ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xlv.

An Act for repairing, maintaining, and improving the Road leading from *Towcester* to the Turnpike Road in *Cotton End* in the Parish of *Hardingston* in the County of *Northampton*.

[11th *June* 1838.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending, widening, and keeping in repair the* 35G.3.c.153.
Road leading from Towcester *to the Turnpike Road in* Cotton End *in the Parish of* Hardingston *in the County of* Northampton : And whereas another Act was passed in the Fifty-seventh Year of His said Majesty's Reign, intituled *An Act for enlarging the Term and Powers of* 57 G. 3. c.11.
an Act of His present Majesty, for repairing the Road leading from Towcester *to the Turnpike Road in* Cotton End *in the Parish of* Hardingston *in the County of* Northampton : And whereas another Act was passed in the Fifty-eighth Year of the Reign of His said Majesty, intituled *An Act to amend an Act of the last Session of Parliament, for* 58 G.3. c. 13.
enlarging the Term and Powers of an Act of His present Majesty for repairing the Road leading from Towcester *to the Turnpike Road in* Cotton End *in the Parish of* Hardingston *in the County of* Northampton : And whereas considerable Sums of Money advanced or borrowed for improving, altering, and repairing the said Road are

due and owing upon the Credit of the Tolls granted by the said recited Acts, and considerable Sums are also due and owing for Arrears of Interest on the Sums so advanced or borrowed, and such Principal Sums and Arrears cannot be paid off nor discharged, nor can the said Road be kept in repair and effectually improved, unless the Tolls now payable on the said Roads are increased, and the Powers of the said recited Acts amended: And whereas it is expedient that the said recited Acts should be repealed, and that other Provisions should be made and granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the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, That upon the Day of the Commencement of this Act, the said recited Acts, and each and every of them, shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to be put in execution for the Purpose 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 amending, widening, altering, improving, and keeping in repair the Road leading from *Towcester* to the Turnpike Road in *Cotton End* in the Parish of *Hardingston* in the County of *Northampton*.

Tolls granted by this Act to be liable to Debts under recited Acts.

III. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby declared to be liable to the Payment of all Monies now due and owing upon the Credit or on account of the said recited Acts, and of all Interest due and to grow due for the same, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts shall be liable to the Payment thereof to the Trustees appointed or to be appointed by virtue of this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities duly and according to Law made to or by or entered into or given by any Person or Persons to or with the Trustees for executing the said recited Acts shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made to or by or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall be accordingly available in all Courts of Law and in Equity until the same be fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law entered into or given by the Trustees for executing the said recited Acts with or to any Person or Persons for any Purpose relating to the said Road, or to the Execution of the said Acts or either of them, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning

