ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act to repeal an Act of the Seventh Year of the Reign of King *George* the Fourth, for making and maintaining a Turnpike Road from *Wimpole* to *Wrestlingworth* and *Potton*, and to make other Provisions in lieu thereof. [8th *July* 1853.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road* 7 G. 4. c.xxix.
from Wimpole *in the County of* Cambridge *to* Wrestlingworth *in the County of* Bedford, *and from* Wrestlingworth *to* Potton, *both in the said County of* Bedford: And whereas the Trustees acting in the Execution of that Act duly made the Road and Branch Road hereinafter described, and have since maintained the same: And whereas the Powers 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 thousand eight hundred and fifty-three, unless Parliament shall in the meantime continue the same: And whereas considerable Sums of Money have been advanced for the Purposes of the said Roads upon the Credit of the Tolls authorized to be taken by

the said first-mentioned Act, which Money still remains owing, and such Money cannot be paid off unless further Powers are granted: And whereas it is expedient that the said firstly-recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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; (that is to say,)

Repeal of recited Act.

I. That upon the First Day of *November* next after the passing of this Act the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Wimpole and Potton* Turnpike Road Act, 1853."

Roads to which this Act is applicable.

III. That this Act shall be put into execution for the Purpose of maintaining the present Turnpike Road commencing at or near a certain Toll Gate called *Arrington* Toll Gate in the Parish of *Arrington* in the County of *Cambridge*, and proceeding thence in a Westerly Direction through the Parishes of *Arrington*, *Croydon*, *Tadlow*, and *Wrestlingworth*, into the Parish of *Eyworth*, for the Distance of One Furlong from the Boundary Line between the Two Parishes of *Wrestlingworth* and *Eyworth* and the Branch Turnpike Road commencing at or near a Place called *Wrestlingworth Cross* in the said Parish of *Wrestlingworth*, and proceeding thence in a North and North-west Direction to the Town of *Potton* in the County of *Bedford*.

Monies and Property to vest in the new Trustees.

IV. That all Monies due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, and Rights, vested in or belonging to the Trustees under the said 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 said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such of those Debts and Engagements as are by this Act extinguished.

V. That

Appointment of new Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for each of the Counties of *Cambridge* and *Bedford*, together with *John Nathaniel Foster* Esquire, the Master for the Time being of *Downing College*, *Cambridge*, the Reverend *William Christopher Twiss* Clerk, the Reverend *Richard Samuel Butler Sandilands* Clerk, the Reverend *Godfrey Milnes Sykes* Clerk, the Reverend *Saint John Wells Lucas* Clerk, the Reverend *John Saint Quintin* Clerk, the Reverend *Robert Merry* Clerk, the Reverend *Thomas Brereton* Clerk, the Reverend *George Washington Philips* Clerk, Lieutenant *Henry Woodruff*, Royal Navy, *Philip Howard Frere* Esquire, *James King*, *Henry King*, *John Ellis* the elder, *George Smith*, *Lambert Hotchkin*, *John King*, *James Meyer*, 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.

VI. That 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.

Meetings of Trustees.

VII. That the said Trustees shall hold their First Meeting at the *Hardwicke Arms* in the Parish of *Arrington* in the County of *Cambridge*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Second Day of *November* next after the passing of this Act, between the Hours of One and Four of the Clock in the Afternoon, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Power to appoint Committees.

VIII. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and the Surveyor may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls continued for a Term.

IX. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *January* One thousand eight hundred and fifty-four.

X. That

Power to take Tolls.

X. That upon and after the First Day of *January* One thousand eight hundred and fifty-four 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 the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast (except Oxen, Asses, and Dogs,) drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chair, Gig, Hearse, Curricle, Whiskey, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast (except Oxen, Asses, and Dogs,) drawing any Waggon, Wain, Dray, Car, Cart, or other such like Carriage having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, the Sum of Fourpence:

For every Horse or other Beast (except Oxen, Asses, and Dogs,) drawing any Waggon, Wain, Dray, Car, Cart, or other such like Carriage having the Fellies of the Wheels thereof of a less Breadth than Six Inches, the Sum of Sixpence:

For every Ox or Ass drawing any Carriage, the Sum of Twopence:

For every Dog drawing any Truck, Barrow, or other Carriage for the Space of One hundred Yards or upwards upon any Part of the said Roads, the Sum of One Penny:

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

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling for each Wheel thereof:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Tenpence, and so in proportion for any greater or less Number:

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

Which said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon or on the Sides of the said Roads by virtue of this Act.

