ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. xxxi.

An Act for continuing the Term and amending the Provisions of the Act for making and maintaining a Turnpike Road from the Town of *Crowland* in the County of *Lincoln* to the Town of *Eye* in the County of *Northampton*. [23d *June* 1856.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act for mak-* 57 G. 3. c. liv.
ing and maintaining a Turnpike Road from the Town of Crowland *in the County of* Lincoln *to the Town of* Eye *in the County of* Northampton: And whereas the Term granted by the said Act, and since continued from Time to Time for limited Periods by divers Acts of Parliament, will expire on the First Day of *November* One thousand eight hundred and fifty-six: And whereas considerable Sums of Money are now due and owing on Mortgage of the Tolls by the said recited Act authorized to be taken, and such Sums cannot be paid off, or the Interest thereof discharged, unless further Powers are granted and the Term of the said Act be further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu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 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 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Recited Act repealed.

I. Upon the Third *Monday* next after the passing of this Act, the said recited Act shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing or referring to this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Crowland and Eye* Turnpike Road Act, 1856."

Purposes for which this Act is applicable.

III. This Act shall be put in execution for the Purpose of discharging the Sums of Money now due and owing upon Mortgage of the Tolls by the recited Act authorized to be taken.

Moneys, &c. vested in new Trustees and new Term and Tolls liable to former Debts.

IV. All Money due to and all Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action, vested in or belonging to the Trustees under the recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and the 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 recited Act, and the Trustees for executing this Act shall be liable to all the Debts and Engagements to which the Trustees under the recited Act are liable on the Repeal thereof; and the Term and Tolls hereby granted are hereby made subject and liable to the Payment of all Monies now due and owing upon Mortgage of the Tolls by the recited Act authorized to be taken, but not of any Interest in respect thereof, except as herein-after mentioned.

Appointment of Trustees.

V. All Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Lincoln* and *Northampton* and the Soke of *Peterborough*, together with *John Bates* (Clerk), *Thomas Baumpgartner*, *Robert Bell* (Clerk), *John Beecroft*, *Samuel Charles Watson Buckle*, *John Broughton*, *James Cattel*, *Christopher Carr* (Clerk), *George Cherrington*, *Robert Cooke*, *John Core* the younger, *Fitzwilliam John Dyball*, *William Alleyne Cecil* (commonly called Lord *Burghley*), Sir *Culling Eardley Eardley* Baronet, *Eardley Gideon Culling Eardley*, *William Thomas Spencer Wentworth Fitzwilliam* (commonly called Lord *Milton*), *George Wentworth Fitzwilliam*, *Charles*

The Crowland and Eye Turnpike Road Act, 1856.

Charles William Wentworth Fitzwilliam, *Thomas Fillingham*, *Abraham Fillingham*, *John Gates*, *Henry Pearson Gates*, *John Griffin*, *William Erwin Griffin*, *William Parkinson Griffin*, *William Higgs*, *William Hewson*, *Benjamin Hardy*, *William Jackson Hardy*, *Thomas Jackson*, *Thomas Jackson* the younger, *William Lawrance*, *John William Lawrance*, *George Sutton Maxwell*, *Robert Mein*, *George Moore*, *William Pank Moore*, *Thomas Moore*, *John Whitehead Moore*, *William Moore*, *Richard Morton*, *Thomas Mills* (Clerk), *William George Porter*, *John Pank*, *William Pank*, *John Pank* the younger, *John Swift*, *William Thompson*, *Thomas Thompson*, *Thomas Vergette*, *Benjamin Vergette*, *Robert Parr Vergette*, *John Wing* (Clerk), *John Williams*, *James Whitsed*, *Nelson Wilkinson*, *Henry Warner*, *George Warner*, *James Stephen Wickens*, *William Wyche*, *Robert Wyche*, *William Whyman*, *John Yardy*, *John Yeoman*, 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.

VI. It shall be lawful for the said Trustees from Time to Time at any of their Meetings to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VII. The Trustees shall hold their First Meeting on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, at the *Angel* Inn, or some other convenient Place in the Parish of *Crowland*, and shall hold their General Annual Meeting alternately at the Towns of *Crowland* and *Eye*, and their First General Annual Meeting after the passing of this Act at the said *Angel* Inn or some other convenient Place in the Parish of *Crowland*.

Repairs of Road.

VIII. From and after the Commencement of this Act so much of the Turnpike Road from the Town of *Crowland* to the Town of *Eye*, made under the Authority of the recited Act as is situate in any Parish shall be maintained and kept in repair as a common Highway, in the same Manner as the other Highways in such Parish are or may be by Law repairable, and so much of the said Turnpike Road as passes through or over any extra-parochial Land shall be maintained and kept in repair as a common Highway by the Person or Persons for the Time being liable to repair the same, at Common Law, by Statute or otherwise.

