ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

Cap. c.

An Act for repairing, improving, and maintaining the Road from *Bedford* to *Woburn*, with a Branch therefrom, all in the County of *Bedford*.

[3d *July* 1840.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of King *George* the Third, intituled *An Act* 17 G.3. c.94. *for repairing and widening the Road from* Stall-gate Close, *at the South-west End of the Town of* Bedford, *to the Town of* Ampthill, *and from the said Town of* Ampthill *to* Woburn Park, *in the County of* Bedford, *and also the Road branching out of the same in* Kempston Field *to the Turnpike Road leading from* Hitchin *to the said Town of* Bedford: And whereas another Act was passed in the Thirty-sixth Year of the same Reign, intituled *An Act to continue the* 36G.3. c.151. *Term and alter and enlarge the Powers of an Act passed in the Seventeenth Year of the Reign of His present Majesty, intituled* ‘ *An* ‘ *Act for repairing and widening the Road from* Stall-gate Close, *at* ‘ *the South-west End of the Town of* Bedford, *to the Town of* Ampthill, ‘ *and from the said Town of* Ampthill *to* Woburn Park, *in the County* ‘ *of* Bedford, *and also the Road branching out of the same in* Kemps- ‘ ton Field *to the Turnpike Road leading from* Hitchin *to the said*

'*Town of* Bedford,' *except so far as the same relates to the Road leading from the South End of* Ridgemont Town *to the Entrance of* Woburn Park, *at a Place called the* Red Lodges, *and for making and maintaining a Road from the South End of* Ridgemont Town *aforesaid, through* Husborn Crawley, *to the North End of the Town of* Woburn, *and for discontinuing the said Part of the said Road leading from the South End of* Ridgemont *to the* Red Lodges *aforesaid, and also for discontinuing the Highway from thence through the said Park to where it joins the Road leading from* Woburn *to* Eversholt, *all in the said County of* Bedford: And whereas another Act was passed in the
59G.3.c.101. Fifty-ninth Year of the same Reign, intituled *An Act for enlarging the Term and Powers of Two Acts passed in the Seventeenth and Thirty-sixth Years of His present Majesty, for repairing the Road from* Bedford *to* Woburn, *and also the Road branching out of the same in* Kempston Field, *in the County of* Bedford: And whereas considerable Sums of Money have been borrowed and remain due on the Credit of the Tolls authorized to be taken by the said Acts, which cannot be repaid, nor can the said Roads be properly maintained and kept in repair, unless the Term, Powers, and Provisions of the said Acts be enlarged and amended; and it is expedient that the Tolls by the said Acts authorized to be taken be altered and increased: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Acts were repealed, and further and other Powers granted in lieu thereof: 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,

Recited Acts repealed. That upon the Day of the Commencement of this Act the said recited Acts shall be and the same are hereby declared to be repealed.

This Act to be put in execution for repairing, &c. the Roads herein mentioned.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of repairing, maintaining, and improving the present Turnpike Road from the Town of *Bedford* aforesaid to the said Town of *Ampthill*, and from the said Town of *Ampthill* to the said Town of *Woburn*, and the present Turnpike Road branching out of the same in *Kempston Field* to the Turnpike Road from *Hitchin* to *Bedford*.

Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Bedford*, together with *William Silvester Addington*, *Edward Ashwell*, *Charles Bailey*, *Thomas Barnard*, *John Dollin Bassett*, *John Brereton* Doctor of Laws, *Thomas Alexander Boswell*, *Robert Bryan*, *Gustavus Andrew Burnaby* Clerk, *Charles Campbell*, *Henry Clutterbuck* Clerk, *William Hillersden Colquhoun*, *Thomas Davies*, *Samuel Davis*, *John Tomlinson Day* Clerk, *James Donne* Clerk, *Thomas Gwyn Elger*, *Robert Elliott*, *Thomas Farmer* Clerk, *Nicholas Fitzpatrick* Doctor of Medicine, *John Gibbard*, *John Grant*, *John Green* (of *Bedford*), *John Green* (of

(of *Woburn*), *Thomas Abbott Green*, *Thomas John Green*, *Thomas Gurney*, *William Fitzwilliam How*, *Henry Hutton* Clerk, *Edward Lawford*, *John Grant Lawford* Clerk, Sir *William Long* Knight, *John Mackay*, *Samuel May*, *William Robert Mesham* Doctor of Medicine, *John Vaux Moore* Clerk, *John Morris*, *Joseph Morris*, *George Peregrine Nash*, *Joseph Okeley*, *Robert Shipton Orlebar*, *Thomas William Overman*, *Charles Fyshe Palmer*, *Richard Palmer*, *Richard Parker*, *William Parker*, *Frederic Pawsey* Clerk, *Theed Pearse*, *George Pearse*, *Henry Pearse* Clerk, *Edward Penfold*, *Charles Colyear Beaty Pownall*, *Samuel Reeve*, *Richard Ambrose Reddall*, *Henry John Rose* Clerk, *Henry Seymour*, *Charles Short*, *Henry Tattam* Clerk, *Benjamin Trapp*, *Charles Ward*, *John Warner*, *John Wilson* Clerk, *George Witt* Doctor of Medicine, *David Lee Willis*, *Thomas Wooldridge*, *Samuel Wright* Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

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

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *Swan* Hotel in *Bedford* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, within One Calendar Month after the Commencement of this Act, or as soon after as conveniently may be, for carrying this Act into execution, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Time and Times, Place and Places, upon or near the said Roads, as the said Trustees shall think proper.