Meaning thereof, notwithstanding the Repeal of the said recited Acts.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the County of *Northampton* for the Time being, together with *Henry Frederick Alston*, *John Armytage*, *Jabez Adkins*, *William Allen*, *John Ambrose* Clerk, *William Armfield*, *Frederic Barlow Armfield*, *Joseph Adnett*, *George Abbey*, *Thomas Burbidge Armitt*, *Edward Bouverie*, *Everard William Bouverie*, *Robert Lloyd Breton*, *George Butler* Doctor in Divinity, *William Butlin* senior, Clerk, *John Brafield*, *Butler* Clerk, *John Beauclerk*, *William Butlin* junior, Clerk, *John Brettell*, *John Brookes*, *George Barry*, *George Baker*, *William Ralph Cartwright*, *William Henry Clarke* Clerk, *Edward Cardwell*, *John Malsbury Cooke*, *Langham Christie*, *Joseph Cooper*, the Earl *Compton*, *Thomas Cooke*, *Edward Cotton*, *William Walker Congreve*, *John Dent*, *William Drayson*, *Thomas Drayson*, *Samuel Deacon*, *John Dunkley*, *Thomas Edward Dicey*, *Charles Dodd*, *John Elliott*, *Henry Elliott*, the Earl of *Euston*, *John Field* Clerk, *Thomas Fawcett* Clerk, *Gilbert Flesher*, *John Thomas Flesher* Clerk, *John Freeman*, *Charles Freeman*, the Honourable and Reverend *Fitzroy*, *Thomas Flack*, *Thomas Faulkner*, *William Franklin*, *Joseph Franklin*, *Lanoy Henry Forbes*, *William Grant*, *JohnGurney*, *John Grant*, *Thomas Godfrey*, *William Gates*, Sir *Robert Henry Gunning* Baronet, *John Groom*, *Richard Groom*, *Clark Hillyard*, *James Hill*, *Thomas Hill*, *William Harris*, *Thomas Hagger*, *William Higgins* the elder, *Daniel Hewlett* the elder, *Robert Hewitt*, *John Slater Hall*, *Richard Hall*, *Cornelius Ives* Esquire, *Cornelius Ives* Clerk, *John Jones*, *James Samuel Jenkins*, Sir *Charles Knightley* Baronet, *William Charles Kerr* Doctor of Medicine, *John Lovell*, *Philip Henry Lee* Clerk, *Isaac Lovell*, *John Lightfoot* Clerk, *Richard Linnell*, *William Montgomery*, *John Christopher Nansell*, *John Manning* (*Harpole*), *John Manning* (*Kislingbury*), *Charles Markham*, *Christopher Markham*, *John Mercer*, *Thomas Philip Maunsell*, *Robert Montgomery* Clerk, *John Marshall*, *William Fisher Morgan*, *Marmaduke Newby*, *Henry Newcome*, *George Osborn* the elder, *George Osborn* the younger, *Thomas Osborn*, *John Pirkins*, *Samuel Perkins*, *Richard Phipps*, *John Phipps*, *Thomas Phipps*, *John Percival*, *Samuel Percival*, *George Peach*, *William Porter*, *Richard Brinsley Portal*, *James Payne*, *William Percival*, *Francis Parker*, *John Perry*, *John Reddall*, *Archibald Robertson* Doctor of Medicine, *George Rands*, *William Richards*, *George Stone*, *William Tyler Smith*, *William Shaw*, *Mark Singleton*, *Richard Edward Sheppard*, *William Strong*, *Thomas Shaw*, Captain *Wenman Langham Watson Samwell*, the Honourable *Spencer*, *William Simons*, *Thomas Sharp*, *Henry Lenton Stockburn*, *John Harvey Thursby*, *Henry Terry*, Sir *William Wake* Baronet, *Charles Wake*, *Miles Walker* Clerk, *Thomas Coleman Welch* Clerk, *Thomas Wood*, *William Wright*, *John Weston*, *William Whitton*, *William Whitton*, *Wake* Clerk, and *Samuel Walker*, 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 said Road herein-before mentioned, and for carrying this Act into execution. Trustees.

V. And

Power to appoint additional Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England* (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 Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of the Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the House known by the Name or Sign of *The Duke of Grafton's Arms*, in *Blisworth* in the County of *Northampton*, if then open, and if not at some other convenient Place in the Neighbourhood of the said Road, in the said County of *Northampton*, on the Second *Monday* after the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time thereafter adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Toll Gates may be continued, &c.

VII. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses and Weighing Machines erected and now standing and being in, upon, or across or on the Sides of the said Road, 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 on the Sides thereof or of any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, SideBar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Gates, Turnpikes, Side Gates, Bars, Chains, and Weighing Machines; and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, any such Gates, Turnpikes, Side Gates, Bars, Chains, Weighing Machines, or Toll Houses, as they the said Trustees shall think proper.

Power to take Tolls.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Side Bars or Chains, which are or shall be continued or erected by virtue of this Act in, upon, across, or on the Side of the said Road, or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls. For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis,

Vis-à-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricle, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Drug, 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, the Sum of Four-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Drug, Cart, or such other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and less than Six Inches, the Sum of Five-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Drug, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Sixpence:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Nine-pence:

For every Two-wheeled Carriage so fixed, the Sum of Sixpence:

For every Drug so constructed as that the Distance between the Axletrees thereof shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, and drawn with more than Three Horses, the Sum of One Shilling and Sixpence, over and above the Duty payable for each of the Horses, Mules, or other Beasts drawing the same:

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

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

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

For any Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Four Shillings:

For every Dog drawing any Cart, Carriage, or other Vehicle, the Sum of Two-pence:

Which said several and respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Bar or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof; and which said several and respective Tolls or Sums of Money shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be applied for the Purposes of this Act in manner herein-after mentioned and directed.

A Halfpenny to be taken in case of a Fraction of a Halfpenny.

