ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. cviii.

An Act to amend certain Acts relating to the *Luton* District Turnpike Road, and make other Provisions in lieu thereof. [21st *July* 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Thirteenth Year of the Reign of King *George* the First, intituled *An Act for amending and repairing* 13 G. 1. c. 17. *the Roads from* Luton *in the County of* Bedford *to* Westwood Gate *in the said County:* And whereas another Act was passed in the Session of Parliament held in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act for continuing an Act* 16 G. 2. c. 23. *made in the Thirteenth Year of the Reign of His late Majesty King* George *the First, intituled 'An Act for amending and repairing the 'Roads from* Luton *in the County of* Bedford *to* Westwood Gate *'in the said County,' and for repairing the Roads from* Luton *to* St. Alban's *in the County of* Hertford: And whereas another Act was passed in the Session of Parliament held in the Seventeenth Year of the Reign of King *George* the Second, intituled *An Act for* 17 G. 2. c. 42. *amending and making more effectual an Act made in the last Session of Parliament for continuing an Act made in the Thirteenth Year of the Reign of His late Majesty King* George *the First, for repairing the Roads from* Luton *in the County of* Bedford *to* Westwood Gate

in the said County, and from Luton *to* Saint Alban's *in the County of* Hertford: And whereas another Act was passed in the Session of Parliament held in the Fifteenth Year of the Reign of King
15 G. 3. c. 72. *George* the Third, intituled *An Act for continuing and making more effectual several Acts of Parliament for repairing the Roads from* Luton *in the County of* Bedford *to* Westwood Gate *in the said County, and from* Luton *to* Saint Alban's *in the County of* Hertford, by which last-mentioned Act the said Roads were divided into Two Districts, and the Road leading from the Boundary Mark dividing the Two Parishes of *Maulden* and *Clophill* in the said County of *Bedford*, opposite the South-east Corner of a certain Wood called *Maulden Wood*, through the Town of *Luton* to the Town of *Saint Alban's*, was called the *Luton* District; and the Road leading from the Boundary Mark aforesaid through the Town of *Bedford* to *Westwood Gate* in the Parish of *Knotting* in the said County of *Bedford* was called the *Bedford* District by the same Act; and separate Trustees were appointed for each District: And whereas another Act was passed in the Session of Parliament held in the Thirty-fifth Year of the Reign of King *George* the Third,
35 G. 3. c. 163. intituled *An Act for continuing the Term and altering and enlarging the Powers of several Acts passed in the Thirteenth Year of the Reign of His late Majesty King* George *the First, the Sixteenth Year of the Reign of His late Majesty King* George *the Second, and the Fifteenth Year of the Reign of His present Majesty, for repairing the Roads from* Luton *in the County of* Bedford *to* Westwood Gate *in the said County, and from* Luton *to* Saint Alban's *in the County of* Hertford: And whereas an Act was passed in the Session of Parliament held in the Fifty-sixth Year of the Reign of
56 G. 3. c. lxxii. King *George* the Third, intituled *An Act for continuing and amending Four Acts passed in the Reigns of their late Majesties King* George *the First and King* George *the Second, and of His present Majesty, for repairing the Roads from* Luton *to* Westwood Gate *in the County of* Bedford, *and from* Luton *to* Saint Alban's *in the County of* Hertford: And whereas the Term granted by the said last-mentioned 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* 1856: And whereas considerable Sums of Money have been advanced, or are now due, upon the Credit of the Tolls by the said Acts authorized to be taken upon or within the *Luton* District of the said Roads, as specified in the First and Second Parts of the Schedule hereunto annexed, and such Sums cannot be paid off or the Interest thereof discharged unless further Powers are granted, and the Term of the said last-mentioned Act be further continued: And whereas it is expedient that the said recited Acts should, so far as the same relate to the said *Luton* District, be repealed, and that further and

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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 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 execution of this Act:

The Expression "the Road" or "the said Road" shall mean the Road comprised in 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 Acts repealed.

II. Upon the Fourth *Friday* next after the passing of this Act the Six firstly herein-before recited Acts shall, so far as they relate to the said *Luton* District, be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Property to be vested 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 Acts, 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 Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof, except such as may be hereby 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 *Bedford* and *Hertford*, together with *Timothy Fyshe Foord-Bowes* Doctor in Divinity, *Charles Moore*, *John Reynolds Wardale* Clerk, *Henry Brown*, *Richard Eve*, *Thomas William Overman*, *John Shaw Leigh*, *John Sambrook Crawley*, *Lionel Ames*, *Thomas Bartlett* Clerk, *Richard Downes* Clerk, *Francis*

The Luton District Road Act, 1856.