Power to continue and erect Toll Gates, &c.

VI. And be it further enacted, That the several Toll Gates or Turnpikes, Side Gates, and Toll Houses, now standing and being in, upon, across, or on the Sides of the said Roads, or any of them, shall remain and be continued until removed by Order of the said Trustees; and it shall be lawful for the said Trustees (subject to the Provisions herein-after contained) to erect, or to order and cause to be erected, upon, in, or across the said Roads or any of them, or on the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with

with Outhouses and Conveniences suitable thereto, at or near each Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to order and cause to be taken down and removed, or to alter or discontinue, any present or future Gate, Turnpike, Side Gate, Side Bar, Toll House, Chain, or Weighing Machine, with the Appurtenances, as the said Trustees shall think proper and direct or appoint.

Toll Houses, &c. already erected may be sold.

VII. And be it further enacted, That it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of any Toll House or Toll Houses already erected and built, together with the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid it shall be lawful for the said Trustees to convey such Toll House or Toll Houses, Gardens, and Premises to the Purchaser or Purchasers thereof, upon Payment of the Purchase Money to the Treasurer for the Time being of the said Trustees; and upon and after the Execution of the Conveyance such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such and the like Preference and Priority of purchasing Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land as is by the Statutes for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road.

Present Tolls to be taken until the First Day of July 1841.

VIII. And be it further enacted, That, notwithstanding the Repeal of the said recited Acts, the several Tolls now payable by virtue of the said Acts or any of them shall be continued to be demanded, paid, and received until Twelve of the Clock at Noon of the First Day of *July* One thousand eight hundred and forty-one, when the Term of the existing Contracts of letting the Tolls will expire.

Tolls to be taken after First of July 1841.

IX. And be it further enacted, That, except as herein-before otherwise provided, such Tolls or Sums of Money as the said Trustees at any of their Meetings shall from Time to Time order or direct, not exceeding the several Sums of Money or Tolls hereinafter mentioned, shall and may be demanded and taken at the several Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, which shall be continued, set up, or erected upon, across, or by the Sides of the said Roads comprised in this Act; (that is to say,)

Tolls.

For every Horse, or other Beast of Draught, drawing any Coach, Chariot, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence:

For every Coach, Chariot, Chaise, Chair, or other such Carriage, with Four Wheels, which shall be fastened to and drawn behind any Waggon, Wain, Cart, or Carriage, the Sum of One Shilling and Sixpence:

For every Chaise, Chair, or other such Carriage, with less than Four Wheels, which shall be fastened and drawn as aforesaid, the Sum of One Shilling:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score; and so in proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score; and so in proportion for any greater or less Number:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than animal Power, Two Shillings:

For every Dog, drawing any Cart, Carriage, or other Vehicle, the Sum of Sixpence.

Tolls to be paid but once a Day.

X. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) at one and the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on any of the said Roads, for or in respect of the same Carriage, Horse, Beast, or Cattle passing through the same, (except in the Cases herein-after mentioned and provided for), and any Carriage, Horse, Beast, or Cattle (except as herein-after mentioned,) in respect whereof Toll shall have been paid as aforesaid, shall, upon a Ticket being produced denoting such Payment on that Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain at which such Payment shall have been made.

Limiting the Number of Payments on the several Lines of Road.

XI. Provided also, and be it further enacted, That no more than One full Toll shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the same Carriage, Horse, Beast, or Cattle, (except as herein-after mentioned,) between *Bedford* and *Ampthill*, nor more than One full Toll between *Ampthill* and *Woburn*.

Horses drawing Stage Coaches, &c. or different Carriages.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, or drawing different Carriages of any Description, and also for and in respect of every Carriage moved

or propelled by Steam or Machinery, or by any other Power than animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be paid and payable every Time of passing or repassing along the said Roads or any of them: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Horses drawing Post Chaises, &c.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire for riding, or for drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads or any of them, whenever a new Hiring thereof shall take place.

Horses, &c. drawing Road Materials in Carriages with narrow Wheels, to be liable to Toll.

