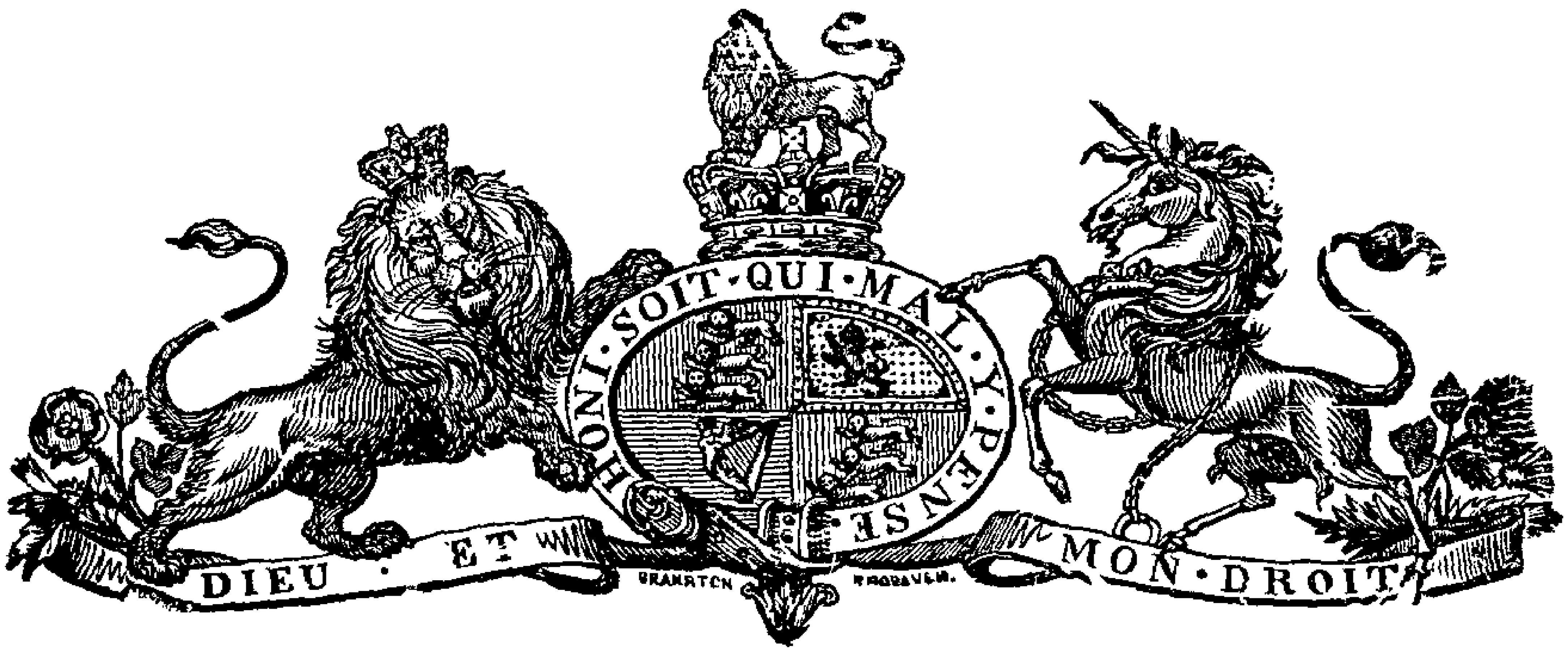


ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xcix.

An Act to repeal an Act for repairing the Road from *Kettering* to the Town of *Northampton* in the County of *Northampton*, and to substitute other Provisions in lieu thereof.

[17th *June* 1852.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and keeping in repair the* 59 G. 3. c. 41.
Road from Kettering *to the Town of* Northampton *in the County of* Northampton: And whereas the Term 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-two, unless Parliament shall in the meantime continue the same: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls by the said Act authorized to be taken, which Money still remains owing, together with certain Interest thereon, and such Money cannot be paid off unless further Powers are granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that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 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Recited Act repealed and this Act to be put in force.

I. That upon the Thirtieth Day of *October* next after the passing of this Act the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

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

Road to which this Act is applicable.

III. That this Act shall be put into execution for the Purpose of managing and maintaining the Road leading from the East End of a Lane called *Hall Lane* in the Parish of *Kettering* in the County of *Northampton*, through the several Parishes and Townships of *Kettering*, *Broughton*, *Pytchley*, *Walgrave*, *Orlingbury*, *Hannington*, *Sywell*, *Overstone*, *Moulton*, *Weston Favel*, *Abington*, and *Kingsthorpe*, all in the same County, to the Northern Boundary of the Parish of *Saint Giles* in the Town of *Northampton*.