Francis William Adey Clerk, Sir *Edmund Filmer* Bart., *John Gerard Leigh*, *Frederick Burr*, and *Thomas Sworder*, 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 Five 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.

VI. The Trustees shall hold their First Meeting at the *George* Hotel in the Town of *Luton* in the County of *Bedford*, or at some other convenient Place in the Neighbourhood of the said *Luton* District of the said Roads, on the Fourth *Saturday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Places in the Neighbourhood of the said Roads and at such Times as they shall think proper.

Purposes of Act.

VII. This Act shall be put into execution for the Purpose of discharging the Debts incurred in making the Road herein-after mentioned, and the Expense of keeping the same in repair; (that is to say,)

The Turnpike Road commencing at the Boundary Mark dividing the Two Parishes of *Maulden* and *Clophill* in the County of *Bedford*, opposite the South-east Corner of a certain Wood called *Maulden Wood*, and proceeding through the Town of *Luton* in the said County to and terminating at the Town of *Saint Alban's* in the County of *Hertford*, and which said Turnpike Road is called or known as the *Luton* District.

Tolls.

VIII. Upon and after the First Day of *January* 1857 it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of such 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 of Draught drawing any Coach, Omnibus, Chariot, Chaise, Chair, Waggon, Wain, Cart, travelling Steam Engine, Timber Carriage, or other Carriage, the Sum of Ninepence:

For

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, the Sum of One Shilling and Eightpence *per* Score, and so in proportion for any greater or less Number:

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

For every Coach, Chariot, Chaise, Chair, Waggon, Cart, or other such Carriage with Four Wheels, being empty, or having no other Load than the Harness to be used therewith, which shall be fastened to and drawn behind any Waggon, Wain, Cart, or Carriage, the Sum of One Shilling and Sixpence:

For every Chaise, Chair, Cart, or other such Carriage with less than Four Wheels, being empty, or having no other Load than the Harness to be used therewith, which shall be fastened and drawn as aforesaid, the Sum of One Shilling:

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:

Which said respective Sums of Money or Tolls shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be erected or placed by virtue of this Act, or of any Public General Act relating to Turnpike Roads in *England*, in, upon, or across the said Road or any Part thereof, or on the Sides thereof, and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of a Halfpenny in Tolls.

IX. 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.

Tolls to be paid but once a Day.

X. In case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse or Beast drawing or not drawing, or of any Cattle, through any One such Toll Gate or Turnpike, or any Side Gate or Side Bar, or Chain, upon or across the said Road, such Horse or other Beast drawing or not drawing, and such Cattle, shall, upon a Ticket denoting the Payment of such Toll on that Day being produced, be permitted to pass Toll-free through

through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and also through such other Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains on the said Road, or on the Sides thereof, as the Ticket for such Payment shall free, at any Time or Times during the same Day.

Horses drawing different Carriages to pay each Time of passing.

XI. The Tolls by this Act made payable in respect of all Horses or other Beasts drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, shall be paid for every Time during the same Day that any such Horse or other Beast shall pass through any Toll Gate on the Road drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage other than that which such Horse or other Beast shall have been 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.

Regulations as to Stage Coaches, &c.

XII. The Tolls by this Act made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon or other Stage Carriage, or any Cart conveying Passengers or Goods for Pay or Reward, shall be payable and be paid every Fourth Time of passing or repassing along the said Road, and every Time that such Carriage shall be drawn by fresh Horses.

Postchaises to pay on every new Hiring.

XIII. The Tolls by this Act made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other Post Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Only Two Tolls to be taken in One Day.

XIV. Not more than Two full Tolls shall be demanded or taken of or from any Person for in respect of the same Horse, Beast, Cattle, or Carriage in any One Day for passing and repassing once through all or any of the Toll Gates belonging to the Trustees.

Present Tolls payable till 31st Dec. 1856.

XV. Notwithstanding the Repeal of the recited Acts, 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* 1856.

Provision as to 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 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 or Side Bars, and to take in and enclose suitable Garden Plots for the said Houses respectively, not exceeding One Eighth Part of a Statute Acre,

Acre, and from Time to Time to remove the present or any future Toll Gates or Toll Houses or Side Bars: Provided always, that no such Toll Gate or Toll House or Side Bar 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, Chap. 77.

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

XVII. Whenever and so long as the Interest by this Act allowed upon the Mortgages made under the Powers of the recited Acts, 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, 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 if any such Mortgagee shall enter into possession of such 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 Mortgagee 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 Mortgage 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 on 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.

Portion of Debt extinguished.