Toll Gates.

IX. The Turnpike, Toll Gate, and Toll House, and all Side Gates, Bars, or Chains now standing or being on the said Turnpike Road or the

the Sides thereof shall be continued until removed under the Provisions of this Act, or by Order of the said Trustees; but no Side Gate, Bar, or Chain shall at any Time be placed between the triangular Bridge in the Town of *Crowland* and a certain Tunnel in the Bank of the River *Welland* in the said County of *Lincoln*, called the *West Tunnel*.

Power to take Tolls.

X. Until and inclusive of the Thirty-first Day of *March* One thousand eight hundred and fifty-seven, or other the Day on which the present Lease to *William Headdey*, *James Elgar*, and *Charles Headdey* of the Tolls by the recited Act authorized to be taken, shall expire or be determined, the several Tolls so authorized as aforesaid shall, notwithstanding the Repeal of the recited Act, continue to be payable and paid at the several Turnpikes, Toll Gates, and Toll Houses, and Side Gates, Bars, and Chains standing or being on the said Turnpike Road or the Sides thereof; and from and after the Thirty-first Day of *March* One thousand eight hundred and fifty-seven, or other the Day on which the said Lease shall expire or be determined, the several Tolls herein-after particularly mentioned shall and may be demanded, taken, and received by the said Trustees, or by the Collectors, Farmers, or other Persons authorized by the said Trustees to receive the same, at the several and respective Turnpikes, Toll Gates, and Toll Houses, and Side Gates, Bars, and Chains for the Time being standing or being on the said Turnpike Road or the Sides thereof; (that is to say,)

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, or drawing any Sledge or other Implement of Husbandry, the Sum of Threepence:

For every Horse or other Beast drawing any Hearse, Coach, Chariot, Barouche, Landau, Phaeton, Curricle, Chaise, Gig, Sociable, Taxed Cart, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Carriage, Sledge, or Implement of Husbandry drawn by Two or more of such Beasts, and carrying any Tree or Trees, or Timber or Stone, at any Time between the Months of *October* and *March*, the additional Sum of One Penny Halfpenny:

For every Four-wheeled Carriage drawn and in any Manner fixed to any other Carriage drawn by any Horse or other Beast, the Sum of One Shilling:

For every Two-wheeled Carriage drawn and in any Manner fixed to any other Carriage drawn by any Horse or other Beast, the Sum of Sixpence:

For every Ox, Cow, Burling, or other Head of large Cattle, the Sum of One Halfpenny:

For every Hog, Sheep, Lamb, or other Head of small Cattle, the Sum of One Farthing:

For every Carriage impelled by Steam or other mechanical Power, the Sum (*per* Wheel) of One Shilling.

Only One Toll to be taken in One Day, except for Stage Coaches, &c.

XI. Only One Toll shall be taken in any One Day for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Turnpikes, Toll Gates, Side Gates, Bars, and Chains for the Time being standing or being upon the said Turnpike Road or the Sides thereof, except that the Tolls hereby made payable shall be paid for and in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and also for and in respect of any Waggon, Wain, Cart, or other Carriage impelled by Steam or other mechanical Power, for every Time of passing through the said Turnpikes, Toll Gates, Side Gates, Bars, and Chains, or any of them, and also for and in respect of all Horses, Beasts, or Cattle drawing any Postchaise or other Carriage travelling for Hire for every Time of passing whenever a new Hiring of such Postchaise or other Carriage shall have taken place.

As to Fraction of a Halfpenny in Tolls.

XII. In all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

No Tolls to be taken in respect of Materials used in repairing the Bank of the River Welland.

XIII. No Toll shall be demanded or taken for or in respect of any Horses, Beasts, or Cattle, or for or in respect of any Waggon, Wain, Cart, or other Carriage belonging to or in the Employment of the Corporation of *Bedford Level*, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying and conveying, having been employed only in carrying or conveying any Stones, Bricks, Timber, Wood, Gravel, or other Materials for the Repairs of any Part of the Bank of the said River *Welland* lying South of the said Tunnel called the *West Tunnel*.

Application of Tolls and other Monies.

