



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxiii.

An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*.

[19th July 1844.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and amending the Road from the Town of Market Harborough in the County of Leicester to the City of Coventry*: And whereas in pursuance of the said Act the said Road hath been kept in repair by the Trustees acting in execution of the Powers thereby granted: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act be further continued, and the Tolls thereby authorized to be taken be altered: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without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

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Recited Act repealed, and this Act to be put in force.

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 Thirty-first Day of *December* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

All Arrears of Tolls and Monies due under re-cited Act vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover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 them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Appoint-ment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Leicester* and *Warwick* respectively, together with *Poyntz Owsley Adams, Frederick Adcock, John Arthur Arnold, Thomas Arnold, William Bent, Allen Bent, Harry Brierly, Henry Everard Bullivant Clerk, Marston Buszard, Charles Belgrave Clerk, the Honourable Robert Otway Cave, the Honourable Frederick Craven, John Compton, John Cooke, Thomas Cox Clerk, Thomas Edward Dicey, James Ley Douglass, Rowland Errington, the Honourable Rudolph William Basil Feilding* commonly called Viscount *Feilding*, the Honourable *Everard Robert Bruce Feilding Clerk, William George Augustus Feilding, John Frederick Franks, John Goodacre, Robert Goodacre, Richard Gough, William Graham Clerk, Henry Grimes, John Hampden Gurney Clerk, Henry Hungerford Holdich Hungerford, Thomas Peach Holdich Clerk, Robert Henry Johnson Clerk, Edmund Major, James Powell Marriott Clerk, the Honourable Henry Wentworth Powys, George Payne, James Powell Clerk, Edward Power, Herbert Rodgers, Sir Gray Skipwith Baronet, Thomas George Skipwith, Thomas Smith, John Tebbs, George Fortescue Turvile, George Warmaby the elder, John Watson, and James Blick Woodhouse*, 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.

IV. And be it enacted, That it shall be lawful for the Trustees 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 Five 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.

First Meeting of Trustees.

V. And be it enacted, That the Trustees shall hold their first Meeting at the Town Hall in *Luttlsworth*, or at some other convenient Place in the Neighbourhood of the said Road, on the said Third *Friday*

Friday next after the Commencement of this Act, or as soon after as conveniently may be, 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 Road, as they shall think proper.

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

Power to appoint Committees.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road from *Market Harborough* through *Lubbenham*, *Theddingworth*, *Husband's Bosworth*, by *North Kilworth* through *Walcott*, and through the Town of *Lutterworth*, to the *Wood Bridge*, in the Parish of *Lutterworth* in the County of *Leicester*, and by the *Cross and Hand* through *Pailton*, *Stretton-under-Foss*, *Brinklow*, *Comb Lordship*, and *Binley*, in the County of *Warwick*, and *Stoke* in the County of the City of *Coventry*, to the End of a Causeway near or adjoining to a certain House called the *Bowling-green House*, known by the Name of *Gosford Green Causeway*, belonging to the City of *Coventry*.

Road to which this Act is applicable.

VIII. And be it enacted, 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, Toll Bars, or Chains to be continued or erected on or on the Side of the said Road, until the Expiration of the present Leases, or sooner Determination thereof.

Present Tolls continued until Expiration of present Leases.

IX. And be it enacted, That upon and after the Expiration or sooner Determination of the present Leases it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates, Toll Bars, or Chains which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Power to take Tolls.

For every Horse or other Beast drawing any Coach, Omnibus, Chariot, Landau, Landauet, Marine, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, Litter, Gig, Caravan, taxed Cart, or other such like Carriage, the Sum of Sixpence:

Tolls.

For every Four-wheeled Carriage fixed in any Manner to any other Carriage, the Sum of Six-pence:

For every Two-wheeled Carriage so fixed, the Sum of Four-pence:

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, having the Sole or Bottom of the Fellies

Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches, the Sum of Sixpence Farthing :
 For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Five-pence :
 For every Dray so constructed as that the Distance between the Axletrees thereof, measured at the Ends, is more than Nine Feet, laden otherwise than with a single Piece or Block of Timber or Stone, over and above the Toll payable for the Horses or Beasts drawing the same, the Sum of One Shilling and Sixpence :
 For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :
 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 :
 For every Dog, Goat, or other such like Animal drawing any Cart, Carriage, Truck, Barrow, or other such like Carriage, the Sum of Sixpence : And
 For every Carriage propelled or drawn by Steam or other Power than Animal Power, or attached to and drawn by any Carriage so propelled or drawn, the Sum of Two Shillings :
 Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted or authorized to pass through any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

X. And be it enacted, That in all Cases in which 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.

Only Five full Tolls to be payable on the Road.