XVIII. And whereas it appears that the Sums of Seven hundred and twenty Pounds and Five hundred Pounds, specified in the Second Part of the said Schedule, were advanced by Persons who were Landowners, or otherwise interested in Property in the Neighbourhood of the said Road, and such Property has been benefited by the Improvements from Time to Time made in the said Road: It is declared, That Three hundred and sixty Pounds, Part of the said Sum

of

of Seven hundred and twenty Pounds, and Two hundred and fifty Pounds, Part of the said Sum of Five hundred Pounds, are hereby for ever barred and extinguished; and the Remainder of the said Sums of Seven hundred and twenty Pounds and Five hundred Pounds, being added to the Sums specified in the First Part of the said Schedule, make the total Debt due upon the Credit of the said Tolls Eight thousand seven hundred and fifty Pounds.

Arrears of Interest extinguished.

XIX. All Arrears of Interest not paid, or by this Act provided to be paid, prior to the First Day of *January* 1857, shall be and hereby are extinguished.

Application of Monies.

XX. All Monies which shall come to the Hands of the Trustees by virtue of this Act shall from and after the First Day of *January* 1857 be applied as follows:

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

Second. In defraying the necessary Expenses of erecting, altering, and removing Toll Gates and Toll Houses, (but such Expenses shall not during the Term hereby granted exceed the Sum of One hundred Pounds,) and the Expenses of letting the Tolls and Management of the said Road, which shall not exceed the Sum of Thirty Pounds *per Annum*, exclusive of any Expenses to which the Trustees may be put with respect to any Actions at Law, Suits, or Indictments, or Proceedings before Magistrates:

Third. In paying and discharging any Arrears of Interest upon the said Principal Sum of Eight thousand seven hundred and fifty Pounds, which shall accrue due between the First Day of *January* 1856 and the First Day of *January* 1857, and which shall be due on the said First Day of *January* 1857:

Fourth. In paying Interest after the Rate of Three Pounds *per Centum per Annum* upon the said Principal Sum of Eight thousand seven hundred and fifty Pounds, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken by this or the repealed Acts:

Fifth. In reducing, paying off, and discharging in manner hereinafter mentioned the said Principal Sum of Eight thousand seven hundred and fifty Pounds, or so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken by this and the repealed Acts:

Sixth. In maintaining, repairing, and improving the said Road.

Interest not to be paid until Expenses of Act paid.

XXI. Provided always, That no Interest shall be paid on the said Principal Sum of Eight thousand seven hundred and fifty Pounds until the Trustees shall have received sufficient Sums to pay and discharge, and shall have paid and discharged, the Expenses of obtaining and passing this Act, and incident thereto.

XXII. When

Mode of discharging Debt.

XXII. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being 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 Creditor, directed to his usual or last known Place of Abode, or by Notice in some Newspaper published in the Counties of *Bedford* and *Hertford*; 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 may 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 may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit: Provided always, that if and in case the said Principal Sum of Eight thousand seven hundred and fifty Pounds shall be discharged before the Expiration of the Term of Twenty-one Years hereby granted, the surplus Income (if any) shall be appropriated to and divided amongst the several Parishes traversed by the said Road in Sums proportioned to the Amount contributed by them towards the Repairs of the said Road within any current Year, if the Trustees shall deem it expedient to take that Course instead of themselves repairing the said Road.

Tolls not to be levied or laid out in certain Towns.

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

Road not exempt from Provisions of General Acts.

XXIV. Nothing in this Act contained shall be deemed to exempt the said Roads 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.

Commencement and Term of Act.

XXV. This Act shall commence on the Fourth *Saturday* 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.

Short Title.

XXVI. This Act shall for all Purposes be sufficiently described or referred to as "The *Luton* District Road Act, 1856."

The

The SCHEDULE herein-before referred to.

FIRST PART.

Name of Mortgagee.	Amount. £	s.
The Rev. John H. Short	550	0
The Executor of Edward Short, deceased	550	0
Elizabeth Couchman	550	0
James T. Bolton	550	0
Jane Edwards	533	10
Mrs. Machell	500	0
The Rev. John Reynolds Wardale	900	0
Catherine Matthews	1,000	0
The Executrix of Joseph Morris, deceased	1,940	0
The Representatives of the Rev. Edward Willes, deceased	160	0
Samuel Veasey	87	0
John Underwood	200	0
The Right Honorable the Earl de Grey	100	0
The Executrix of Thomas Brown, deceased	145	10
Charles Moore	100	0
The Executors of John Marquess of Bute, deceased	97	0
Henry Brown	97	0
Edward Chilwell Williamson	80	0
	£8,140	0

SECOND PART.

The Trustees or Executors of the late John Marquess of Bute	720	0
The Right Honorable the Earl de Grey	500	0
	£1,220	0

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