ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. xlix.

An Act for repairing the Road from *Maulden Wood Corner* to *Westwood Gate* in the County of *Bedford*. [4th *July* 1838.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of King *George* the First, intituled *An Act for* 13 G. 1. c. 17.
amending and repairing the Roads from Luton *in the County of* Bedford *to* Westwood Gate *in the said County:* And whereas another Act was passed in the Sixteenth Year of the Reign of King *George* the Second, intituled *An Act for continuing an Act made in the* 16 G. 2. c. 23.
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* Saint Albans *in the County of* Hertford: And whereas another Act was passed in the Seventeenth Year of the Reign of King *George* the Second, intituled *An Act for amending and making more effectual an Act made in the last* 17 G. 2. c. 42.
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 Albans *in the County of* Hertford: And whereas another Act was passed in the Fifteenth Year of the Reign of King *George* the Third, intituled *An Act for* 15 G. 3. c. 72.

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 Albans *in the County of* Hertford: And whereas by the 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 Albans*, 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; and separate Trustees were appointed for the Care of each District, and One Moiety of the Sum of Six hundred Pounds borrowed on the Credit of the said Two former Acts, and all Interest due and to grow due thereon, and of all other Monies due thereon, was charged on the Tolls which should arise within each of the said Two Districts, as separate and distinct Funds: And whereas another Act of Parliament was passed in the Thirty-fifth Year of the Reign of King *George* the

35 G. 3. c. 163. Third, 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 Albans *in the County of* Hertford: And whereas another Act was passed in the Fifty-sixth

56 G. 3. c. 72. Year of the Reign of 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 Albans *in the County of* Hertford: And whereas in order to carry the said Acts into execution for repairing the said *Bedford* District of the said Road several Sums of Money have been borrowed on the Credit of the same Acts, and of the Tolls and Duties thereby granted arising on the said *Bedford* District of the said Road, and a considerable Sum of Money now remains due and owing thereon; and the said *Bedford* District of the said Road cannot be effectually amended, improved, and kept in repair, and the Money due and owing as aforesaid repaid, unless the Powers and Provisions of the said Acts are amended and enlarged, so far as the said Acts relate to the *Bedford* District of the said Road: And whereas the Purposes aforesaid might be more conveniently effected if the said several recited Acts, so far as the same relate to the said *Bedford* District of the said Road, were repealed, and other Provisions granted and made 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 severally recited Acts passed in the Thirteenth Year of the Reign of King *George* the First, the Sixteenth and Seventeenth Years

Recited Acts repealed, so far as the same relate

of the Reign of King *George* the Second, and the Fifteenth, Thirty-fifth, and Fifty-sixth Years of the Reign of King *George* the Third, so far as the same relate to the *Bedford* District of the said Road, shall be and the same are nereby declared to be repealed. to the Bedford District of Road;

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, improving, and maintaining the Road from the Boundary Mark dividing the Two Parishes of *Maulden* and *Clophill* in the said County of *Bedford*, opposite the South-east Corner of the said Wood called *Maulden Wood*, through the Town of *Bedford*, to *Westwood Gate* in the Parish of *Knotting* in the said County of *Bedford*. and this Act to be put into execution.

III. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit of the Tolls authorized to be taken on the said Road called "The *Bedford* District" by virtue of the said recited Acts hereby repealed, or on account thereof, 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 Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, in respect of the said Road called "The *Bedford* District," 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, entered into, or given to, by, or with the Trustees for executing the said recited Acts, in respect of the said Road called "The *Bedford* District," shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made, entered into, or given to, by, 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, Orders, and Notices duly and according to Law made, entered into, or given by the Trustees for executing the said recited Acts, in respect of the said Road called "The *Bedford* District," for any Purpose relating to the said Road called "The *Bedford* District," or to the Execution of the said Acts in respect thereof, shall be and remain in full Force and Effect, and shall be observed and kept by the Trustees under this Act, and by the other respective Parties to or Persons affected by such Bargains, Contracts, Agreements, Orders, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Acts, so far as the same relate to the said Road called "The *Bedford* District." Tolls liable to Debts, &c. contracted under former Acts.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the County of *Bedford* for the Time being, together with *William Silvester Addington*, *Thomas Barnard*, *John Brereton*, Appointment of Trustees.