XI. And be it enacted, That no more than Five full Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates, Toll Bars, or Chains erected or to be erected or continued on the said Road.

Persons having paid Toll to return Toll-free.

XII. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain on the said Road, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, if drawing the same Carriage, or not drawing any Carriage, in returning once through the same Toll Gate, Toll Bar, or Chain, and in going and returning once through such other Gate, Bar, or Chain (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

XIII. Pro-

XIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post-chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Post-chaises to pay every Time of passing with fresh Hiring.

XIV. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate, Bar, or Chain 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 Toll Gate, Bar, or Chain, the Payment of which shall be freed 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.

Regulations as to Stage Coaches, &c.

XV. And be it enacted, That it shall be lawful for the Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall, in respect of the Matters last mentioned, be payable.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XVI. And be it enacted, That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being on the said Road, or on the Sides thereof, shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said Road, or on the Sides thereof, any Toll Gate, Bar, or Chain, and to remove the present or any future Toll Gate, Bar, or Chain, as they shall think proper.

Respecting Toll Gates.

XVII. And be it enacted, That all Monies which shall be received by the Trustees by virtue of this Act upon the said Road shall be applied as follows; (that is to say,)

Application of Monies.

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

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said recited Act or any Act thereby repealed:

Thirdly, in paying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution with reference thereto:

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Fourthly,

Fourthly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may be borrowed on the Credit of the Tolls authorized to be taken by this Act :

Fifthly, in reducing, paying off, and discharging, in manner hereinafter mentioned, the several Principal Sums which have been or may hereafter be borrowed on the Credit of the Tolls authorized to be taken upon the said Road.

Formation
and Applica-
tion of Sink-
ing Fund.

XVIII. And be it enacted, That the Money herein-before directed to be applied in reducing, paying off, and discharging the several Principal Sums which have been or may hereafter be borrowed on the Credit of the Tolls authorized to be taken upon the said Road shall, as the same becomes applicable to such Purpose, be carried to a Sinking Fund Account; and the Money forming such Account shall be laid out in the Names of Three of the Trustees in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities until the same, with the Dividends arising therefrom, shall be sufficient to pay off and discharge One Fourth Part of the Principal Money which shall then be due on the Credit of the said Tolls, at which Time so much of the Produce of such Sinking Fund as shall be sufficient to pay off and discharge One Fourth Part of the Money due and owing on the Credit of the said Tolls shall be applied for that Purpose; and when the Produce of such Sinking Fund shall be sufficient to pay off and discharge One Third Part of the Remainder of such Principal Money a sufficient Portion of the Produce of such Sinking Fund shall be applied for that Purpose; and when the Produce of such Sinking Fund shall be sufficient to pay off and discharge One Half of the Amount of the Remainder of such Principal Money a sufficient Portion of the Produce of such Sinking Fund shall be applied for that Purpose; and when the Produce of such Sinking Fund shall be sufficient to pay off and discharge the remaining Amount of such Principal Money such Produce shall be applied for that Purpose; and in all Cases the respective Amounts herein directed to be applied shall be paid *pari passu* to the several Creditors of the Tolls authorized to be taken upon the said Road according to the Amount of Money due to them respectively.

Executors,
&c. may
consent to a
Reduction of
Interest due
to them.

XIX. And be it enacted, That it shall be lawful for all Executors, Administrators, Trustees, and Guardians, being Creditors of the Tolls authorized to be taken upon the said Road, to consent to a Reduction of the Interest contracted to be paid upon any Money due and owing to them as such Executors, Administrators, Trustees, and Guardians, and to agree to take and accept such reduced Interest on any Principal Money due to them as aforesaid, as they may think proper.

No Tolls to
be taken or
Money laid
out in the
City of Co-
ventry, &c.

XX. And be it enacted, That no Money shall be laid out on the Road comprised in this Act within the City of *Coventry*, or the Towns of *Market Harborough* or *Lutterworth*, or the Parish of *Brinklow*, or the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected under the Provisions of this Act in such City or Towns, or the said Parish of *Brinklow*.

XXI. And

XXI. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Trustee or Clerk competent Witnesses in Actions.

XXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act 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.

Nothing herein to exempt the Roads from any general Act.

XXIII. And be it enacted, That this Act shall commence on the said Thirty-first Day of *December* 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.

Term of Act.

XXIV. And be it enacted, 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,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

The Word "Person" shall be understood to include Corporation :

Words importing the Masculine Gender shall include Females.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

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