



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xcvi.

An Act for more effectually repairing the Road from *Bury Saint Edmunds* to *Newmarket* in the Counties of *Suffolk* and *Cambridge*.

[18th June 1833.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Roads from the Borough of Bury Saint Edmunds to the Town of Newmarket in the Counties of Suffolk and Cambridge, and from the South End of the Ferry Street in Brandon to Bury Saint Edmunds in the said County of Suffolk*: And whereas another Act was passed in the Twelfth Year of the Reign of His said Majesty *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Tenth Year of His present Majesty, for repairing and widening the Roads from the Borough of Bury Saint Edmunds to the Town of Newmarket in the Counties of Suffolk and Cambridge, and from the South End of the Ferry Street in Brandon to Bury Saint Edmunds in the said County of Suffolk*: And whereas another Act was passed in the Fifty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for more effectually repairing the Roads from Bury Saint Edmunds to Newmarket, and from Brandon to Bury Saint Edmunds, in the Counties of Suffolk and Cambridge*: And whereas the Road from *Brandon* to *Bury Saint Edmunds* has not been made pursuant to the Authority for that Purpose contained in the said recited Acts, or some or one of them, and such last-mentioned Road is not intended to be made under the Authority of this Act: And whereas considerable Sums of Money have been borrowed on the Credit and Security of the Tolls granted by the said Acts, or some of them, a great Part of which

[Local.]

which

Recited Acts
repealed.

which Money still remains due, and cannot be repaid, nor can the said Road from *Bury Saint Edmunds* to *Newmarket* aforesaid be effectually improved and kept in good Repair, unless the Terms and Powers of the said Acts, which are near expiring, be continued or enlarged, and the Tolls thereby granted increased or altered, and it is also expedient that the said Acts should be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the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 upon the Twenty-fourth Day of *June* next after the passing of this Act the said recited Acts passed in the Tenth, Twelfth, and Fifty-second Years of the Reign of His Majesty King *George* the Third, and each and every of them, shall be and the same are hereby declared to be 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 repairing, amending, widening, and improving the Road leading from *Bury Saint Edmunds* to *Newmarket* in the said Counties of *Suffolk* and *Cambridge*.

Former
Debts &c.
vested in
Trustees.

III. And be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property, Real or Personal, and all Cases in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts, or any or either of them, hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Suffolk* and *Cambridge*, together with Sir *James Affleck* Baronet, Sir *Henry Edward Bunbury* Baronet, Reverend *James Barker*, *Charles Barclay*, *Philip Bennet*, *Philip Bennet* the younger, Reverend *James Thomas Bennet*, *William Bryant*, *Thomas George Buck*, *William Buck*, *Walton Burrell*, Reverend Sir *Thomas Gery Culum* Baronet, Reverend *John Cartwright*, Reverend *Arthur Judd Carrighan*, *Philip James Case*, *Nathaniel Colville* D.D., *Benjamin Cornell*, Reverend *Robert Davers*, Reverend *Richard Samuel Dixon*, Sir *Thomas Gage* Baronet, *John Gage*, *Edward Gage*, *William Godfrey*, Reverend *George Hutton Greenhall*, Reverend *Daniel Gwilt*, *John Turner Hales*, *John Thomas Hammond*, *Charles Hammond*, *Charles Hammond* the younger, Reverend *Henry Hasted*, Reverend *Edward Hogg*, *Timothy Richard Holmes*, Reverend *Thomas Image*, *Thomas James Ireland*, Reverend Sir *Edward Kynaston* Baronet, *John Roger Kynaston*, *Robert Mapletoft*, *Thomas Mills*, Reverend *Thomas Mills*, *William Mills*, *Samuel Mure*, *George Mure*, *Orbell Ray Oakes*, *Henry James Oakes*, Reverend *John Parsons*, *John Harcourt Powell* the younger, *Thomas Quayle*, *Thomas Robinson*, Reverend *Thomas Ellis Rogers*, *Robert Rushbrooke*, Reverend *Thomas Scotman*, *Stephen Shillito*, *John Stutter*, *John Gill Stutter*, *John Tharpe*, *Charles Tyrell*, *Harry Spencer Waddington*, Reverend *John Daniel Wastell*, *Frederick White*,
Reverend

Reverend *John White*, and the Reverend *James Haddy Wilson Williams*, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, amending, widening, and improving the Roads herein-before described, and for otherwise putting this Act into execution.

V. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings to be holden by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein-named and appointed; and such Trustees, when so elected and appointed, and being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for the Purposes of this Act, and shall be and they are hereby invested with the same Powers for executing this Act as if they had been expressly named and appointed in and by this Act.

Power to
appoint ad-
ditional
Trustees.

VI. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Angel Inn* in *Bury St. Edmunds* aforesaid, or at some other convenient House or Place on or near the said Roads, on the Twenty-fourth Day of *June* 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, and then and there proceed to put this Act into execution, and shall then and there afterwards adjourn to and meet at such Time or Times, and such Place or Places on or near to the said Roads, as the said Trustees shall think proper and appoint.

First Meeting
of Trustees.