Monies and Property to vest in new Trustees.

IV. That all Monies due to, and Property, 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 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 were liable at the Repeal thereof, except such of the same Debts and Engagements as are by this Act extinguished.

Appointment of Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Northampton*, together with *John Beasley*, the Reverend *Brook George Bridges* Clerk, *William Gibbon*, *John Cooper Gotch*, *John Davis Gotch*, *Thomas Henry Gotch*, *Henry Hensman*, *William Williams Hope*, *Thomas Howes*, the Reverend *Francis Jones* Clerk, *Lewis Lloyd*, the Reverend *Allan Macpherson* Clerk, the Reverend *Thomas Hellier Madge* Clerk, *William*

William Thomas Maunsell, the Reverend *George Edmund Maunsell* Clerk, the Reverend *Robert Montgomery* Clerk, Sir *John Henry Palmer* Baronet, the Reverend *Lewis Palmer* Clerk, *Philip Pain*, *William Somerset Rose*, *Thomas Rose*, the Reverend Sir *George Stamp Robinson* Clerk, Baronet, the Reverend *George Powys Stopford* Clerk, the Reverend *Charles Stopford* Clerk, the Reverend *John Lucas Sutton* Clerk, 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. That it shall be lawful for the said 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.

VII. That the said Trustees shall hold their First Meeting at the *George* Inn in *Kettering* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the First Day of *November* One thousand eight hundred and fifty-two, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

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

Present Tolls continued for a Term.

IX. That 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 Fifteenth Day of *November* One thousand eight hundred and fifty-two.

Power to take new Tolls.

X. That upon and after the said Fifteenth Day of *November* One thousand eight hundred and fifty-two it shall be lawful for the said 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,

Road, such Tolls as the said 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 Chaise, Chair, Coach, or other such Carriage, the Sum of Sixpence:

For every Horse or Mule, laden or unladen and not drawing, the Sum of Twopence:

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

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

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

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or more, and rolling a Surface of the Breadth of Nine Inches or more so flat or level as not to deviate more than Half an Inch from a flat Surface, the Sum of Fourpence; and for every Ass drawing any such last-mentioned Carriage, the Sum of Twopence:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, but less than Nine Inches, and rolling a Surface of the Breadth or Gauge of Six Inches or more, but less than Nine Inches, so flat or level as not to deviate more than Half an Inch from a flat Surface, the Sum of Fivepence; and for every Ass drawing any such last-mentioned Carriage, the Sum of Twopence Halfpenny:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, the Sum of Sixpence; and for every Ass drawing any such last-mentioned Carriage, the Sum of Threepence:

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

For every Carriage of whatever kind drawn or propelled by Steam or Machinery, or any Power other than Animal Power, if with Two Wheels or less, the Sum of Two Shillings and Sixpence, and if with Three or more Wheels, then for each Wheel thereof the Sum of One Shilling:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through

through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

Carriages on Wheels not having a flat Surface to be treated as Carriages with narrow Wheels.

XI. That every Waggon, Wain, Cart, or other such Carriage passing on the said Road or any Part thereof, the Bottom of the Felly of any Wheel whereof shall deviate more than Half an Inch from a flat or level Surface, or the interior Diameter of any Wheel whereof shall vary from the exterior Diameter of such Wheel more than One Sixth Part of the Breadth of the Sole or Bottom of the Felly thereof, shall be liable to be weighed, and to the same Tolls and Penalties for Overweight, and shall be subject to the same Regulations and Restrictions with respect to Weights, as any Waggon, Wain, Cart, or Carriage having the Fellies of the Wheels thereof of a less Breadth than Six Inches at the Bottom or Sole thereof is or may be by Law subject and liable.

As to Fraction of a Halfpenny in Tolls.

XII. That in all Cases in which 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.

Only Two full Tolls to be taken.

XIII. That no more than Two full Tolls shall be demanded and taken for passing on the same Day throughout the whole Line of the said Road.

Persons having paid Toll to return free.

XIV. That all Horses, Beasts, Cattle, or other Animals (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, Postchaise, or other Carriage travelling for Hire as hereinafter mentioned,) in respect whereof the Toll 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, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through any other Toll Gate on the said Road within the Distance of Four Miles from such first-mentioned Toll Gate, to pass Toll-free the same Day.

