



ANNO DECIMO

GEORGII IV. REGIS.

Cap. liii.

An Act for repairing the Road from the East End of the Town of *Newmarket*, over *Newmarket Heath*, to the Turnpike Road to *Stump Cross*, in the Counties of *Cambridge* and *Suffolk*; and the Road branching out of the aforesaid Road near the *Devil's Ditch*, on *Newmarket Heath*, to the present Turnpike Road to *Cambridge*.

[14th May 1829.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing the Road from Newmarket, 3 G.3. c. 32.* over *Newmarket Heath*, to the Turnpike Road leading to *Stump Cross*, in the Counties of *Cambridge* and *Suffolk*: And whereas another Act was passed in the Fifteenth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers granted 15 G.3. c. 68.* in an Act made in the Third Year of His present Majesty's Reign, for repairing the Road from *Newmarket*, over *Newmarket Heath*, to the Turnpike Road leading to *Stump Cross*, in the Counties of *Cambridge* and *Suffolk*; for repairing the Road branching out of and leading from the aforesaid Road near the *Devil's Ditch*, on *Newmarket Heath*, to join the present Turnpike Road which leads to *Cambridge*; and for repairing the Highway through the Town of *Newmarket* to the present Turnpike Road from thence to *Thetford*:
[Local.] 16 I And

46G.3.c.126.

And whereas another Act was passed in the Forty-sixth Year of the Reign of His said late Majesty, intituled *An Act to continue and amend Two Acts passed in the Third and Fifteenth Years of His present Majesty; for repairing the Road from Newmarket, over Newmarket Heath, to the Turnpike Road leading to Stump Cross, in the Counties of Cambridge and Suffolk, and other Roads mentioned in the said Acts*: And whereas several Sums of Money have been borrowed on the Credit of the Tolls by the said recited Acts granted, Part of which Money is still due and owing and cannot be repaid, and the said Roads effectually amended, improved, and kept in sufficient Repair, unless the Term of the said Acts be extended, and further Powers and Provisions be granted in lieu of those contained therein: 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 the said Three several recited Acts, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Penalties, Forfeitures, Remedies, Matters, and Things whatsoever therein contained, shall, upon the Third *Tuesday* after the passing of this Act, be and the same are hereby repealed.

Recited
Acts re-
pealed.

Commence-
ment of this
Act.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put in execution for repairing, maintaining, widening, diverting, improving, and keeping in repair the said Roads from the East End of the Town of *Newmarket* in the said County of *Suffolk*, where the present Turnpike Road leading from *Thetford* to *Newmarket* terminates, thence through the said Town of *Newmarket*, over *Newmarket Heath*, to the further Side of the Parish of *Fulbourne* in the said County of *Cambridge*, where the Turnpike Road from *Stump Cross* to *Newmarket Heath* terminates, and also from the Toll Gate at the Ditch commonly called the *Devil's Ditch* in the said County of *Cambridge*, to where the Turnpike Road which leads from the Town of *Cambridge* in the said County of *Cambridge* terminates near the *Rubbing House*.

Trustees
appointed.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Cambridge* and *Suffolk* respectively, together with the Right Honourable *Charles Somerset Manners* commonly called *Lord Charles Somerset Manners*, the Honourable *William Lowther* commonly called *Lord Viscount Lowther*, Sir *St. Vincent Cotton* Baronet, Sir *Charles Watson* Baronet, Sir *James Affleck* Baronet, *James Johnson Baines* Clerk, *John Bullen* Clerk, *John Rickard Barker*, *William Boldero* Clerk, *William Bryant*, *Thomas Barnard*, *Horatio Banks* Clerk, *William Church* Clerk, *William Crockford*, *Thomas Frognall Dibdin* Doctor of Divinity, *Salisbury Dunn*, *Francis Dayrell*, *John Douglas*, *John Dobede*, *Richard Eaton* the younger, *Edmund Fisher* Clerk, *Robert Dillamore Fyson*, *William Godfrey*, *William Godfrey* the younger, *Henry Greenhall* Clerk, *William Dunn Gardner*, *John Hall*, *John Hall* the younger, *Charles Hall*, *John Hunter*, *John Hammond*, *Charles Hammond* the younger, *George Holcombe* Clerk, *Robert Hayward*, *Thomas Ireland*, *Robert King*, *Robert William King*, *George Mingay* Clerk, *Walter Norton*,

