



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. iv.

An Act for repairing the Road from *Epsom* to *Tooting*, and other Roads communicating therewith, all in the County of *Surrey*.

[19th April 1839.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in repair the Roads from Epsom through Ewell to Tooting, and from Ewell to Kingston-upon-Thames and Thames Ditton, in the County of Surrey*: And whereas another Act was passed in the Twentieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled 'An Act for amending, widening, and keeping in repair the Road from Epsom through Ewell to Tooting, and from Ewell to Kingston-upon-Thames and Thames Ditton, in the County of Surrey; and for amending, widening, and keeping in repair the Road from the Turnpike Road at Ewell, across Ewell Common Fields, to the Reigate Turnpike Road on Borough Heath in the said County*: And whereas another Act was passed in the Forty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers*

28 G. 2. c. 57.
20 G. 3. c. 100.
41 G. 3. c. 9.

[Local.] X of

55 G. 3. c. 4.

Recited Acts
repealed.This Act to
be put in exe-
cution for
the Purposes
herein
mentioned.

of Two Acts passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second and the Twentieth Year of the Reign of His present Majesty, for amending, widening, and keeping in repair the Roads from Epsom through Ewell to Tooting, and from Ewell to Kingston-upon-Thames and Thames Ditton, in the County of Surrey; and for amending, widening, and keeping in repair the Road from the Turnpike Road at Ewell, across Ewell Common Fields, to the Reigate Turnpike Road on Borough Heath in the said County: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of several Acts of His late and present Majesty for repairing the Roads from Epsom through Ewell to Tooting, and from Ewell to Kingston-upon-Thames and Thames Ditton, and across Ewell Common Fields to the Reigate Turnpike Road on Borough Heath, all in the County of Surrey*: And whereas the Trustees acting under and by virtue of the said recited Acts have proceeded to carry the Powers and Provisions thereof into execution, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken or collected upon the said Roads, which Money still remains due and owing: And whereas it is expedient that the Tolls payable by virtue of the said Acts should be altered, and that Powers should be granted for levying additional Tolls upon the said Roads: And whereas it would be more convenient to the said Trustees, and beneficial to the Public and to the said Roads, if the said recited Acts were repealed, and further, better, and more effectual Powers granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: Mây 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, That from and after the Commencement of this Act the said recited Acts passed in the Twenty-third Year of the Reign of His Majesty King George the Second, and the Twentieth, Forty-first, and Fifty-fifth Years of the Reign of His Majesty King George the Third, shall be and they are hereby declared to be repealed.

II. And be it further enacted, That from thenceforth this Act shall commence and take effect and be put in execution for and during the Term herein-after mentioned for the Purpose of amending, widening, diverting, improving, and keeping in repair the Road commencing at the Watch-house in the said Parish of *Epsom*, and passing from thence through the Parishes of *Epsom*, *Ewell*, *Cuddington*, *Cheam*, *Sutton*, *Morden*, *Merton*, *Mitcham*, and *Tooting*, and terminating at a certain Turnpike Road in the Parish of *Tooting* aforesaid leading from *London* towards *Mitcham*; also the Road commencing at a certain Turnpike Road, leading from *Kingston-upon-Thames* towards *Guildford*, in the Parish of *Kingston-upon-Thames*; and passing from thence through or into the Parishes or Places of *Kingston-upon-Thames*, *Long Ditton*, *Tolworth*, *Ewell*, and *Bansted*, across *Ewell Common Fields* towards and into the *Reigate Turnpike Road* on *Borough Heath* in the said Parish of *Bansted*; and also the

Road branching out of the said Road from *Kingston* to *Bansted* where the *Tolworth* Toll Gate now stands, and passing from thence across *Tolworth* or *Surbiton* Common towards and unto a certain other Part of the said Turnpike Road from *Kingston* towards *Guildford* situate in the Parish of *Thames Ditton*, all in the said County of *Surrey*.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Surrey*, together with the Honourable *George James Perceval*, Sir *John Rae Reid* Baronet, Sir *James M'Adam* Knight, *Thomas Alcock*, *David Barclay*, *Thomas Calverley*, *Lancelot Chambers*, *Nathaniel Garland*, *Henry Gosse*, *James Gibson*, *George Matthew Hoare*, *William Charles Lempriere*, *Boyd Miller*, *Edward Richard Northey*, *Archdale Palmer*, *Alexander Atherton Park*, *James de Teissier* (commonly called the Baron *de Teissier*), *John Trotter*, *Edward Tyrrell*, *George Cooper Ridge*, Esquires, the Reverend *William Lewis Buckle*, the Reverend *George Lewen Glyn*, the Reverend *Robert Tritton*, and the Reverend *George Trevelyan*, Clerks, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Appointment
of Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings to be held in pursuance of this Act, to elect and appoint any Number of Persons, (not exceeding Five in the whole, and being duly qualified to act as Trustees of Turnpike Roads in *England*;) in addition to the Number herein named, to be Trustees for the Purposes of this Act; and such Persons so to be elected and appointed shall be Trustees, and shall have and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein and hereby named and appointed.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the Coffee-house Inn at *Epsom* in the said County of *Surrey*, or at some other convenient Place on or near the said Roads, upon the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places upon or near to the said Roads as the said Trustees shall think proper or appoint.

