



ANNO NONO

GEORGII IV. REGIS.

Cap. lxxxviii.

An Act for more effectually repairing and maintaining the Roads from *Lutterworth Hand*, on the *Watling-Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. [23d May 1828.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Roads* 25 G. 3. c. 115. leading from the Gibbet or Lutterworth Hand on the Watling Street Road, through the Parishes of Churchover, Brownsover, Newbold-upon-Avon, Rugby, and Bilton, in the County of Warwick, to the Turnpike Road between Dunchurch and Hillmorton in the said County, at or near a Public House known by the Sign of the Cock, in the said Parish of Bilton: And whereas another Act was passed in the Forty-sixth Year of the Reign of His said Majesty King George the Third, intituled *An Act to continue and amend an Act made in the Twenty-fifth* 46 G. 3. c. 28. *Year of His present Majesty, for repairing the Roads leading from Lutterworth Hand on the Watling Street Road, through Churchover, Brownsover, Newbold-upon-Avon, Rugby, and Bilton, in the County of Warwick, to the Turnpike Road between Dunchurch and Hillmorton in*

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3 G. 4. c. 126.

the said County: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas the Trustees acting under the said recited Acts have borrowed considerable Sums of Money on the Credit of the Tolls by the said recited Acts granted or authorized to be collected, which Money, or the greater Part thereof, still remains due, and cannot be repaid, nor the said Roads kept and maintained in sufficient Repair, unless the Term and Powers of the said Acts are repealed, and further and more effectual Powers granted for repairing, improving, and maintaining the said Roads from the *Lutterworth Hand* aforesaid to the Turnpike Road between *Dunchurch* and *Hillmorton* aforesaid: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: 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 from and after the Second Day of June One thousand eight hundred and twenty-eight the said recited Acts of the Twenty-fifth and Forty-sixth Years of the Reign of His late Majesty King George the Third shall be and the same are hereby repealed.

4 G. 4. c. 95.

5 G. 4. c. 69.

7 & 8 G. 4. c. 24.

Recited Acts of 25 and 46 G. 3. repealed.

This Act to be put in execution for repairing the Road herein described.

II. And be it further enacted, That this Act shall, from the said Second Day of June One thousand eight hundred and twenty-eight, commence and take effect, and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending, maintaining, and keeping in repair the said Road from the *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County.

Term and Tolls hereby granted liable to former Debts.

Persons owing Money under former

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed, or which are now due or owing on the Credit or on account of the said first and second-recited Acts, or either of them, and of all Interest due or to grow due on the same Monies, 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 first and second-recited Acts or either of them, shall

shall be liable to the Payment thereof to the Trustees hereinafter appointed or directed to be appointed for executing this Act. Act to continue liable.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts or either of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same shall be fully satisfied and performed, on account and for the Benefit of the Trusts under this Act; and all Lettings of Tolls, and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by or on account of the said Trustees for executing the said recited Acts, with or to any Person or Persons, for any Purpose relating to the said Road, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Lettings, Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Acts, or of either of them. And all Contracts and Securities to remain in force.

V. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof respectively as are varied, altered, or repealed,) shall be respectively as good, valid, and effectual, for carrying this Act into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act. Powers of General Turnpike Acts extended to this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Two first-recited Acts, or either of them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first and second-recited Acts had not been repealed. Books containing Accounts and Proceedings under former Act to be Evidence.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Warwick* for the Time being, together with Sir *Gray Skipwith*, Sir *Theophilus Biddulph*, Sir *Henry Halford*, and Sir *Trevor Wheeler*, Baronets; *Richard Rouse Bloxham*, *John Sleath*, and *William Pearson*, Doctors in Divinity; *Henry Wise*, *John Wise*, *John Moultrie*, *John Thomas Parker*, *Robert Marriott*, *Thomas Arnold*, *Charles Williams*, *Giles Powell*, *Robert Beresford Podmore*, *William Birch*, *Philip Bracebridge Homer*, *Thomas Chamberlain Hughes Chamberlain*, *James Hoare*, *Christopher Moore*, *Thomas Belgrave*, *John Venon*, *John Lindsay*, *Harvey Sitwell*, and *Thomas Smith*, Clerks; *Dugdale Stratford Dugdale*, *Francis Lawley*, *Evelyn John Shirley*, *Robert Otway Cave*, *Abraham Grimes*, *Barry Edward O'Meara*, *William Holbéch*, *William Chambers*, *Henry Grimes*, *George Wharton Marriott*, *Abraham Hume*, *John Shuckburgh*, Appointment of Trustees.

burgh, John Caldecott, Abraham Caldecott, Richard Tawney, Thomas Caldecott the younger, John Ward, William Wheeler Hume, Thomas George Skipwith, William Butlin, John Biddulph, John Arnold, George Henry Arnold, George Harris, Thomas Walker, Charles Bucknill, Samuel Bucknill, Phillip Williams, William Wise, Thomas Voile, Joseph Smith, John Drayson, Thomas Sutton, William Norman, Thomas Norman, William Sutton, John Townsend, John Allbone, Thomas Wall, Charles Lake, Robert Drasler Scarborough, William Robins, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees, for maintaining and keeping in repair the said Road leading from the Lutterworth Hand on the Watling Street Road, through the several Parishes in the County of Warwick aforesaid, to the Turnpike Road between Dunchurch and Hillmorton in the said County of Warwick, and for carrying the said last recited Acts and this Act into Execution.