Brereton, Thomas Alexander Boswell, Gustavus Andrew Burnaby, Charles Campbell, William Hillersden Colquhoun, John Hill Day, John Tomlinson Day, James Donne, Thomas Gwyn Elger, Robert Elliott, Nicholas Fitzpatrick, Thomas Gadsby, John Gibbard, John Green, Thomas Abbott Green, Thomas John Green, Thomas Kidman, Henry Livius, Sir *William Long, John Mackay, William Mesham, Charles Moore, John Morris, Robert Newland, George Peregrine Nash, Joseph Okeley, Thomas William Overman, Charles Fyshe Palmer, Richard Parker, William Parker, Frederick Pawsey, Theed Pearse, Henry Pearse, Charles Colyear Beaty Pownall, William Pulley, John Pulley, Robert Wilkin Robinson, Charles Short, Henry Tattam, Benjamin Trapp, Charles Ward, George Witt, Thomas Wooldridge,* 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, improving, and maintaining the said Road, and for carrying this Act into execution.

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 they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at some convenient Place in the said Town of *Bedford* within One Calendar Month after the Day of the Commencement of this Act, or as soon after as conveniently may be, for carrying the Purposes of this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times, and at such Place and Places, as the said Trustees shall think proper.

Power to continue the present Gates and erect others.

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 of such Road or any Part 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, 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, the same present Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, and any future Gates, Turnpikes, Side

Side Gates, Bars, Chains, Weighing Machines, or Toll Houses, or any or either of them, 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 demand and take the Tolls herein-after mentioned at each and every of the Toll Gates, Turnpikes, Toll Houses, Side Bars, or Chains which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, or across or on the Sides of the said Road or any Part 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 or Beast of Draught drawing any Coach, Chariot, Hearse, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, the Sum of Nine-pence:

For every Coach, Chariot, Chaise, Chair, 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, 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 Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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 Eight-pence *per* Score, and so in proportion for any greater or less Number:

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

Which said Tolls or Sums of Money shall be demanded and taken as aforesaid before any Carriage, Horse, Mule, Ass, or other Beast or Cattle shall be entitled or permitted to pass through any Toll Gate, Turnpike, Side Bar, Side Gate, or Chain erected or to be erected upon the said Road; and such several and 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 mentioned.

Tolls to be paid but once a Day.

IX. Provided always, and be it further enacted, That upon Payment of the Toll hereby authorized to be taken for the passing of any Carriage, Horse, Beast, or Cattle, such Carriage, Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, Side Bar, Side Gate, or Chain at which the Payment shall have been made, and also through such other Gate and Gates (if any) as the Ticket for such Payment shall free, at any Time or

Times during the same Day, to be computed as aforesaid, any thing in this Act contained to the contrary in anywise notwithstanding.

Stage Coaches to pay every Time of passing.

X. 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, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, or Cart, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or re-passing 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, Diligence, Van, Caravan, Stage Waggon, Carriage, or Cart, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Post Chaises, &c. to be subject again to Toll on every new Hiring.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise, Hackney Coach, One Horse Chaise, Gig, or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Limiting the Number of Tolls to be taken.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for and in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages through all the Turnpikes or Toll Bars erected or to be erected on the whole Line of the said Road, on the same Day, to be computed as aforesaid.

Application of Tolls.

XIII. And be it further enacted, That all Monies already received on account of the said Road, and which shall be in the Treasurer's Hands on the Day of the Commencement of this Act, or which shall be received by virtue of this Act as due under the said recited Acts hereby repealed, on account of the said Road, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted, and all other Monies which shall arise and be produced in respect of the said Road or of this Act, shall be vested in the said Trustees, and shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, together with Interest for any Money paid and advanced for such Purposes; and afterwards in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act, and in paying and discharging the floating Debt already incurred in repairing the said Road, with Interest, and in keeping down the Interest of the Principal Monies which may have been advanced or borrowed on the Credit of the Tolls arising on the said Road by virtue of the said recited Acts, and in repairing, improving, and maintaining the said Road; and lastly in repaying the Principal Monies due and owing on the Credit of the Tolls arising on the said Road.

XIV. Pro-

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies now in the Hands of the Treasurer of the said Trustees, or any Money which shall be borrowed on the Credit of this Act, or any Money to arise from any of the Tolls by this Act granted, in the Repair of any Road or Way in any Town the Roads or Ways in which are directed to be repaired under the Powers or Provisions of any Local Act of Parliament.

Trustees not to apply any Money in Repair of Road repairable under any Local Act.

XV. 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.

Public Act.

XVI. And be it further enacted, That this Act shall commence upon the Day of the passing thereof, and shall from thenceforth continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.