XIV. Provided also, and be it further enacted, That no Exemption, allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road, for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with, or employed in leading or conveying, any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, shall be allowed in respect of the Tolls by this Act granted, when such Waggon, Wain, Cart, or other Carriage shall have the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, any Law or Statute to the contrary notwithstanding.

Tolls liable to Debts contracted under *former Acts.*

XV. And be it further enacted, That the Tolls hereby granted and authorized to be taken on the said Roads, subject to the Limitations herein-after contained, shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or on account of the said recited Acts, or any or either of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and had become due on the Credit of this Act, and the Tolls hereby authorized to be collected; and all and every Person and Persons owing or who may owe any Sum or Sums of Money to the Trustees for executing the said recited Acts, or any or either of such Acts, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities, duly and according to Law made or entered into or given by or to or with the Trustees for executing the said recited Acts, or any or either of such Acts, shall be as available in all Courts of Law and Equity as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made or entered into by or to or with the Trustees for executing this Act; and all Bargains, Contracts, Agreements, Appointments, or Notices duly and according to Law entered into, made, or given by the

Trustees for executing the said recited Acts, or any or either of such Acts, with, of, or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said Acts, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Acts.

Application of Tolls.

XVI. And be it further enacted, That, subject to the Limitations herein-after contained, all the Monies which shall have been raised and produced by virtue of the said recited Acts, on account of any of the Roads comprised in this Act, and which shall remain undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable on all the several Roads comprised in this Act, with the Monies which have been or shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, 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 the Payment and Discharge of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other necessary current Expences incidental to the Execution of this Act,) in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the same Roads or any of them, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Roads; and thirdly, in defraying the Expence of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, and the Expence of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads and any other Works required or authorized by this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums and all other Debts and Sums of Money now owing by or by virtue of the said recited Acts, or of any or either of them, or which may hereafter become due by or by virtue of this Act.

No more Money to be applied in Repair of the Roads than shall be collected thereon.

XVII. Provided always, and be it further enacted, That no more Money shall be expended by the said Trustees in or towards the Repair of the said present Turnpike Road from *Bedford* to *Woburn*, or on the said present Turnpike Road branching out of the same in *Kempston Field* to the Turnpike Road from *Hitchin* to *Bedford*, than shall arise from the Tolls to be collected thereon respectively.

XVIII. Pro-

Trustees not to apply any Money in Repair of Roads in Towns.

XVIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls by this Act granted, or any of the Monies to be raised by virtue of this Act, in repairing or amending any Part of the Roads comprised in this Act, situate in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Tolls thereon.

Trustees may purchase or hire Land whereon to lodge Materials.

XIX. And for providing proper Places whereupon the Materials used for the Repairs of the Roads comprised in this Act may be deposited and broken, and whereupon the Ground, Earth, Stone, and other Substances necessary to be removed for the Purpose of reducing the Inequalities and Heights upon any of the said Roads, and making the same sufficiently level and commodious, and whereupon the worn Materials may be laid, and also for the Purpose of providing the necessary Materials for filling up any Hollows or Cavities in any of the said Roads, be it also enacted, That it shall and may be lawful for the said Trustees to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments adjoining to the said Roads, or any Part thereof, for the Purchase or Hire of so much thereof as they shall think necessary for any of the Purposes lastly herein-before mentioned, and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XX. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of any Road to be made or maintained under this Act, the Freehold and Inheritance, if of Freehold Tenure, or the Estate or Interest, if of any other Tenure, of and in the Lands so purchased, shall not, by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees (any Provision in any of the Acts in force for regulating Turnpike Roads in *England* notwithstanding), but that the Freehold and Inheritance, or the Estate or Interest of and in the Lands so purchased, shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall, by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way, in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Land is not wanted.

XXI. And be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for any such Road, and such Road shall cease to be Highway, then and in such Case the Right of Way in, over, or upon the said Lands shall

shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of using the Land as if they had purchased the Fee Simple thereof.

XXII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging, and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Buildings, or of building any Bridge thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient for the Purpose of keeping the said Roads dry, and conveying the Water from the same into or through any Lands or Grounds adjoining or lying near to the said Roads (not being a Garden Orchard, Park, Paddock, planted Walk or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made on the Sides of the said Roads or any of them, in pursuance of this Act, shall, when so made and completed by the said Trustees, be for ever afterwards scoured, cleansed, and kept open, repaired, and maintained by the Occupiers respectively of the adjoining Lands or Grounds, but all such Arches, Culverts, Trunks, Tunnels, or Plats as shall cross or pass through, under, or over the said Roads or any of them shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

This Act to be subject to any general Act for Consolidation of Turnpike Trusts.

XXIV. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Road by this Act (or the said herein-before recited Act or Acts) authorized to be made 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.

Public Act.

XXV. 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.

Term of Act.

XXVI. And be it further enacted, That this Act shall commence on the Third *Saturday* after the passing thereof, 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.

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