Power to
appoint ad-
ditional
Trustees.

VIII. 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 the said recited Act of the Third Year of the Reign of His present Majesty 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 said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, as if they had been nominated and appointed in and by this Act.

First Meet-
ing of Trus-
tees.

IX. And be it further enacted, That the said Trustees shall meet at the Spread Eagle Inn in the Town of Rugby aforesaid, or in some other convenient Place in the said Town, on the Third Day of June next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

Officers un-
der former
Acts (except
the Trea-
surer) to be
continued.

X. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and all other Officers, (except the Treasurer,) who have been appointed under and employed in the Execution of the said recited Acts hereby repealed, shall respectively continue to hold and exercise their respective Offices and Employments until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing their said respective Offices, and shall have the like Powers and Authorities for carrying the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all Respects, as if they had been severally appointed under or by virtue of this Act, or of the said recited Acts of the Third,

Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates, Turnpikes, or Toll Bars and Toll Houses erected by the Trustees acting under the said Acts hereby repealed, or either of them, and from Time to Time to erect any other Turnpikes, Toll Gates or Bars, and Toll Houses, if they shall think fit, upon, across, or by the Sides of the said Road by this Act authorized to be repaired and maintained, and also to erect and provide a Toll House, with suitable Buildings, a Garden and other Conveniences, not exceeding One Eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates or Bars, or any other Toll Gate or Bar, to be erected in pursuance of this Act.

Power to
continue
Toll Houses,
Toll Gates,
&c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as they shall from Time to Time appoint for that Purpose, to demand and take, at the several Toll Gates, Turnpikes, and Toll Bars already erected or which may be erected upon, across, or on the Sides of the said Road, by virtue of this Act, before any Horse, Beast, or other Cattle, Calves, Swine, Sheep, or Lambs, Coach, Waggon, Chaise, Cart, or other Carriage, shall be permitted to pass through the same, the several Tolls or Sums of Money following; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Sociable, Phaeton, Curricule, Chaise, Car, Gig, Caravan, Hearse, Litter, Chair, or other such like Carriage, the Sum of Three-pence :

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Soles or Bottoms of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Five-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, 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, the Sum of Sixpence Halfpenny :

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny :

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

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 :

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the Trustees for carrying this Act into

Tolls vested
in Trustees.

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Execution, and the same and every of them shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act.

Tolls to be paid only once a Day, except as hereinafter mentioned.

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

Horses drawing different Carriages to pay each Time of passing.

XIV. 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 Bars, returning the same Day through the same Turnpike, Toll Gate, or Side Bar, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Bars the same Day, to be computed as aforesaid, without Toll being again paid; any thing herein contained to the contrary thereof notwithstanding.

Stage Coaches, &c. to pay each Time of passing.

XV. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing or repassing through the Turnpikes, Toll Gates, or Toll Bars on the said Road.

Post Chaises to pay on every fresh Hiring.

XVI. Provided also, 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 repassing along the said Road, as often as any fresh Hiring thereof shall take place.

Application of Tolls and Money borrowed.

XVII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the Two first-recited Acts or either of them, hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls granted and made payable by this Act, and the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced

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; secondly, in paying and discharging the Interest now due or hereafter to accrue or become due upon or by virtue of any Mortgage or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties granted and payable by this Act, and in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road, and of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, upon, across, and by the Sides of the said Road, and otherwise executing the Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby as aforesaid repealed, and all the principal Sums of Money which may hereafter be borrowed and secured by virtue of the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, and of this Act, and of all other Debts and Sums of Money now owing or which may hereafter become due and owing by or on account of the said Road.

XVIII. And be it further enacted, That none of the Tolls hereby imposed, nor any Money to be raised by virtue of this Act, shall be expended in repairing or improving any of the Streets, Lanes, Highways, or Places within the Town of *Rugby*, nor shall any Toll Gate be erected, or Tolls taken, by virtue of this Act, in any Part of the said Town.

No Tolls to be laid out on the Streets in Rugby.

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, without being specially pleaded.

Public Act.

XX. And be it further enacted, That this Act shall commence upon the Third Day of *June* One thousand eight hundred and twenty-eight, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

