ANNO QUINTO

GULIELMI IV. REGIS.

Cap. xix.

An Act for repairing the Road from *Little Bowden* in the County of *Northampton* to *Rockingham* in the same County. [12th *June* 1835.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the Foot of a certain Bridge in the Parish of* Little Bowden *in the County of* Northampton, *commonly called* Saint Mary's Bridge, *to the West Side of the Toll Bar at the North End of the Town of* Rockingham *in the said County*: And whereas another Act was passed in the Fifty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from* Little Bowden *in the County of* Northampton *to* Rockingham *in the said County*: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, and have borrowed several considerable Sums of Money at Interest on the Credit of the Tolls authorized to be collected on the said Road, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless the Term granted by the said recited Acts be extended, and the Powers thereof enlarged: And whereas it is expedient that the said recited Acts should be repealed, and that other Provisions should be granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Par- 33G.3. c.143. 53G.3. c.4.

Recited Acts repealed.

liament assembled, and by the Authority of the same, That from and after the First Day of *August* next after the passing of this Act the said recited Acts passed in the Thirty-third and Fifty-third Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

This Act to be put in execution instead thereof.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, amending, improving, and maintaining the present Turnpike Road leading from the Foot of *Saint Mary's Bridge* in the Parish of *Little Bowden* in the County of *Northampton*, through the Towns or Parishes of *Little Bowden* aforesaid, *Dingley*, *Brampton*, *Stoke Albany*, *Wilbarston*, *Carlton*, *Middleton*, *Cottingham*, and *Rockingham* in the said County, to the West Side of the Toll Bar at the North End of the Town of *Rockingham* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Northampton*, together with *John Abbey*, *Poyntz Owsley Adams*, *William Andrews*, *Barlow* Clerk, *Barwell Ewins Bennett*, *Thomas Blount*, *George Boulton* Clerk, *Anthony Boulton* Clerk, *John Branson*, Sir *Arthur Brooke* Baronet, *William de Capell Brooke*, *William Burditt*, *John Clarke*, *John Cook*, *Thomas Cox*, *Thomas Reginald Davenport*, *John Charles Davenport* Clerk, *John Henry Dent* Clerk, *James Ley Douglass*, *John Driver*, *Richard Farrer* Clerk, *John Field* Clerk, *Henry Gatty*, *James Goddard*, *Holland Goddard*, *Edward Griffin* Clerk, *Edward Griffin* the younger, Clerk, *James Halke* Clerk, *Daniel Finch Hatton* Clerk, *Robert Benjamin Heygate*, *Samuel Heyrick* Clerk, *Thomas Holdich* Clerk, *Thomas Peach Holdich* Clerk, *John Henry Holdich* Clerk, *John Benjamin Humfrey*, *Richard Buckby Humfrey*, *Henry Hungerford Holdich Hungerford*, *Francis Jones* Clerk, *John Lambert*, *John Lambert* the younger, *Thomas Lynes*, *William French Maior* Clerk, *Edmund Maior*, *James Morpott*, *Charles Neville*, *William Neville*, *William Poyntz*, *Mason Owsley*, Sir *John Henry Palmer* Baronet, *Geoffrey Palmer*, *Henry Palmer* Clerk, *Lewis Henry Palmer*, the Honourable *Edmund Saxton Pery*, *Langham Rokeby*, *Henry Ralph Rokeby* Clerk, *Lewis Saunt*, *Henry Barne Sawbridge*, *William Scarbrough* Clerk, *Henry Shuttleworth*, *Henry Shuttleworth* the younger, *Charles Shuttleworth*, *John Stokes*, *Samuel Tayler*, *William Wartnaby*, *William Wartnaby* the younger, *Thomas West Wartnaby*, *George Wartnaby*, *John Wartnaby*, *Joseph Wartnaby*, the Honourable *Henry Watson* Clerk, *John West*, *John Wetherall* Clerk, *Stephen Wignell*, *Thomas Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, maintaining, and improving the aforesaid Road, and for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be holden for that Purpose, (and of which Meeting and the Purpose thereof Fourteen Days Notice shall be given in the Manner directed by the Acts for the Time being in force for regulating Turnpike Roads in *England*,) to elect any Number of Persons, not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Trustees so elected, and

and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Time and place of Trustees First Meeting.

V. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of the *Swans* Inn, in *Market Harborough*, or some other convenient Place on or near the said Road, on the first *Thursday* after the Commencement of this Act, or as soon after as conveniently may be, and proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Place or Places on or near to the said Road as the said Trustees shall think proper.

