ANNO DECIMO NONO

VICTORIÆ REGINÆ.

****

Cap. XXV.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Leicester and Welford* Turnpike Road, in the Counties of *Leicester* and *Northampton*.

[5th *June* 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing,* 6 G. 4. c. lxxxii. *widening, altering, and improving the Road from* Welford Bridge *in the County of* Northampton, *to* Milstone Lane *in the Town of* Leicester: And whereas the Term granted by the said Act and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods will expire on the First Day of *November* One thuosand eight hundred and fifty-six: And whereas considerable Sums of Money have been advanced and are now due upon the Credit of the Tolls authorized to be taken by the said Act, amounting together to the Sum of Five thousand six hundred and twelve Pounds Eight Shillings and Sixpence, as specified in the Schedule to this Act annexed, 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and the Term of the said Act be further continued: And whereas it is expedient that the said recited Act should be repealed and amended, and that further and more effectual Powers should be granted in lieu thereof; but the same cannot be done without the Authority of Parliament: May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:

Interpretation of Terms.

I. 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 Expression "the Trustees" shall mean the Trustees for the Time being acting in execution of this Act; and

The Word "Toll-gate" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected or to be set up or erected upon or across or by the Side of the Road, or across any Highway or Lane communicating therewith.

Recited Act repealed.

II. Upon the First Day of *November* One thousand eight hundred and fifty-six the recited Act of the 6th 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.

Monies and Property to vest in new Trustees.

III. 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 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 recited Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except such of those Debts and Engagements as are by this Act reduced, varied, or extinguished.

Appointment of Trustees.

IV. All Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Leicester* and *Northampton*, together with *Halford Adcock*, *Charles Holland Baddeley*, *Plumpton Wilson* Clerk, *Samuel Stephens Bankart*, *George Bellairs*, *John Fox Bell*, *Samuel Berridge*, *John Biggs*, *Thomas Edward Blunt*, *William Burley*, *Thomas Burgess*, the Reverend *Edward Hartopp Cradock*, D.D., *Thomas William Dabbs*, *George Freer*, *William Freer*, *William Thomas*

Thomas Freer Clerk, Sir *William Edmund Cradock Hartopp* Bart., *Richard Harris*, *William Jackson*, *Joseph Johnson*, *Joseph Knight*, *Walter Nugent Lafargue*, *Thomas Miles*, *Lomas Miles* Clerk, *Roger Dutton Miles*, *Thomas Miller*, *Nathaniel Morgan* Clerk, *James Morpott*, Sir *John Henry Palmer* Bart., *Thomas Paget* the elder, *William Palmer*, *Thomas Pares*, *William Parsons*, *Samuel Seddon*, *Richard Stephens* Clerk, *Nathaniel Chamberlain Stone*, *Samuel Stone*, *William Weston Stretton*, *Richard Toller*, *Francis Fortescue Turville*, *Joseph Sherwood Wheatley*, *Richard Warner Wood*, *Thomas Wood*, *John Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. 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.

Power to appoint Committees.

VI. The Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

First Meeting of Trustees.

VII. The Trustees shall hold their First Meeting under the Provisions of this Act at the *Bell* Hotel, in the Borough of *Leicester*, or at some other convenient Place in the Neighbourhood of the said Road, on the First *Monday* in *November* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Places in the Neighbourhood of the said Road, and at such Times as they shall think proper; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, the Meeting shall be adjourned, and Two Trustees shall be sufficient for the Purpose of Adjournment only.

Road to which this Act is applicable.

VIII. This Act shall be put into execution for the Purpose of discharging the Debts (as specified in the Schedule to this Act annexed) incurred in making and maintaining the Road referred to in and defined by the First Section of the recited Act, and for maintaining and keeping in repair (to the Extent herein-after mentioned) so much thereof as is situate between the South Side of the Cemetery Gate, in the Borough of *Leicester*, and *Welford* Bridge, in the County of

of *Northampton*, and such Road shall be called "The *Leicester and Welford* Turnpike Road."

Power to take Tolls.

IX. Upon and after the First Day of *January* One thousand eight hundred and fifty-seven it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates, Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains, which are or shall be standing and being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, 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, Landau, Berlin Barouche, Phaeton, Sociable Chaise, Chariot, Calash, Hearse, Litter, Vis-à-vis, Curricle, Gig, Chair, Car, Whiskey, Caravan, Taxed Cart, Waggon, Wain, Drug, Cart, or other Carriage of the like Kind, the Sum of Fourpence Halfpenny:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of One Shilling; and for every Two-wheeled Carriage so fixed, the Sum of Sixpence over and above the Tolls payable for or in respect of the Horses or Beasts drawing the same:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel:

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

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

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

All which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, or any such Carriage, shall be permitted to pass through any such Turnpike, or Toll Gate, or Side Bar, or Side Gate or Chain.