Norton, William Pigott, James Seaber, John Tharp, Joseph Sidney Tharp, Charles Townley Clerk, William Thorpe Clerk, Charles Wager Watson, Charles Wedge Clerk, being duly qualified according to the Laws now in force respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected in manner directed by the Laws now in force respecting Turnpike Roads in *England*, are hereby appointed Trustees for causing the said Roads to be properly widened, amended, repaired, and improved, and otherwise putting the several Acts now in force respecting Turnpike Roads in *England* and this Act into execution.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice thereof shall be given as is directed by an Act passed in the Third Year of the Reign of His present Majesty for regulating Turnpike Roads, respecting the Appointment of new Trustees on Vacancies, to elect, nominate, and appoint any Number of fit Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the General Acts now in force respecting Turnpike Roads in *England*, and this Act, as if they had been nominated and appointed in and by this Act.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *Rutland Arms Inn* in *Newmarket* in the said County of *Cambridge*, or at some other convenient Place in *Newmarket* aforesaid, on the Third *Tuesday* after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the General Acts now in force respecting Turnpike Roads in *England*, and this Act, into execution.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That the respective Tolls following may (subject to the Provisions, Restrictions, and Exemptions in this Act and the General Acts now in force respecting Turnpike Roads in *England*) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate which is now or which shall hereafter be set up or continued upon, across, or by the Sides of the Roads by this Act directed to be maintained and kept in repair, by each and every Person who shall be authorized or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Power to
take Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Carriage, the Sum of Three-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (except a Cart not drawn by more than One Horse or Two Oxen) having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, a Sum not exceeding the Sum of Four-pence Halfpenny :

For

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (except a Cart not drawn by more than One Horse or Two Oxen) having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, a Sum not exceeding the Sum of Three-pence Three Farthings :

For every Horse or other Beast drawing any Waggon, Wain, Cart or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, a Sum not exceeding the Sum of Three-pence :

For every Horse or other Beast drawing any Chaise Marine, Coach, Landau, Berlin, Barouche, Phaeton, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricule, Gig, Chair, or Taxed Cart, or any Cart not drawn by more than One Horse or Two Oxen, a Sum not exceeding the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, a Sum not exceeding the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, a Sum not exceeding the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, or Lambs, a Sum not exceeding the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Tolls to be
paid only
once a Day.

VII. And be it further enacted, That in case Toll shall have been paid for or in respect of any Carriage, Horse, Mule, Ass, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of such Carriage, Horse, Mule, Ass, Beast, or Cattle, for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day before Twelve of the Clock at Night, but that every Person, on producing a Note or Ticket denoting the Payment of Toll, shall (except in the Cases hereinafter mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, with such Carriage, Horse, Mule, Ass, Beast, or Cattle, Toll-free.

Only One
full Toll to
be taken on
the whole
Line on the
same Day.

VIII. And be it further enacted, That no more than One full Toll shall be demanded and taken (except in the Cases hereinafter mentioned) for passing on the same Day through all the Turnpikes or Toll Gates on the Roads by this Act authorized to be improved and kept in repair.

Horses draw-
ing different
Carriages to
pay each
Time of
passing.

IX. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates the same Day ; any thing herein contained to the contrary thereof in anywise notwithstanding.

X. Pro-

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 drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, drawn by Two or more Horses, carrying Passengers or Goods for Payment, Hire, or Reward, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, for every Time of passing or re-passing along the said Road, in like Manner as if no Toll had been before paid thereat.

Stage Coaches and all Horses travelling for Hire, &c. to pay each Time of passing.

XI. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to hire, and drawing any Post Chaise or other Carriage, for each Time of passing or re-passing along the said Road, whenever any fresh Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

XII. Provided always, and be it further enacted, That no Toll shall be payable in respect of any Race Horse which shall pass through any of the Turnpikes, Toll Gates, or Side Bars on the said Roads, on its Way to or from any Part of the Heath Ground, for the Purpose of racing or exercising.

Exempting Race Horses.

XIII. Provided always, and be it further enacted, That it shall be lawful for the Owner or respective Owners of the Lands on which the Gates hereinafter mentioned are now placed, to open the private Gates at the Gaps in the *Devil's Ditch* aforesaid, called by the several Names of the *Cambridge Gap*, the *Well Gap*, and the *King's Gap*, during the Days of public Racing on any Part of the Heath or Race Ground called *Newmarket Heath*, but not to demand or take any Sum or Sums of Money for passing through the same.

Certain Gates may be opened on Race Days.

XIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said Three several recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, 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 the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Roads; thirdly, in defraying the Expences of altering, widening, improving, repairing, diverting, and keeping in repair the said Roads, and of erecting,

Application of Tolls and Money borrowed.

maintaining, providing, altering, and repairing Bridges, Weigh-bridges, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured on the Credit of the Tolls arising on the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of the said Roads.

Public 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, without being specially pleaded.

Commence-
ment and
Continuance
of the Act.

XVI. And be it further enacted, That this Act shall commence upon the Third *Tuesday* after the passing of this Act, and shall from thenceforth continue 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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