As to the Fraction of a Halfpenny in Tolls.

XI. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

XII. That

Only Two full Tolls to be taken.

XII. That no more than Two full Tolls shall be taking for passing or repassing on the same Day, with the same Horse, Beast, Cattle, or Carriage, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected on the said Roads.

Persons having paid Toll to return free.

XIII. That all Horses, Beasts, Cattle, or other Animals, (except Horses or Cattle drawing any Stage Coach, Omnibus, Stage Waggon, or other Stage Carriage, Postchaise, or other Carriage travelling for Hire, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Roads or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free at any Time or Times during the same Day.

Postchaises, &c. to pay every fresh Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Horses drawing Stage Coaches, &c. to pay each Journey.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Stage Coach, or any Omnibus, Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing along the said Roads.

Regulations as to Stage Coaches.

XVI. That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward, in respect whereof the Toll thereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass Once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be free by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Respecting Toll Gates.

XVII. That the several Toll Gates and Toll Houses now standing or being upon the said Roads or on the Sides thereof shall be continued

tinued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King
9 G. 4. c. 77. *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Roads or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House now standing or being upon the said Roads or on the Sides thereof; and all the Provisions of this Act with regard to any Toll Gates or Toll Houses now standing or being upon the said Roads or on the Sides thereof shall apply to any Toll Gate or Toll House to be erected or set up on or across the said Roads or on the Sides thereof.

Extinguishing Arrears of Interest.

XVIII. That from and after the passing of this Act all Arrears of Interest due upon or in respect of the Principal Sum of Three thousand one hundred and fifty Pounds now due and owing upon the Credit of the said Roads shall be wholly extinguished.

Application of Monies.

XIX. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of Management, including Salaries, Repair and Rent of Toll Houses and Gates, and incidental Expenses, not including Salaries of Toll Collectors, or prosecuting or defending Suits, Actions, and Indictments, such Expenses not exceeding Fifty Pounds *per Annum*:

Thirdly, in repairing and maintaining the Roads, not exceeding One hundred and eighty Pounds *per Annum*:

Fourthly, in paying off and discharging, without Interest, the said Principal Debt of Three thousand one hundred and fifty Pounds, in manner herein-after provided:

Lastly, in maintaining, repairing, and improving the Roads.

Creditors not to take possession of Toll Gates.

XX. That no Creditor upon the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to the Mode of discharging Debt.

XXI. That when and so often as the Sum applicable to the Discharge of the said Sum of Three thousand one hundred and fifty Pounds, or the Part thereof for the Time being owing on the Credit of

of the said Tolls, according to the Provisions of this Act, shall amount to the Sum of One hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Sum of Three thousand one hundred and fifty Pounds to 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, in some Newspaper published in the County of *Cambridge*, or if there shall be no Newspaper published therein then in some Newspaper published in an adjoining County, or by Letter addressed to each Creditor at his usual Place of Abode; 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 some Part of the said Sum of Three thousand one hundred and fifty Pounds to the Creditor 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 Creditor 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 Part of the said Sum of Three thousand one hundred and fifty Pounds to the Creditor 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 Creditors by such Proposals 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 Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees 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 Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Money to be laid out or taken in Towns.

XXII. That no Money shall be laid out by the said Trustees on the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected therein by them.

Trustees not to borrow further Money.

XXIII. That it shall not be lawful for the said Trustees to borrow, on the Credit of the Tolls by this Act authorized to be taken, any further Sum of Money for any Purpose whatsoever.

XXIV. That

Roads not exempted from General Act.

XXIV. That nothing herein 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.

Commencement and Term of Act.

XXV. That this Act shall commence on the First Day of *November* 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.

Interpretation of Terms.

XXVI. That 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 the Execution of this Act:

The Expression "the Roads," or "the said Roads," shall mean the Roads to which this Act applies:

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates.

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