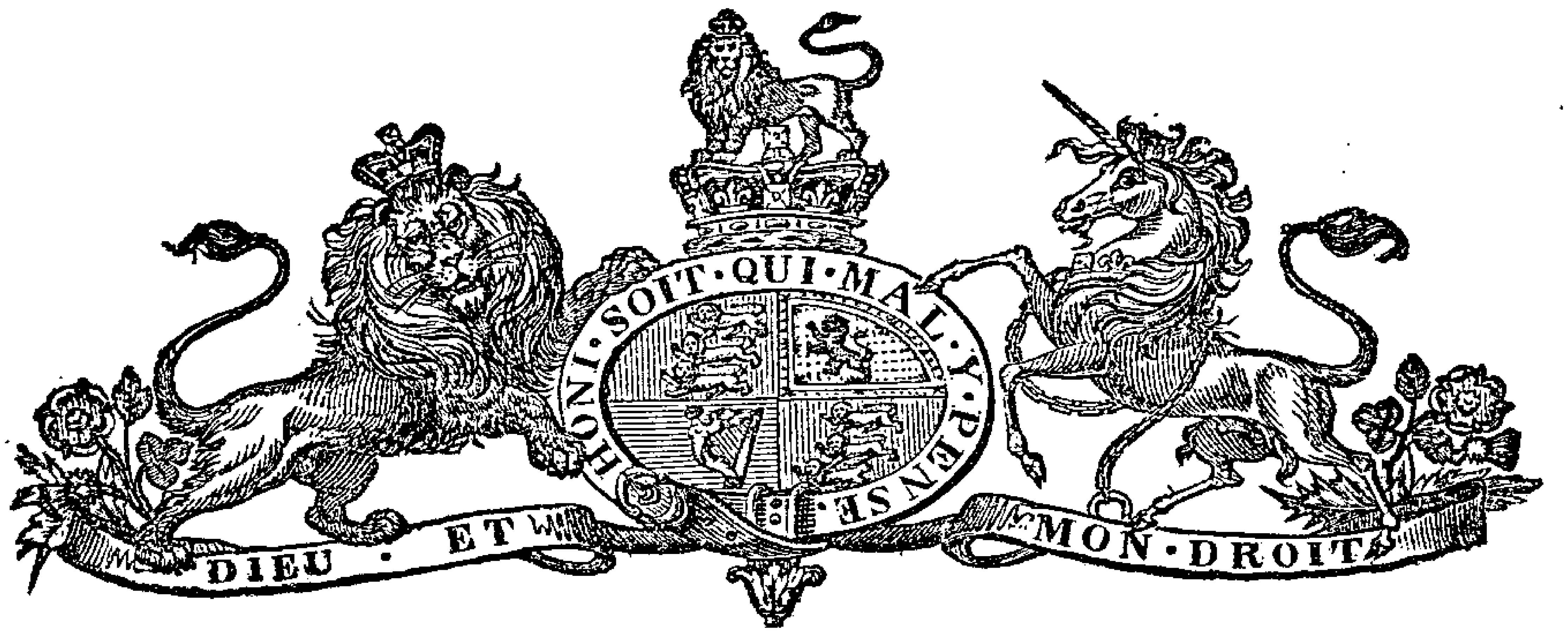


ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. xxxvii.

An Act for the Continuance and Regulation of the *Kettering and Newport Pagnell* Turnpike Road Trust. [23d *June* 1856.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending, repairing, and* 4 G. 4. *keeping in repair the Road from the Toll Gate in the Parish of* c. lxvii. Kettering, *through* Wellingborough, *in the County of* Northampton, *and through* Olney *over* Sherrington Bridge *to* Newport Pagnell *in the County of* Buckingham: And whereas the Powers granted by the said Act, and continued from Time to Time by 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-six, unless Parliament shall in the meantime continue the same: And whereas there is now owing upon the Credit of the Tolls authorized to be taken on the said Road the Principal Sum of Seven thousand six hundred Pounds, which is now due or reputed to be due to the several Persons named in the Schedule to this Act, or their Representatives, in the Proportions set opposite to their respective Names in that Schedule, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said firstly-recited Act

Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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Recited Act repealed.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 Second *Thursday* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.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 this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Kettering and Newport Pagnell* Turnpike Road Act, 1856."

Interpretation of Terms.

III. 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 include Corporation;

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

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates;

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

Road to which this Act is applicable.

IV. This Act shall be put into execution for the Purpose of managing and maintaining the Road leading from the Toll Gate in the Parish of *Kettering* through the several Parishes, Townships, Hamlets, or Places of *Kettering*, *Pytchley*, *Isham*, *Little Harrowden*, *Great Harrowden*, *Wellingborough*, *Irchester*, *Wollaston*, *Strixton*, and *Bozeat* in the County of *Northampton*, and *Warrington*, *Olney*, *Emberton*, *Sherrington*, and *Lathbury* to *Newport Pagnell*, in the County of *Buckingham*.

Monies and Property to vest in new Trustees.

V. All Monies due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said repealed Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned Trustees

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 repealed Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the said repealed Act may be liable at the Repeal thereof, except in so far as those Debts and Engagements are by this Act varied, extinguished, or discharged.