XIV. All the Monies which shall be received by the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, In paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, In paying the Expense of erecting, providing, and keeping in repair the Toll Gates, Toll Bars, and Toll Houses on the said Turnpike Road or the Sides thereof, and in paying the Officers to

be employed in the Execution of this Act, and the legal and other incidental Expenses of the Trust; but such Payments not to exceed together the Sum of Twenty Pounds *per Annum*, exclusive of the Salaries of Collectors appointed by the Trustees, and any Payments to which the Trustees may become liable with respect to any Actions, Suits, or other Proceedings at Law or in Equity, or before Justices of the Peace, or otherwise.

Thirdly, In paying and discharging Interest, at the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, upon or in respect of the Principal Sums which may for the Time being be due and owing on Mortgage of the Tolls by the recited Act or this Act authorized to be taken, such Interest to be computed and to commence and become payable from the Twenty-fifth Day of *March* next after the Expenses of obtaining and passing this Act or incident thereto shall have been fully paid and satisfied, and no Interest to accrue in the meantime; and all Arrears of Interest now due in respect of the said Principal Sums to be and the same are hereby extinguished:

Fourthly, In reducing, paying off, and discharging the Principal Debt for the Time being owing on Mortgage of the Tolls by the recited Act or this Act authorized to be taken.

As to Mode of discharging Debt.

XV. Whenever the Monies applicable to the Discharge of the Principal Debt owing upon Mortgage of the said Tolls shall amount to the Sum of One hundred Pounds or upwards, the said Trustees shall, at some General Annual or other Meeting (of which Meeting and the Purposes whereof in this respect Fourteen Days previous Notice shall be given in some Newspaper published in the said Counties of *Lincoln* and *Northampton*, or one of them, or by Letter addressed by Post to the usual or last known Place of Abode of each Mortgagee), apply such Monies or a competent Part thereof in or towards the Discharge of the Principal Money due to the Mortgagee who shall, by Proposal in Writing transmitted to the Clerk of the Trustees previously to or delivered at such Meeting, offer to accept the lowest Composition in respect, but not exceeding the full Amount, of his Principal Money, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Monies, or a competent Part thereof, in or towards the Discharge of other Principal Money owing on Mortgage 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 Money due to him, and so in like Manner until the Monies applicable to such Payments 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

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 Monies applicable to such Payments, after applying the same so far as may be necessary in or towards the Discharge of the Principal Monies to which any such Proposals relate, the Trustees shall apply the Monies applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees of the said Tolls, or shall pay the same to such of them as may be determined by Lot, as the Trustees shall think fit; and such Mortgagee or Mortgagees respectively shall be compelled to receive the same, with the Interest due thereon, at the Expiration of One Calendar Month from such Meeting, or the Interest thereafter to accrue due on their respective Mortgages shall thereupon cease and determine.

Mortgagees to take possession for Payment of Interest only.

XVI. Whenever and so long as Interest upon the Principal Monies for the Time being due and owing on Mortgage of the said Tolls shall be duly paid at the Rate hereby authorized within Three Calendar Months next after the same shall become due, no Mortgagee of the said Tolls shall be entitled to enter into possession of the Turnpikes, Toll Gates, Toll Houses, Side Gates, Bars, or Chains standing or being upon the said Road or the Sides thereof, 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 such Possession or Receipt as aforesaid shall pay the Interest from Time to Time becoming due at the Rate hereby authorized upon all the existing Mortgages of the said Tolls without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the 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 hereby authorized on such Mortgages up to the last of such Days, and all such Costs as aforesaid, have been duly 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 Turnpikes, Toll Gates, Toll Houses, and Side Gates, Bars, or Chains, 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 for the Time being in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

When Debt discharged the Tolls to cease, and Road to be no longer Turnpike.

XVII. As soon as the Principal Debt due and owing upon Mortgage of the Tolls by the recited Act or this Act authorized to be taken shall have been fully paid off and discharged, all Toll Gates, Toll Houses, Side Gates, Bars, and Chains which may be then standing or being upon the said Turnpike Road or the Sides thereof shall be removed, and the Road shall thereupon cease to be Turnpike Road, nor shall any further Toll be taken thereon under the Powers of this Act.

Saving Rights of Bedford Level Corporation and others.

XVIII. Nothing in this Act shall extend or be construed to extend to lessen, invalidate, alter, or take away any of the Rights, Privileges, Powers, or Authorities by Law, Statute, or Usage now vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the *North Level* Commissioners, or the *North Level* Committee, or (save and except as far as the same are altered or taken away by this Act) in the Commissioners of any District or Districts in or through which the said Road passes.

Road not exempt from General Acts.

XIX. Nothing in this Act contained shall be deemed to exempt the said Road 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, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions are or may be expressly varied by this Act.

Term of Act.

XX. This Act shall commence on the Third *Monday* 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.

LONDON:
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