As to the Fraction of a Halfpenny in Tolls.

X. 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.

Limiting the Number of Tolls.

XI. Not more than Three full Tolls shall be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage on the same Day through all the Toll Gates erected or to be erected upon the whole Length of the said Road (except as herein-after mentioned.)

XII. If

Tolls to be paid but once a Day

XII. If any Person or Persons shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the Toll Gates erected or to be erected on the said Road, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Toll is and are hereby required to deliver *gratis* to the Person paying the same, and on such Ticket shall be named and specified the Gate and Gates at which the same shall have been paid, and also the Gate and Gates, if any, freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, except Horses or other Beasts of Draught drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage, or any Postchaise, Gig, or other such like Carriage let out to Hire, when any new Hiring thereof shall be made, and except such Horses or other Beasts as shall be employed in drawing a different Carriage, Waggon, or other Vehicle from that which they were employed in drawing when the Payment was made, in which Case such Horses or other Beasts so drawing shall be again liable to Toll, and notwithstanding any previous Payment of Toll in respect of any such Carriage, Waggon, or other Vehicle when drawn by any other Horse or other Beast.

Stage Coaches and Postchaises to pay every Time of passing.

XIII. The Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage carrying or conveying Passengers or Goods for Pay, Hire, or Reward, every Time of passing or repassing along the said Road, and also for and in respect of all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire for every Time of passing and repassing along the said Road upon every new Hiring of such Postchaise or other Carriage.

One-horse Carts may be weighed.

XIV. And whereas it frequently happens that Carts drawn by One Horse passing along the said Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses: Be it therefore enacted, That all Carts passing along the said Road drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses, and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts

passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Present Tolls may be continued for a certain Term.

XV. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates belonging to the Trustees until and inclusive of the Thirty-first Day of *December* One thousand eight hundred and fifty-six.

Respecting Toll Gates.

XVI. The several Toll Gates and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by an Order of the Trustees, and it shall be lawful for the Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, 9 G. 4. c. 77. intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Road or on the Sides thereof any Toll Gates or Toll Houses, and to remove the present or any future Toll Gates or Toll Houses: Provided always, that no such Toll Gate or Toll Houses shall be so removed or set up except the same shall be ordered to be removed or set up at 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 of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Power to make Causeways, Bridges, Drains, &c.

XVII. It shall be lawful for the Surveyor or Surveyors of the said Road and such Persons as he or they shall appoint by Order of the said Trustees to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Road in such Manner as they shall think proper, and also the Ditches or Drains in or upon the said Road, and also through any Ground lying contiguous or near thereto, (not being a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees,) and to erect, rebuild, and keep in repair all Bridges, Culverts, and Arches upon the said Road or across any of the Ditches, Watercourses, or Drains where necessary, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damage they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and the said Trustees, then it shall be lawful for any Two or more Justices acting for the Counties of *Leicester* and *Northampton* or either of them, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what

what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

Entrances to Fields, &c. to be made with hard Materials.

XVIII. In all Places throughout the said Road where any Entrance shall be from the said Road to any Field, Garden, Yard, or other Land or Ground, or to any Building from the said Road, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expense of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance or to make such Culvert or Drain, or to keep the same respectively in proper Order for the Space of Ten Days after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual Place of Residence by the Surveyor of the said Trustees or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor or any other Person acting under their Authority to cover such Entrance with Stone, Gravel, or other hard Materials, and to make a Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expenses thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expenses within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expenses shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace of the County where the Land shall lie, and which Warrant of Distress any such Justice is hereby authorized and empowered to grant on Proof made before him on Oath of such Expense having been incurred, and of such Notice having been given as aforesaid, and any Overplus shall be returned on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Mortgagees to take possession of Toll Gates, &c. for Arrears of Interest only.

