ANNO SEXTO

GULIELMI IV. REGIS.

****

Cap. ix.

An Act for repairing the Road from the Town of *Buckingham* in the County of *Buckingham* to the *West Chester* or *Holyhead* Road in the Parish of *Passenham* in the County of *Northampton*, and from the North-east End of the Town of *Stony Stratford* to *Newport Pagnel* in the said County of *Buckingham*. [30th *March* 1836.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from the Town of* Buckingham *to the Turnpike Road in the Hamlet of* Old Stratford, *and to be continued from the same Turnpike Road at the Town of* Stoney Stratford *to the Town of* Newport Pagnell *in the County of* Bucks: And whereas the Trustees appointed in or by virtue of the said recited Act have, in the Execution thereof, borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Road, which Sums of Money still remain 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 Act be extended, and the Powers thereof enlarged, and the Tolls increased or altered: And whereas it is expedient that the said recited Act should be repealed, and that other Provisions should be 55 G. 3. c. 75.

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 Parliament assembled, and by the Authority of the same, That from and after the Fourth *Monday* next after the passing of this Act the said recited Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, except as herein-after mentioned.

Recited Act repealed.

This Act to be put in execution for the Purposes herein mentioned.

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 more effectually repairing, amending, improving, and maintaining the present Turnpike Road leading from the South-east End of the Town of *Buckingham* in the County of *Buckingham*, through the several Parishes, Townships, or Hamlets of *Buckingham*, *Foscott*, and *Leckhampstead* in the said County of *Buckingham*, *Wicken*, *Denshanger*, and *Passenham* in the County of *Northampton* (where the said Road joins the *West Chester* or *Holyhead* Turnpike Road), and through the several Parishes, Townships, or Hamlets of *Wolverton*, *Bradwell*, *Stantonbury*, *Great Linford*, and *Newport Pagnel*, to the North-east End of the Town of *Newport Pagnel* in the said County of *Buckingham*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Buckingham* and *Northampton* or either of them, together with *William Andrews* Clerk, *William James Baily*, *Thomas Bartlett*, *Robert John Bartlett*, *James Beard* Clerk, *Wolley Leigh Bennett* Clerk, *John Brickwell*, *Thomas Palmer Bull*, *Richard Cautley* Clerk, *John Clarke*, *John Coker* Clerk, *Robert Collison*, *Heneage Drummond* Clerk, *Valentine Ellis* Clerk, *Thomas Farmer* Clerk, *John Fisher* Clerk, *George Fitzroy*, *Frederick Fitzroy* Clerk, *Robert Marriott Freeman*, *John Graham* Clerk, *Richard Harrison*, *Thomas Hearn*, *Charles Kipling* Clerk, *Joseph Kitelee*, *Primatt Knapp* Clerk, *William Selby Lowndes* the younger, *George Lucas*, *Frederick Lucas*, *John Oliver*, *George Osborne*, *George Parrott*, *John Poulett*, the Honourable *Charles George Perceval* Clerk, *William Tyringham Praed*, *Henry Read Quartley* Clerk, *John Risley* Clerk, Sir *Thomas Cotton Sheppard* Baronet, *William Smyth* Clerk, *William Smyth* the younger, Clerk, *John Hale Talbot*, *Henry Andrewes Uthwatt*, *Edward Augustine Worley*, *John York*, and their Successors, being duly qualified according to the Laws in force and effect for the Repair of Turnpike Roads, shall be and they are hereby appointed Trustees for putting this Act in 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 to elect and appoint any Number of fit and proper Persons (not exceeding Five in the whole), in addition to the Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

V. And

Time and Place of Trustees First Meeting.

V. And be it further enacted, That the said Trustees shall meet on the Fourth *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the *Cock* Inn in *Stony Stratford* in the County of *Buckingham*, or at some other convenient Place on the Line or in the Neighbourhood of the said Road, and shall then and there proceed to carry this Act into execution, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times, and at such Place or Places on or near to the said Road, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

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, 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 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.

Former Tolls to continue until the Seventh Day of September next.

VII. And be it further enacted, That all the Tolls authorized by the herein-before recited Act to be taken on the said Road shall continue and be in force, and be received and taken, by virtue of this Act, until the Seventh Day of *September* next after the passing of this Act, and shall and may be collected and recovered by the same Ways and Means and applied for such and the same Purposes as are herein expressed and contained with respect to the new Tolls hereby granted.

Tolls to be taken after 6th September.

VIII. And be it further enacted, That from and after the Sixth Day of *September* next after the passing of this Act it shall and may be lawful for the said Trustees, and their Lessees, Collectors, and other Persons duly authorized, to demand and take, at each and every of the Turnpikes, Toll Gates, Bars, or Chains now erected in, upon, or across or on the Sides of the said Road and which by virtue of this Act shall be continued or hereafter erected in, upon, or across or on the Sides of the said Road or any Part thereof, on every Day, each Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, the several Tolls following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Van, Caravan, Sociable, Berlin, Landau, Phaeton, Curricle, Chariot, Calash, Chaise, Gig, Tax Cart, Whiskey, Hearse, Calash, or Chaise Marine, or other such like Carriage, the Sum of Eight-pence:

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

For

For every Carriage, of whatever Description, propelled by Steam or by any mechanical or other Power, the Sum of Two Shillings and Six-pence:

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 Sixpence, and so in proportion for any greater or less Number:

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

Which said Tolls shall be demanded and taken before any Horse, Mule, or other Beast, or Carriage, upon which any Toll is by this Act imposed shall be permitted to pass through any such Turnpike, Toll Gate, Bar, or Chain; and the same several 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 whole Line of Road.