Appointment of Trustees.

VI. All Her Majesty's Justices of the Peace for the Time being acting for the respective Counties of *Northampton* and *Buckingham*, together with *John Abbey*, *George Battams*, *Benjamin Brooks*, *Henry Vivian Broughton* Clerk, *Thomas Clark*, *William Clever*, *John Corrie*, *Henry Dale* Clerk, *William Dulley*, *William Frederick Farrer*, *Robert Mockeridge Gibbs*, *William Godfrey* Clerk, *John Davis Gotch*, *Thomas Hale*, *Richard Hall*, *John Slater Hall* Clerk, *Thomas Hardwick*, *John Harper*, *Thomas Charles Higgins*, *William Bartholomew Higgins*, *Henry Denne Hilton* Clerk, *Thomas Howes*, *John Baron Howes*, *William Johnson*, *George Jones*, *Joseph Keep*, *Adam Corrie Keep*, *Daniel Baxter Langley* Clerk, D.C.L., *John Allen Lovell*, *Arthur Lovell*, *Thomas Hellier Madge* Clerk, *Richard Maxey*, *George Morley* Clerk, *Richard Longuet Orlebar*, *Joseph Palmer*, *George Woodfield Paul* Clerk, *John Frederick Pizey* Clerk, *Joseph Robinson*, *Wentworth Charles Roughton* Clerk, *Thomas Sanderson* Clerk, D.D., *Mark Sharman*, *Nathaniel Pearce Sharman*, *William Binyoun Sharman*, *John Wood Sharman*, *Francis Sharp*, *Richard Scriven*, *Heney Minshull Stockdale*, *Charles Talbot*, *Joseph Tarver* Clerk, *William Tomkins* Clerk, *John Woolston*, *George Worley*, 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.

VII. It shall be lawful for the Trustees from Time to Time 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.

Meetings of Trustees.

VIII. The Trustees shall hold their First Meeting at the Town Hall in *Wellingborough* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Third *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, 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 Road as they shall think proper.

IX. Notwith-

Present Tolls continued for a Term.

IX. Notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the Eleventh Day of *November* next after the passing of this Act.

Power to take new Tolls.

X. Upon and after the said Eleventh Day of *November* next after the passing of this Act, it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter 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, Van, Caravan, Barouche, Chariot, Landau, Berlin, Sociable, Curricle, Chaise, Phaeton, Chair, Gig, Hearse, Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence:

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

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

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

For every Carriage of whatever Kind, drawn or propelled by Steam or Machinery, or any Power other than Animal Power, the Sum of One Shilling for each Wheel thereof:

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

Exemption of Lime and Chalk used for Manure.

XI. No Toll shall be demanded or taken by virtue of this Act on the said Road for any Horse, Beast, or other Cattle or Carriage when employed only in carrying and conveying Chalk or Lime to be used only as Manure.

As to the Fraction of a Halfpenny in Tolls.

XII. 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 in lieu of such fractional Part.

Limiting Number of Tolls to be taken.

XIII. For passing and repassing any Number of Times on the same Day with the same Horses or other Animals, Carriage, or Thing liable to Toll, through all the Gates erected or to be erected or continued on or on the Sides of the said Road, no more than Four full Tolls shall be taken (except as herein-after otherwise provided).

XIV. All

Persons having paid Toll to return free.

XIV. All Horses, Beasts, Cattle, or other Animals 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 Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted (except as herein-after otherwise provided), in returning, passing, and repassing through the same Toll Gate, and through any other Toll Gate on the said Road which such Ticket shall free, to pass Toll-free the same Day.

Horses, &c. drawing different Waggons, &c. to pay every Time of passing.

XV. Provided always, That the said Tolls shall be payable at each and every Toll Gate on the said Road in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any such Toll Gate drawing any laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage, other than that which such Horse or other Beast was employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or other Beast.

Postchaises on every new Hiring.

XVI. The Tolls hereby made payable shall be paid for all Horses or other Beasts let for Hire, and for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Stage Coaches, &c. every Time of passing.

XVII. The Tolls hereby made payable shall be paid for all Horses or other Beasts drawing any Stage Coach, Stage Waggon, Van, Caravan, Omnibus, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward for every Time of passing or repassing along the said Road.

Regulations as to Stage Coaches.

XVIII. All Horses and Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Omnibus, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, 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 Toll Gate, the Payment at which shall be freed by such Ticket as aforesaid, on account only of its conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

As to Continuance, Erection, and Removal of Toll Gates.

XIX. Subject to the Provisions of this Act, the several Toll Gates, Toll Houses, and Weighing Machines now standing or being upon, across, or on the Sides of the Road shall be continued until removed by an Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be erected, built, and constructed upon, in, or across the Road, or in or upon the Sides thereof, any Toll Gates, Toll Houses, and Weighing Machines, and from Time to Time to remove the present or any future Toll Houses, Toll Gates, or Weighing Machines, as they shall think proper: Provided always, that no Toll Gate or Toll House shall be removed or set up upon or across the Road, or on the Sides thereof, except by Order of 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 Public General Act, 9th *George* the Fourth, Chapter 77.

