ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lx.

An Act to repeal the Acts relating to the Road from the Town of *Bedford* in the County of *Bedford* to *Kimbolton* in the County of *Huntingdon*, and to substitute other Provisions.

[28th *May* 1852.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of King *George* the Third, intituled *An Act for re-* 35 G. 3.
pairing, widening, and altering the Road leading from the c. 148.
Way Post at the North-east End of the Town of Bedford *in the County of* Bedford *to the North-east End of a Lane in the Parish of* Kimbolton *in the County of* Huntingdon *called* "*The* Park Lane:" And whereas another Act was passed in the Fifty-seventh Year of the same Reign, intituled *An Act for continuing and amending an Act of His present* 57 G. 3. c. 28.
Majesty, for repairing the Road from the Town of Bedford *in the County of* Bedford *to* Kimbolton *in the County of* Huntingdon: And whereas the Powers by the said recited Acts respectively granted, 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 the Trustees acting in execution of the said recited Acts have, in pursuance and exercise of the Powers and Authorities thereby re-

spectively given to them, borrowed considerable Sums of Money on the Credit of the Tolls by the said recited Acts respectively granted, which still remain due and owing, and the said Money cannot be paid off unless further Powers be granted: And whereas it is expedient that the said recited Acts should be repealed, and further and more effectual Powers granted in lieu thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore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Recited Acts repealed.

I. That from and after the First Day of *November* next after the passing of this Act the said herein-before recited Acts shall be respectively repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Bedford and Kimbolton* Road Act, 1852."

Monies and Property vested in new Trustees.

III. That all Rents, Arrears of Tolls, and other Monies due to, all Monies, Property, and all Choses in Action vested in the Trustees under the Acts hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the said Acts hereby repealed, and they shall be liable to all the Debts and Engagements to which the Trustees acting under the said recited Acts were liable at the Time of the Repeal thereof, except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Bedford* and *Huntingdon* respectively, or either of them, together with *Thomas Ainsworth* Clerk, *William Airey* Clerk, *William Silvester Addington*, *Thomas Barnard*, *Talbot Barnard*, *John Brereton* Clerk, *Gustavus Andrew Burnaby* Clerk, the Mayor, Aldermen, and Common Council for the Time being of the Borough of *Bedford*, *William Kenworthy Browne*, *Richard Gregory Chalk* Clerk, *Samuel Crawley*, *Samuel Crawley* junior, *John Hill Day*, *Francis Day*, *Thomas Day*, *John Tomlinson Day* Clerk, *John Frederick Dawson* Clerk, *Robert Elliot*, *John Franklin*, *Hugh Wade Gery* Clerk, *Robert Wade Gery* Clerk, *Thomas John Green*, *John Harris*, *George Peter Livius*, *John Martyn*, *Thomas Martyn* Clerk, *William Mudge* Clerk, the Honourable *William Drogo Montague*

Montague commonly called Viscount *Mandeville*, the Honourable *Robert Montague*, the Honourable *Frederick Montague*, *George Peregrine Nash*, *William Joseph Nash*, *Joseph Okely*, *Theed Pearse*, *Theed Pearse* junior, *Henry Pearse* Clerk, *Alexander Sharman*, *Benjamin Trapp* Clerk, *Benjamin Welstead*, *Frederick Welstead*, 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 Trustees, 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.

First and other Meetings of Trustees.

VI. That the Trustees shall hold their First Meeting at the *Swan* Inn in the Town of *Bedford* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Day of the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then, and from Time to Time thereafter, adjourn to and meet at such Time and at such Place in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

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

Roads to which this Act is applicable.

VIII. That this Act shall be put into execution for the Purpose of maintaining, managing, and keeping in repair the present Turnpike Road leading from the Way Post at the North-east End of the Town of *Bedford* in the County of *Bedford*, in or through the several Parishes of *St. Peter* in the Town of *Bedford* aforesaid, *Goldington*, *Ravensden*, *Wildon*, *Colmworth*, *Bolnhurst*, *Keysoe*, and *Pertenhall*, all in the County of *Bedford*, to the North-east End of a Lane in the Parish of *Kimbolton* in the County of *Huntingdon* called the *Park Lane*.

Present Tolls continued for a Time

IX. That, notwithstanding the Repeal of the said recited Acts, the several Tolls by the lastly-recited Act granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or

on

on the Sides of the said Road until the First Day of *January* next after the Commencement of this Act.

Tolls to be taken.