First Meeting
of the
Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken upon the said Roads such Tolls or Sums of Money as the said Trustees at any of their Meetings shall order and direct, not exceeding the several Tolls following, before any Horse, Mule, Ass, Cattle, or Carriage shall be permitted to pass through any Toll Gate or Toll Bar erected or to be erected upon, across, or on the Side of the said Roads; (that is to say,)

Power to
take Tolls.

For

Tolls.

For every Horse, Mule, or Ass, laden or unladen, and not drawing,
Two-pence :

For every Horse, Mule, Ass, or other Beast drawing any Coach,
Berlin, Barouche, Chariot, Curricle, Hearse, Calash, Chaise,
Chair, Gig, or Chaise Cart, where only One such Animal is used,
Five-pence :

For every Horse, Mule, Ass, or other Beast drawing any Coach,
Berlin, Barouche, Chariot, Curricle, Hearse, Calash, Chaise, Chair,
Gig, or Chaise Cart, or any other such like Carriage, where more
than One such Animal is used, except Stage Coaches, Vans,
Caravans, or other Carriages conveying Passengers or Goods for
Hire or Reward, Sixpence :

For every Horse, Mule, or other Beast drawing any Stage Coach,
Van, Caravan, or other Carriage conveying Passengers or Goods for
Hire or Reward, Nine-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Market
Cart, or other Cart, Dray, or other such like Carriage or Vehicle
not herein otherwise described, having the Soles of the Wheels of
a less Breadth than Six Inches, Eight-pence :

For every Horse, Mule, or other Beast drawing any Waggon,
Cart, Dray, or other such like Carriage having the Soles of the
Wheels of the Breadth of Six Inches and less than Nine Inches,
Five-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Cart,
Dray, or other such like Carriage having the Soles of the Wheels of
the Breadth of Nine or more Inches, Three-pence :

For every Bull, Ox, Cow, or Head of Neat Cattle, One Halfpenny :

For every Calf, Hog, Sheep, or Lamb, One Farthing :

For every Dog, or other Animal not herein-before charged with Toll,
drawing any Cart, Truck, or other Carriage, Two-pence :

For every Carriage, of any Description whatever, propelled by Steam,
Gas, Machinery, or any other like Means, the Sum of Three
Shillings.

Power to
take addi-
tional Toll
for watering
the Roads.

VII. And for the Purpose of defraying the Expence of watering
all or any Part of the said Roads, be it further enacted, That such
further or additional Tolls, not exceeding One Half, over and above
the said respective Tolls, shall and may be demanded and taken
between the First Day of *March* and the Twenty-ninth Day of
October, both Days inclusive, in every Year, as the said Trustees shall
in their Discretion, by an Order in Writing signed by their Clerk,
order and direct, and of which Order Notice in Writing shall be
affixed on all the Toll Gates on the said Roads at least Fourteen Days
previous to the same taking effect.

Regulation
as to frac-
tional Part of
a Halfpenny
in Tolls.

VIII. And be it further enacted, That in all Cases where there
shall be a fractional Part of a Halfpenny in the Amount of any
Tolls by this Act authorized to be taken, the Sum of One Halfpenny
shall be demanded and taken in lieu of such fractional Part.

Limiting the
Tolls to be
taken on the
same Day.

IX. And be it further enacted, That in all Cases where the Tolls
hereby granted shall have been paid for or in respect of any Horse,
Cattle,

Cattle, or Beast passing through any Toll Gate or Toll Bar erected on the said Roads or on the Side thereof, the Horse, Cattle, or Beast in respect whereof such Toll shall have been paid (except in the Cases herein-after mentioned) shall be permitted on the same Day to repass Toll-free through the said Toll Gate or Toll Bar, and also to pass and repass Toll-free through all other Toll Gates or Toll Bars (if any) erected on the said Roads or on the Side thereof.

