tolls to the Mortgagee 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 Payment shall be exhausted; and if and whenever Two or more Mortgagees, by such Proposal 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall 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 such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

No more Money to be borrowed upon the Tolls.

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

Roads not exempt from Provisions of future General Act.

XX. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act 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.

Term of Act.

XXI. That this Act 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.

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