X. That upon and after the said First Day of *January* next after the Commencement of this Act, and at all Times thereafter, it shall be lawful for the Trustees to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which 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, Chariot, Landau, Barouche, Sociable, Curricle, Phaeton, Chaise, Hearse, Break, Whiskey, Gig, Fly, Chair, Cart, Taxed Cart, Market Cart, or other like Carriage, the Sum of Sixpence:

For every Horse or other Beast (except Asses), drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Fourpence:

For every Ass drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Twopence:

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

For every Horse, Mule, or Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

For every Drove of Swine, Sheep, Lambs, Hogs, Goats, or Geese, the Sum of Threepence Halfpenny *per* Score, and so in proportion for any greater or less Number:

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

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

As to the Fraction of a Halfpenny in Tolls.

XI. That in all Cases where 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 and paid in lieu of such fractional Part.

Amount of Tolls to be

XII. That no more than Three full Tolls shall be taken (except in the Cases herein-after mentioned) for passing and repassing on the same Day

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 Duty, through all or any of the Turnpikes to be continued or erected upon, across, or on the Sides of the said Road. taken on the Road.

XIII. That all Horses, Beasts, Animals, or Cattle in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Side thereof shall, upon the Production of a Ticket or Tickets denoting such Payment, in passing and repassing on the same Day through the same Toll Gate and such other Toll Gates (if any) as the Tickets for such Payments shall free, be permitted to pass Toll-free the same Day, except as herein-after otherwise provided. Persons having paid Toll to return free.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts or Animals not drawing which shall be let out to Hire, and for all Horses and other Beasts or Animals drawing any Postchaise or other Carriage let out to 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 Animals had been made on the same Day. Postchaises, &c. to pay every fresh Hiring.

XV. That all Horses or other Beasts or Animals drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon Production of a Ticket denoting such Payment, 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 other Animals drawing the same having been changed. Regulations as to Stage Coaches, &c.

XVI. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Road shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage 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 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 Mortgagees not to take possession of Toll Houses but for Arrears of Interest.

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 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 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 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 Persons 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.

Extinguishing Part of Debt and Arrears of Interest.

XVII. And whereas no Interest has ever been claimed or paid in respect of Part of the Principal Monies originally advanced upon the Credit of the Tolls to be taken upon the said Road: And whereas there is a large Arrear of Interest now due upon the Residue of the said Principal Monies: Be it enacted, That all such Principal Monies in respect of which no Interest has ever been paid or claimed, and also all Arrears of Interest now due in respect of any Principal Monies advanced upon the Credit of the Tolls upon the said Road, and all Claims and Rights in respect thereof, shall be and the same are hereby extinguished.

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

Secondly, in paying the necessary Expenses of erecting or providing, altering, and repairing Toll Gates and Toll Houses, the Salaries of Officers employed by the Trustees, and the Costs attending the Management of the said Road, and in maintaining and keeping in repair the said Road, and in putting this Act into execution with reference thereto, such Expenses and Costs and Repairs not exceeding in any One Year the Sum of Two hundred Pounds:

Thirdly, in paying Interest at the Rate of Ten Shillings for every One hundred Pounds for a Year upon the Principal Sums for the Time being due and owing, according to the Provisions of this Act, on the Credit of the Tolls authorized to be taken on the said Road:

Fourthly,

Fourthly, in reducing, paying off, and discharging, in the Manner herein-after mentioned, the several Principal Sums for the Time being due and owing, according to the Provisions of this Act, on the Credit of the Tolls authorized to be taken on the said Road:

Fifthly, in maintaining, repairing, and improving the said Road, and putting this Act into execution with reference thereto.

No Interest to accrue until Expenses of Act are paid.

XIX. Provided always, That no Interest shall accrue upon any of the said Principal Sums until the Trustees shall have received a Sum sufficient to discharge the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto.

As to Mode of discharging Debt.

XX. 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 Fifty Pounds, the Trustees shall, at 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 the Purpose thereof, so far as the same shall relate to the Application of such Sum, either by Letter under the Hand of the Clerk of the Trustees for the Time being, given to each of the Persons entitled to any Part of the Principal Monies due, according to the Provisions of this Act, and then remaining unsatisfied, or left at his usual or last known Place of Abode, or sent by Post addressed to him thereat, or by Advertisement in some Newspaper published in the County of *Bedford*, or, if there shall be no Newspaper publishing therein, then in some Newspaper publishing 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 Creditors 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 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 Payment 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 shall think fit; and if there be no such Proposal as aforesaid,

said, 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 Creditors 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 on the Tolls.

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

No Money to be taken or laid out in Towns.

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

Road not exempt from Provisions of future General Acts.

XXIII. That nothing herein contained shall be deemed or construed to exempt the Road 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 Sessions of Parliament.

Commencement and Term of Act.

XXIV. That this Act shall commence and take effect on the First Day of *November* 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.

Interpretation of Terms.

XXV. 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 be understood to include "Corporation:"

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

The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, and Chains.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.