X. Provided always, and be it further enacted, That the Tolls hereby granted shall be payable for or in respect of all Horses, Mules, or other Beasts drawing any Stage Coach, Van, Caravan, or any other Carriage whatever conveying Passengers or Goods for Hire or Reward, for each Time of passing and each Time of re-passing along the said Roads: Provided always, that no further or additional Toll shall be payable in respect of the Horses, Mules, or other Beasts drawing any Stage Coach, Van, Caravan, or other such Carriage on account only of the Horses, Mules, or other Beasts drawing the same having been changed between the Gates on the said Roads.

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

XI. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for or in respect of all Horses, Mules, or other Beasts let out to Hire, whether for riding, or for drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing on the same Day, as often as a new or fresh Hiring shall take place; provided nevertheless, that if the Toll hereby granted shall have been paid for or in respect of any Horse, Mule, or other Beast let out to Hire, drawing any Post Chaise or other Carriage, by the Person hiring the same, no further or additional Toll shall be payable by such Person for or in respect of any other Horse, Mule, or other Beast travelling on the said Roads on account only of such Horse, Mule, or other Beast, or Carriage, having been changed between the Gates.

Horses for Hire to pay on every new Hiring.

XII. And be it further enacted, That in case the Toll hereby granted shall have been paid in respect of any Horse, Mule, or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, and such Horse, Mule, or other Beast shall be afterwards employed during the same Day in drawing a different Waggon, Cart, Dray, or other such Carriage, every such Horse, Mule, or other Beast so drawing shall be again liable to Toll in respect of drawing such different Waggon, Cart, Dray, or other such Carriage.

Horses drawing different Waggons, &c. liable again to Toll.

XIII. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam or Machinery, or by any other Power than Animal Power, shall be paid every Time of the passing and also every Time of the re-passing of such Carriage along the said Roads.

Steam Carriages to pay each Time of passing and re-passing.

XIV. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Roads by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn

Limiting the Weights for One Horse Carts.

[Local.]

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by

by One Horse, Beast, or Cattle shall not exceed the Weights following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Ten Hundred Weight for each Cart or other such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Eight Hundred Weight for each Cart or other such Carriage and the Lading thereof.

One Horse:
Carts may be
weighed.

XV. And be it further enacted, That all Carts or other such Carriages passing along the said Roads drawn by only One Horse, Mule, Beast, or Cattle shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls demanded and received for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Tolls not to
be applied
in the Repair
of any Road
unless Tolls
be collected
thereon.

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be repaired by this Act unless some Toll Gate or Toll Bar shall be erected and continued upon such Road or on the Side thereof, nor unless the Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act; provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Roads than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

No Money to
be applied
in repairing
Streets of
Towns.

XVII. And be it further enacted, That nothing in this Act contained shall empower the said Trustees to apply any of the Tolls received by virtue of this Act in repairing, altering, widening, or improving any Part of the Roads herein-mentioned which shall pass through any Town or Place the Roads of which shall be maintained under the Provisions of a Local Act, nor to erect any Toll Gate or Toll Bar within such Towns or Places.

Application
of Tolls, &c.

XVIII. And be it further enacted, That all Monies which on the Day of the Commencement of this Act shall be in the Hands of the Trustees acting under the said recited Acts, and remaining undisposed of, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied; shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act or otherwise relating thereto respectively; in the next place, (after Payment of the necessary Expences from Time
to

to Time for Books, Advertisements, Salaries of Officers, and for Repair or Maintenance or Erection of Toll Gates, Toll Bars, Weighing Machines, Toll Houses, and other Buildings, and other necessary current Expences incidental to the Execution of this Act,) in amending, widening, diverting, improving, keeping in repair, and watering the said Roads, and in otherwise putting this Act into execution; in the next place, in paying and discharging the Interest in respect of the Monies now due and owing on the Credit of the Tolls granted and made payable by the said recited Acts hereby repealed; in the next place, in paying off and discharging the Interest of any Sums of Money which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted; and the Residue of the Monies so to be collected and received shall be applied in repaying the Principal Monies for the Time being due and owing on the Credit of the said recited Acts and this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees shall from Time to Time appoint.

XIX. And be it further enacted, That this Act shall commence and take effect upon the Third *Monday* next after the passing of this Act, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Duration of
Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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