VII. And be it further enacted, That upon and from and after the Twenty-fifth Day of *June* next after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons, being a Lessee or Farmer, Lessees or Farmers, or who shall be continued or appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, or cause to be demanded and taken, at each and every Turnpike Gate, Toll Gate, Side Gate, Side Bar, or Chain which by virtue of this Act shall be continued or erected upon, across, or on the Sides of the said Roads or any Part thereof, on each and every Day, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same, the several Tolls following; (that is to say,)

Power to
take Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Chariot, Landau, Barouche, Berlin, Phaeton, Sociable, Chaise, Chaise Marine, Calash, Curricule, Car, Cabriolet, Chair, Gig, Whiskey, Hearse, Break, Litter, Stage Coach, Diligence, Van, Caravan, or any such like Carriage on Springs, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottoms or Soles thereof, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of the

- the Breadth of Four and a Half Inches at the Bottoms or Soles thereof and less than Six Inches, the Sum of Three-pence :
- For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, the Sum of Two-pence :
- For every Coach, Chaise, Cart, Waggon, or other Carriage with Four Wheels, fastened or hung to and drawn behind any Waggon, Wain, Cart, or other Carriage, the Sum of Sixpence :
- For every Chaise, Chair, or other such Carriage with Two Wheels, which shall be fastened or hung as aforesaid, the Sum of Three-pence :
- For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but impelled or set or kept in motion by or by means of Steam, Gas, or Machinery, the Sum of One Shilling :
- For every Carriage with less than Four Wheels, not drawn by any Horse or Beast of Draught, but impelled or set and kept in motion as aforesaid, the Sum of Sixpence :
- For every Horse, Mule, Ass, or other Beast, laden or unladen, and not drawing, the Sum of One Penny :
- For every Drove of Oxen, Cows, or other Neat Cattle, a Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number :
- And for every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Which said respective Tolls or Sums of Money shall be and the same are hereby vested in the Trustees for putting this Act into execution, and shall be applied in manner herein-after directed.

Tolls to be paid but once for passing and repassing.

VIII. And be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Turnpikes, Toll Gates, or Side Gates to be continued or erected by virtue of this Act, no Toll shall be demanded or taken for or in respect of such Horse, Cattle, Beast, or Carriage for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate on the same Day before Twelve of the Clock at Night, but that such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting the Payment of such Tolls for that Day (which Ticket the Collector or Collectors of such Toll is and are hereby required to deliver *gratis* to the Person paying the same), be permitted to pass Toll-free through such Turnpike, Toll Gate, or Side Gate, and also through such other Turnpike, Toll Gate, or Side Gate as the Ticket for such Payment shall free.

Limiting the Number of Tolls.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Person to be continued or appointed Collector of the Tolls under this Act, to demand or take more than Two full Tolls for the Passage of the same Horse, Beast, Cattle, or Carriage in any One Day through all the Toll Gates erected or to be erected on the said Roads, except as next herein-after provided.

Stage Coaches, Waggon, &c.

X. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught

Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Roads; provided nevertheless, that no further or additional Toll shall be payable for or in respect of any such Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage on account only of the Horses drawing the same having been changed. to pay every Time of passing and re-passing.

XI. And be it further enacted, That the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Roads whenever a new Hiring thereof shall have taken place. Post Chaises to pay on every new Hiring.

XII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or of any reduced Toll, or in any of them, the Sum of One Halfpenny shall be deemed and taken in lieu of such fractional Part. Fractional Part of a Halfpenny in Tolls.

XIII. And be it further enacted, That as well all the Monies which before the Day of the Commencement of this Act shall have been raised or produced by virtue of the said recited Acts hereby repealed, or any or either of them, and which shall remain undisposed of, as also all other Monies which shall arise or be produced by virtue of this Act, together with the Monies which shall hereafter be borrowed upon the Credit thereof, and all other Monies which shall arise by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or otherwise incident thereto; in the second place, in paying off and discharging all Arrears of Interest now due and owing and all Interest which shall hereafter become due on the Credit of the said several Acts hereby repealed, or any or either of them, and in paying off and discharging the Interest or any Sum or Sums of Money which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted; in the third place, in defraying the Expences of continuing, providing, erecting, and keeping in repair the Turnpikes, Toll Houses, and other Buildings, Side Gates, Bars, and Chains already or hereafter to be erected and built by Authority of this Act, and of repairing, amending, widening, altering, and improving the said Roads by this Act directed to be kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges, Arches, and other Works upon and near the same, as the said Trustees shall from Time to Time order and direct; and lastly, in paying off the Money which shall have been or may be borrowed on the Credit of the Tolls granted by the said recited Acts or this Act, or any or either of them. Application of Monies.

XIV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts, or any or either of them, hereby repealed, or who shall hereafter No Priority of Mortgages.

[*Local.*]

advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act in equal degree one with another, without any Preference or Priority.

No Money to be expended in repairing Streets, or Tolls to be collected therein.

XV. 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 Monies raised by virtue of the said recited Acts, or any or either of them, hereby repealed, or to be raised by virtue of this Act, in repairing or improving any Street, Highway, or Place in any Town into or through which the said Roads pass, or to collect any Tolls therein.

Public Act.

XVI. 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.

XVII. And be it further enacted, That this Act shall commence upon the Twenty-fourth Day of *June* 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.

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