Provision as to Horses returning with other Carriages.

XV. That where Toll shall have been paid at any Toll Gate on the said Road in respect of any Horse or other Beast drawing any Chaise, Chair, Coach, Waggon, Wain, Cart, Carriage, or Vehicle, and the same Horse or Beast shall return through the same Toll Gate, or shall pass or repass through any other Toll Gate on the said Road, drawing any other Carriage or Vehicle on the same Day, the Toll which would be payable for such Horse or Beast if not drawing shall be deducted from the Toll payable for the same on so returning, passing, or repassing.

Postchaises to pay every fresh Hiring.

XVI. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring, 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.

Regulations as to Stage Coaches.

XVII. That all Horses and Cattle drawing any Stage Coach or Stage Waggon, 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 their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

As to Amount of Debt.

XVIII. And whereas the Sums advanced by way of Subscriptions for making the said Road amount to the Sum of Eight thousand three hundred Pounds, and the Sums borrowed by the Trustees under the repealed Act amount to the Sum of One thousand two hundred and fifty Pounds, which said Sums are now due to the several Persons named in the Schedule to this Act, and there is also a large Arrear of Interest due on the said Sums respectively, no Interest having ever been paid thereon, and no Arrangement can be made for the Liquidation of the said Sums unless the same be materially reduced: Be it enacted, That all Arrears of Interest now due on the said Sums respectively are hereby extinguished, and shall be considered as satisfied and discharged; and also that the Sum of Three thousand three hundred and seventy-five Pounds (Part of the said Sums of Eight thousand three hundred Pounds and One thousand two hundred and fifty Pounds) shall be and be deemed to be the whole Principal Sum due upon the Credit of the Tolls arising on the said Road; and the several Persons respectively named in the Schedule to this Act, or their Representatives, shall be and be deemed to be entitled to the said Sum of Three thousand three hundred and seventy-five Pounds, in the Sums or Proportions respectively set opposite to their Names in the same Schedule; and the Residue of the said Debts of Eight thousand three hundred Pounds and One thousand two hundred and fifty Pounds respectively is hereby wholly

wholly extinguished, and shall be considered to be satisfied and discharged.

Mortgages to be delivered to Creditors.

XIX. That the Trustees shall, on being required so to do, make and deliver to the Persons named in the Schedule to this Act, or their legal Representatives, Mortgages of the Tolls by this Act authorized to be taken for securing the Sums due to such Persons according to the Provisions of this Act; and such Mortgages, and any Assignments or Transfers thereof, may be in the Form (so far as the same shall be applicable) and made in the Manner provided by any Law or Statute relating to Turnpike Roads in *England* with regard to Mortgages of Tolls and Assignments or Transfers thereof; and the Expenses of and attending the granting of such Mortgages may be paid by the Trustees out of any Monies in their Hands as Part of the Expenses of managing the said Roads.

Application of Monies.

XX. That all Monies which shall come to the Hands of 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 incidental thereto:

Secondly, in defraying the necessary Expenses of erecting or providing, altering, and repairing Toll Gates and Toll Houses, the Salaries of Officers employed by the said Trustees, and the Costs attending the Management of the said Road (but such Salaries and Costs not to exceed in any One Year the Sum of One hundred Pounds):

Thirdly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the said Principal Sum of Three thousand three hundred and seventy-five Pounds, or such Part thereof as shall for the Time being remain due and owing:

Fourthly, in defraying the Cost of maintaining and keeping in repair the said Road, and of putting this Act into execution with reference thereto, to an Extent not exceeding in any One Year the Sum of Three hundred Pounds:

Fifthly, in reducing, paying off, and discharging the said Principal Sum of Three thousand three hundred and seventy-five Pounds, or such Part thereof as shall for the Time being remain due:

Lastly, in maintaining, keeping in repair, and improving the said Road, and in putting this Act into execution with reference thereto.

Interest not to accrue until Expenses of Act paid.

XXI. Provided always, That no Interest shall accrue due on the said Principal Sum of Three thousand three hundred and seventy-five Pounds, or any Part thereof, until the Trustees shall have received Sums

Sums sufficient to discharge the Expenses of obtaining and passing this Act and incident thereto.

Mortgagees not to take possession of Toll Houses, &c. but for Arrears of Interest.