All Arrears of Interest extinguished.

XX. All Arrears of Interest due and owing at the Time of the Commencement of this Act in respect of the said Principal Sum of Seven thousand six hundred Pounds, or any Part thereof, shall be and the same is hereby extinguished.

Application of Monies.

XXI. 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,)

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

Secondly, In defraying the necessary Expenses of Management, including the Repairs, Alteration, and Rent of Toll Gates and Toll Houses, the Salaries of Officers and incidental Expenses, but so that the total Amount to be expended in any One Year in defraying such Expenses (exclusive of the Salaries of Toll Collectors and Costs of Conveyancing and Proceedings at Law or in Equity, or before Justices of the Peace) shall not exceed the Sum of One hundred Pounds:

Thirdly, In paying Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum* upon the Principal Sum for the Time being due and owing on the Credit of the Tolls arising on the said Road:

Fourthly, In maintaining and repairing the said Road, but so that the Amount expended thereon shall not, until the whole of the said Principal Debt is paid off, exceed the Sum of Three hundred Pounds *per Annum*:

Fifthly, In paying off and discharging, in manner herein-after provided, the Principal Sum for the Time being due and owing on the Credit of the Tolls arising on the said Road:

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

XXII. Pro-

Interest not to accrue until Expenses of obtaining Act are paid.

XXII. Provided always, That no Interest shall accrue due in respect of the said Principal Sum, or any Part thereof, until the Expenses of obtaining and passing this Act shall have been paid and satisfied.

Mortgagees to take Possession for Payment of Interest only.

XXIII. Whenever and so long as the Interest upon the Principal Debt for the Time being due, according to the Provisions of this Act, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road 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 existing Mortgages at the Rate by this Act authorized, and without any Priority or Preference between the Mortgagees, 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 of 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 Accounts that the Interest due on such Mortgages at the Rate aforesaid up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied or provided for, 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.

XXIV. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two 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, Fourteen Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relates to the Application of such Sum, in some Newspaper published in the County of *Northampton*, or, if there shall be no Newspaper

Newspaper published therein, then in some Newspaper published in an adjoining County, or by Letters sent by Post addressed to each Creditor at his usual Place of Abode; 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 the 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 Creditor as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge 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 Payments 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 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 as far as may be necessary in or towards the Discharge of the Monies to which any such Proposals 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 determine by Lot, as the Trustees think fit, to which of the Creditors the same shall be paid: Provided always, that the Trustees may, if they think fit, from Time to Time apply in manner aforesaid any Sum less than Two hundred Pounds applicable as aforesaid, or, with the Consent of One of Her Majesty's Principal Secretaries of State in Writing under his Hand, postpone the Application of any Sum so applicable until the same amounts to any Sum exceeding Two hundred Pounds, which they with such Consent may determine.

No Money to be taken or laid out in certain Towns.

XXV. No Money shall be laid out nor any Tolls collected by the Trustees on the Road within the Towns of *Wellingborough* and *Olney*, or within the Limits of any Act of Parliament passed for the Improvement of any Town.

Road not exempted from Provisions of General Acts.

XXVI. Nothing herein contained shall be deemed to exempt the 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.

XXVII. This

XXVII. This Act shall commence on the Second *Thursday* 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. Commencement and Term of Act.

SCHEDULE referred to in this Act.

Names of Persons to whom, or to whose Representatives, the Principal Debt mentioned in this Act is due, or reputed to be due.	Proportions of the Principal Debt due, or reputed to be due, to each.		
	£	s.	d.
William George Bell	1,200	0	0
Robert Whitworth	616	13	4
Executors of John Barber Tuck	100	0	0
Revd. Daniel Baxter Langley, D.C.L.	150	0	0
Executors of Adam Corrie the elder	200	0	0
Susannah Nicholls	150	0	0
Trustees of Robert Hawkins, deceased	950	0	0
Executors of Charles Whitworth	100	0	0
Joseph Cripps	100	0	0
Reverend Thomas Palmer Bull	100	0	0
Reverend William Spencer Harris Meadows	200	0	0
Trustees of Freeman's Charity	200	0	0
Thomas Kesterton	100	0	0
Isabella Coles Child	100	0	0
Executors of Samuel Sharman	400	0	0
The Representatives of Adam Corrie, junr., deceased	100	0	0
Thomas Charles Higgins	150	0	0
Lord Dartmouth	100	0	0
William Backwell Praed	100	0	0
Representatives of Mary Holmes, deceased	283	6	8
Representatives of Samuel Ferrers, deceased	300	0	0
Warlow Deering	300	0	0
Executors of John Marriott	100	0	0
Joseph Keep	100	0	0
Earl Fitzwilliam	200	0	0
Executors of Cuthbert Curtis	100	0	0
John Blunsom	100	0	0
George Burnham	100	0	0
Edward Hodson	100	0	0
Allen Allicocke Young	100	0	0
Henry Cheetham	100	0	0
Executors of Mary Cooper	600	0	0
	7,600	0	0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.