IX. Provided always, and be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls by this Act authorized to be collected, or

or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of Payments in one Day.

X. Provided always, and be it further enacted, That in all Cases where the Tolls by this Act granted shall have been paid in respect of the passing of any Horse or Horses, Beast or Beasts, or Cattle, through any Toll Gate or Turnpike, or Side Bar or Chain, continued or erected by virtue of this Act, the Horses, Beasts, or Cattle in respect whereof such Tolls shall have been paid shall be permitted to pass and repass Toll-free at any Time or Times on the same Day (to be computed as aforesaid) through the Toll Gate or Turnpike, or Side Bar or Chain, at which any such Payment shall have been made, upon a Note or Ticket being produced denoting such Payment, and also through the Toll Gate or Toll Gates, or Turnpike or Turnpikes, or Side Bar or Side Bars, or Chain or Chains, (if any) which the same Note or Ticket shall free, on the same Day (to be computed as aforesaid).

Limiting the Number of Payments for passing the whole Line of Road.

XI. Provided always, and be it further enacted, That no more than Two full Tolls in the whole shall be demanded or taken in any One Day (to be computed as aforesaid) for or in respect of the same Horse, Beast, Cattle, Carriage, or Vehicle, for passing along the whole Line of the said Road through all the Toll Gates or Turnpikes, or Side Bars or Chains, which shall be continued or erected thereon; (that is to say,) that no more than One Toll shall be demanded or taken in any One Day (to be computed as aforesaid) for or in respect of the same Horses, Beasts, Cattle, or Carriages for passing along the whole Line of the said Road, through all the Toll Gates or Turnpikes, or Side Bars or Chains thereon, between the Town of *Towcester* and the Town or Village of *Blisworth*, nor more than One Toll between the said Town or Village of *Blisworth* and *Cotton End* in the said Parish of *Hardingston*.

Horses, &c. drawing different Carriages to be again subject to Toll.

XII. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Drug, Cart, or other such Carriage of any Description, for passing through any of such Toll Gates, Turnpikes, Side Bars, or Chains, and any such Horse or other Beast shall be afterwards employed during the same Day in drawing a different Waggon, Wain, Drug, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Drug, Cart, or other such Carriage.

Stage Coaches, &c. to pay every Time of passing;

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road; provided nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach,

Coach, Van, Caravan, Stage Waggon, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed, between any Gates freeing each other by Tickets.

Post Chaises on every new Hiring.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing or repassing along the said Road whenever a new Hiring thereof shall have taken place.

Carriages propelled by Machinery.

XV. And be it further enacted, That the Tolls hereby made payable for and in respect of any Carriage propelled or moved by Machinery, without the Aid of Horses or other Beasts, shall be paid every Time of the passing or repassing of such Carriage along the said Road.

Application of Monies.

XVI. And be it further enacted, That all Monies which on the Day of the Commencement of this Act shall be in the Hands of the Trustees for executing the said recited Acts hereby repealed, or in the Hands of their Treasurer, or which shall be received by the Trustees for executing this Act in respect of any Debts or Arrears due to the former Trustees, at the Time of the Commencement of this Act, and all Tolls and Sums of Money which shall be collected or received under the Powers or Provisions of this Act or by virtue thereof, shall be vested in the Trustees for executing this Act, and shall be by them applied in manner following; (that is to say,) in the first place, in the Payment and Discharge of the Costs, Charges, and Expences incurred in, about, and relating to the obtaining and passing of this Act; and in the next place, in the Payment from Time to Time of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones, or Posts or Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act; and the Remainder of all such Monies shall be applied by the said Trustees, in the first place, in repairing, widening, altering, and otherwise improving the said Road, and afterwards in payment of the Interest of the Monies which have been heretofore borrowed or advanced and are now due and owing on the Credit of the Tolls granted by the said recited Acts, and in paying off the Principal Monies which have been so borrowed and advanced.

No Money to be applied to repair Roads, unless Tolls are taken thereon.

XVII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road comprised in this Act unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of the said Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

XVIII. Pro-

No Money to be expended in repairing Roads in any Town, &c.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Acts hereby repealed, or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Road in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Tolls therein.

Public Act.

XIX. 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.

Term of Act.

XX. And be it further enacted, That this Act shall commence and take effect on the Day of the passing thereof, and shall thenceforth 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.

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