XXII. That whenever and so long as Interest at the Rate herein-before mentioned upon the 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, at the Rate herein-before mentioned, from Time to Time becoming due upon all the existing Mortgages, without any Priority or Preference, 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 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 Accounts 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 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.

XXIII. That 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 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 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 published therein, then in some Newspaper published 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 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 pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Money to be laid out or taken in Towns.

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

No more Money to be borrowed on the Tolls.

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

Surveyor may remove sudden Obstructions without Notice.

XXVI. That the Surveyor of the said Road for the Time being may from Time to Time, and without giving any previous Notice, remove any Earth, Trees, Roots of Trees, and other Things which may suddenly slide, fall, or be blown down from any Hedge, Bank, or Land into or upon any Part of the said Road, so as to obstruct the same, and may place the same on any Waste Ground near thereto, so as to be no Annoyance to Travellers; and such Surveyor shall forthwith give Notice thereof to the Owner or Occupier of such Hedge, Bank, or Land, and such Owner or Occupier shall repay to such Surveyor the Expense and Charges of carrying away the same; and the Amount of such Expense and Charges shall, in case of Difference, be settled, ascertained, and determined by any Two or more

more Justices of the Peace acting in and for the County of *Northampton*, on Fourteen Days Notice being given by either Party to the other; and on Nonpayment of any such Expense and Charges for the Space of Fourteen Days after the same shall have been so settled, or if the Amount thereof shall not be disputed, then for the Space of Fourteen Days after the same shall have been demanded, any Justice of the Peace for the said County shall, upon Application, levy the same by Distress and Sale of the Goods and Chattels of such Owner or Occupier, in manner directed by the Public Act of the Third Year of the Reign of King *George* the Fourth, Chapter One hundred and twenty-six.

Road not exempted from Provisions of future General Acts.

XXVII. That nothing herein 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.

Commencement and Term of Act.

XXVIII. That this Act shall commence on the Thirtieth Day of *October* 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.

XXIX. 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 the Execution of this Act:

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

The

The SCHEDULE referred to in the foregoing Act.

	£	*s.*	*d.*
His Grace the Duke of Buccleuch and Queensberry -	300	0	0
Lewis Lloyd, Esquire - - - -	300	0	0
Earl Spencer - - - -	250	0	0
The Honourable Richard Watson - - -	250	0	0
William Drayson, Esquire, Executors of - -	150	0	0
Thomas Reeve Thornton, Esquire - -	100	0	0
Edward Bouverie, Esquire - - -	100	0	0
James Coles' Executors - - -	100	0	0
John Cooper Gotch - - - -	200	0	0
Richard Howes' Executors - - -	100	0	0
Sir John Palmer, Baronet - - -	100	0	0
J. Edward Freake, M.D. - - -	100	0	0
The Reverend W. V. Robinson's Executors - -	75	0	0
The Honourable and Reverend James Lord Douglass -	62	10	0
John Capel Rose, Esquire, Executors of - -	62	10	0
Sir Charles Knightley, Baronet - - -	50	0	0
Sir Richard Brooke de Capell Brooke, Baronet, Executors of - - - - -	50	0	0
William Sawbridge, Esquire, Executors of - -	50	0	0
The Reverend John Wetherall - - -	50	0	0
Henry Nicholson, D.D., Executors of - -	50	0	0
The Reverend B. W. Fletcher - - -	50	0	0
Samuel Payne - - - -	50	0	0
Charles Thomas - - - - -	50	0	0
John Carrington - - - - -	50	0	0
Matthew Wilson's Executors - - -	50	0	0
Messrs. Chettle, Cook, Bayes, and Son - -	50	0	0
Thomas Philip Maunsell, Esquire - - -	50	0	0
Messrs. Keep and Iliffe, Representatives of - -	50	0	0
Edward Bryan Pell, Executors of - - -	50	0	0
James Dainty's Executors - - -	50	0	0
Edward Bates' Executors - - -	50	0	0
William Roughton and Thomas Collier - -	50	0	0
The Honourable Mrs. Cockayne Medycott's Executors -	50	0	0
William Hanbury, Esquire, Executors - -	50	0	0

The Kettering and Northampton Turnpike Road Act, 1852.

	£	*s.*	*d.*
The Honourable and Reverend Henry Watson's Executors - - - - -	50	0	0
Samuel Brampton's Executors - - -	37	10	0
Abraham Mee and John Strange - -	37	10	0
Adams and Company's Representatives - -	37	10	0
Peter Fernhead - - - -	12	10	0
	£ 3,375	0	0

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