IX. And be it further enacted, That no more than Two full Tolls shall be demanded or taken, for or in respect of the same Horse or Horses or other Beasts or Cattle, passing or repassing at any Time or Times in One Day (to be computed as aforesaid) through all the Turnpikes, Toll Gates, Bars, or Chains erected or to be erected upon the said Turnpike Road, between the Commencement thereof at the Town of *Buckingham* aforesaid to the Termination thereof at the Town of *Newport Pagnel* aforesaid; and that one of such Tolls shall be demanded and taken at the several Turnpikes, Toll Gates, Bars, or Chains erected or to be erected between the Town of *Buckingham* and *Old Stratford* aforesaid, and the other of such Tolls at the Turnpikes, Toll Gates, Bars, or Chains erected or to be erected between the Town of *Stony Stratford* and *Newport Pagnel* aforesaid.

Tolls to be paid but once a Day.

X. Provided always, and be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, or other Beast through any One of the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected by virtue of this Act (as before mentioned), such Horse, Mule, or other Beast shall, upon a Ticket being produced denoting the Payment of such Toll for that Day (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Tolls), 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, to be computed as aforesaid, except as herein-after provided.

Stage Coaches, &c. to be subject to Toll every Time of passing.

XI. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of each Horse and other Beast drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire, Pay, or Reward, for every Time of passing and repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of

Horses drawing Stage Coaches by reason only of such Horses having been changed.

Horses let out to Hire to be subject to Toll on every distinct Hiring.

XII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of each Horse or other Beast let out to Hire, whether for riding or for drawing any Post Chaise or other Carriage, upon every Occasion of a distinct or new Hiring of such Horse or other Beast.

Power to vary Tolls.

XIII. And be it further enacted, That the said Trustees, at any Meeting to be holden for that Purpose (whereof at least Fourteen Days Notice shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates to be continued or erected upon or across the said Road by virtue of this Act, and inserted in some Newspaper published or circulated in the Counties of *Buckingham* and *Northampton*), may and they are hereby authorized and empowered, from Time to Time, in case it shall appear requisite or expedient so to do, to lessen and reduce and again to raise and advance the Tolls herein-before specified and authorized to be taken, or any of them, so that the respective Tolls so raised and advanced shall not exceed the Tolls by this Act authorized to be taken.

Application of Tolls.

XIV. And be it further enacted, That all Monies now in the Hands of the said Trustees, or of their Treasurer on their Account, or which shall and may be hereafter collected and received under the Powers or Authority of this Act, shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the obtaining and passing of this Act; in the next place, in paying off and discharging the Interest for and in respect of the said several Sums of Money now due and owing on the Credit of the Tolls or under or by virtue of the said Act hereby repealed; in the next place, in paying off and discharging the Interest on any Sums of Money which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted; and in the next place, in defraying the Expence of continuing, providing, erecting, and keeping in repair the Turnpikes, Toll Houses, and other Buildings, and in amending, widening, improving, and keeping in repair the said Road; and the Residue of the Monies so to be collected and received shall be applied in paying all Principal Monies due and owing on the Credit of the said recited Act and this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees shall from Time to Time appoint.

No Money to be expended in repairing Streets.

XV. Provided always, and be it further enacted, That no Part of the Money received by virtue of the said Act 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.

Freehold of Lands purchased by the Trustees to remain in the Owner.

XVI. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure then the Estate and Interest, of what Nature or Kind soever,

soever, therein, shall not by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees; but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, yet so nevertheless that the said Trustees shall by means of such Purchase and Conveyance or Assurance be entitled to perpetual Right of Way in, over, or upon the Lands so purchased by them.

If such Lands should not be wanted, same to revert to the former Owner.

XVII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interest therein, freed and discharged of and from such Right of Way.

Trustees to have full Power of using the Lands.

XVIII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of this Act, or 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 or the whole Estate and Interest in the said Lands and Hereditaments.

Penalty for hanging out Clothes near the Road.

XIX. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining the said Road, or shall hang or put or place any Hook or Hooks or other Thing or Things to, from, or in any House, Shop, or Place adjoining or being near to the said Road, so as to project into the said Road, or be an Annoyance to any Persons or Cattle passing thereon, or prevent the free and safe Use of the whole Breadth of the said Road, every Person offending in any of the Cases aforesaid shall pay a Sum not exceeding Forty Shillings for every Offence; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means as any Penalty or Forfeiture for any Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety of such Penalty shall be paid to the Treasurer of the said Road, and be applied and disposed of for the Purposes of this Act.

Public Act.

XX. 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.

XXI. And

XXI. And be it further enacted, That this Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Term of Act.

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