Power to continue and erect Toll Gates, and to remove the same.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses and Weighing Machines now standing and being in or upon or across the said Road, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or upon the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed or altered or discontinued the same present Toll Gates, Turnpikes, and Side Gates, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, as they the said Trustees shall think proper.

Power to take Tolls.

VII. And be it further enacted, That the respective Tolls following may (subject to the Provisions, Restrictions, and Exemptions in this Act and the General Acts now in force respecting Turnpike Roads in *England*,) be demanded and taken at each and every Turnpike, Toll Gate, and Side Bar which is now or which shall hereafter be set up or continued upon, across, or by the Sides of the Road by this Act directed to be maintained and kept in repair, by each and every Person who shall be authorized or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Berlin, Landau, Phaeton, Chariot, Chaise, Chair, Curricle, Hearse, Calash, or Chaise Marine, or other such like Carriage, the Sum of Eightpence:

For every Horse, Mule, Ass, Ox, Bullock, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Fivepence:

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

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

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

Which

Which said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of in manner herein-after directed.

Limiting the Number of Tolls on the Road.

VIII. And be it further enacted, That not more than One full Toll in the whole, for passing and repassing through all the Gates between the Commencement of the said Turnpike Road at the Foot of *Saint Mary's Bridge* in the Parish of *Little Bowden* to the Termination thereof at the West Side of the Toll Bar at the North End of the Town of *Rockingham*, as herein-before defined, shall be demanded or taken of or from any Person or Persons, for or in respect of the same Horse or Horses, Beasts, Cattle, or Carriages, in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, such Person or Persons producing Notes or Tickets denoting such Payments, and which Notes or Tickets the respective Collectors of the Tolls are hereby required to deliver *gratis* on the Payment of the Toll.

Tolls to be paid only once a Day.

IX. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Mule, Ass, Beast, or Cattle, or Carriage, for passing through any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected and continued on the said Road by virtue of this Act or the General Acts relating to Turnpike Roads in *England*, no Toll shall be demanded or taken for or in respect of such Horse, Mule, Ass, Beast, or Cattle, or Carriage, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate on the same Day before Twelve of the Clock at Night.

Stage Coaches, &c. to pay each Time of passing.

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Caravan carrying Passengers for Payment, Hire, or Reward, for every Time of passing and repassing through every such Turnpike, Toll Gate, or Side Bar: Provided always, that no further or additional Toll shall be payable in respect of Horses drawing any Stage Coach on account only of the Horses drawing the same having been changed.

Post Chaises to pay for every fresh Hiring.

XI. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road on the same Day as often as a fresh Hiring thereof shall take place.

Application of Tolls and other Monies.

XII. And be it further enacted, That all the Monies which have been raised or received by virtue of the said Acts hereby repealed, and which shall be remaining and undisposed of at the Commencement of this Act, and also the Monies which shall arise or be produced by or from the Tolls authorized to be taken by this Act, together with any Monies which may be borrowed on the Credit thereof, and all other Monies which shall arise or be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied, in the first place, and in preference to all other Payments, in the Payment and Discharge of all the Costs and Expences relative to the obtaining and passing of this Act, together with Interest at the Rate of Five Pounds *per Centum*

per Annum for any Money paid or advanced for such Purposes, and, in the next place, in Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Weighing Machines, and in amending, widening, and improving the said Road, and keeping the same in repair, and for Books, Advertisements, and Salaries of Officers, and other Expences incidental to the Execution of this Act, and in repaying the Principal Monies now due and owing upon or by virtue of the said recited Acts, or to be borrowed on the Credit of this Act, and the Interest due and to grow due thereon.

No Money to be expended in repairing Streets.

XIII. Provided always, and be it further enacted, That no Part of the Money received by virtue of the said Acts hereby repealed, or to be raised or received by virtue of this Act, shall be laid out or expended in paving, repairing, lighting, or improving any Street, Road, or public Place within any Town through which the said Road shall pass, nor shall any Toll Gate be erected or Toll taken within the Streets of any such Town.

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

XIV. And be it further enacted, That in case any Lands shall, in pursuance of this Act and of the Acts for regulating Turnpike Roads in *England*, or any of them, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

The Right of Way to cease when Lands are not wanted.

XV. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Road mentioned in this Act shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of cutting the Lands taken by them as if they had purchased the Fee Simple.

XVI. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting, digging, and otherwise using any Lands and Hereditaments which may be taken by them for the Purposes of this Act, and of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*, any thing herein contained to the contrary in anywise notwithstanding.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement and Duration of this Act.

XVIII. And be it further enacted, That this Act shall commence upon the First Day of *August* next after the passing thereof, and shall continue for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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