XIX. Whenever and so long as the Interest, at the Rate hereby authorized, upon the Mortgages made under the Powers of the recited Act and specified in the Schedule to this Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, and 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 if such Mortgagees shall enter into possession of such

Toll

Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he shall pay the Interest from Time to Time due and becoming payable upon all such existing Mortgages without any Priority or Preference, and may reimburse himself any Costs to which he may be entitled; and such Mortgagees so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same, and if it shall appear by any such Account that the Interest due on such Mortgage up to the last of such yearly Days and all such Costs as aforesaid have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver 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 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.

Application of Monies.

XX. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows:

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

Secondly, In paying and discharging the Arrears of Interest due the Thirty-first Day of *December* One thousand eight hundred and fifty-five, and the Salaries of Officers and other Liabilities of the Trustees to the Thirty-first Day of *December* One thousand eight hundred and fifty-six; such Arrears, Salaries, and Liabilities together not to exceed the Sum of Three hundred and fifty Pounds:

Thirdly, In defraying the necessary Expenses of altering, repairing, and lighting Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Road, but such Expenses shall not exceed together the Sum of One hundred and twenty Pounds *per Annum*, exclusive of Salaries of Toll Collectors and Erection of Toll Gates and Toll Houses, and of any Expenses to which the Trustees may be put with respect to any Actions at Law, Suits, or Indictments, or Proceedings before Magistrates:

Fourthly, In paying Interest from the First Day of *January* One thousand eight hundred and fifty-six at the Rate of Three Pounds Ten Shillings *per Centum per Annum* upon the Principal Sum of Five thousand six hundred and twelve Pounds Eight Shillings and Sixpence specified in the Schedule to this Act annexed, or upon so much thereof as shall for the Time being be

be owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by this or the repealed Act:

Fifthly, In paying the Expenses of maintaining and repairing the said Road, but such Expenses shall not in any One Year exceed the Sum of Two hundred Pounds:

Sixthly, In reducing, paying off, and discharging, in manner hereinafter mentioned, the Principal Sums specified in such Schedule:

Seventhly, In paying the Expenses of further maintaining, improving, and repairing the said Road.

As to Mode of discharging Debt.

XXI. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on Mortgage 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 Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof so far as the same relate to the Application of such Sum, by Letter sent by Post to each Mortgagee, directed to his usual or last known Place of Abode, or by Notice in some Newspaper published in the County of *Leicester*, 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 Principal Monies owing on Mortgage of the said Tolls to the Mortgagee, 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 Mortgagee 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 Principal Monies 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 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 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 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 Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees shall apply the Sum 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 Mortgage or Mortgagees respectively shall be compelled to receive the same, or the Interest thereafter to accrue due on their respective Mortgages shall thereupon cease and determine.

Road not exempted from Provisions of General Acts.

XXII. Nothing in this Act 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, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

Tolls not to be levied within certain Towns.

XXIII. The Trustees shall not levy Tolls within the Limits of any Act of Parliament for the Improvement of any Town.

Term of Act.

XXIV. This Act shall commence on the First Day of *November* 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; and shall for all Purposes be sufficiently described or referred to as "The *Leicester and Welford* Road Act, 1856."

Short Title.

The

The SCHEDULE referred to in the foregoing Act.

Debts secured by Mortgage of the Tolls.

Name of Mortgagee.	Amount.		
	£	s.	d.
Agar, William (Executor of Thomas Frisby deceased) -	165	15	0
Adams, Elizabeth - - - - - -	157	13	0
Allies, Jabez - - - - - -	1,697	2	8
Berridge, Samuel (late Lowdham) - - - -	157	13	0
Brewin, Robert - - - - - -	168	8	0
Biggs, Jane - - - - - -	92	14	0
Cosby, Parish of - - - - - -	72	9	0
Hardy, William - - - - - -	397	10	6
Knight, Sarah, and John Knight (late Thomas Iliff) - -	32	11	0
Loomes, Sarah (Executrix of Thomas Loomes) - -	79	13	0
Meredith, Charles (Trustees of the late) - - -	196	4	0
Moore, John, and Lomas Miles (Executors of Ann Moore) -	216	0	0
Miller, Bartlett - - - - - -	191	1	4
Nokes, James, and Wife - - - - -	31	1	0
Oldham, Executors of late William - - - -	286	6	0
Payne, John (Executors of) - - - - -	63	0	0
Pares, Thomas - - - - - -	450	0	0
Do. (late John) - - - - - -	414	0	0
Seddon, Samuel Thomas - - - - -	198	0	0
Turville, Frances Fortescue - - - - -	135	19	0
Wood, John (Executors of) - - - - -	409	8	0
£	5,612	8	6

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