



ANNO PRIMO

# GULIELMI IV. REGIS.

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## Cap. xii.

An Act for repairing the Road from *Measham* in the County of *Derby* to *Fieldon Bridge* in the County of *Warwick*, and other Roads communicating therewith, in the Counties of *Derby*, *Leicester*, and *Warwick*. [11th March 1831.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in repair several Roads therein mentioned, lying in the Counties of Derby, Leicester, and Warwick*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act, made in the Thirty-third Year of His late Majesty, for amending, widening, and keeping in repair several Roads therein mentioned, lying in the Counties of Derby, Leicester, and Warwick; and for amending and keeping in repair the Road branching from Part of the said Roads between Measham in the said County of Derby and Burton-upon-Trent in the County of Stafford to the Turnpike Road at or near the Bull's Head Alehouse in Twycross in the said County of Leicester*: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His late and present Majesty, for repairing several Roads in the Counties of Derby, Leicester, and Warwick*: And whereas

[Local.] H h the

33 G.2. c.47.  
21 G.3. c.92.  
49 G.3.c.7.

the said Roads have been divided into separate Districts or Divisions, one of which Districts comprises the Road leading from *Measham* in the County of *Derby* to and through *Great Sheepy* in the County of *Leicester*, and from thence to *Filand* otherwise *Fieldon Bridge* near *Atherstone* in the County of *Warwick*, and also the Road from *Tamworth* in the Counties of *Stafford* and *Warwick* to *Pinwall*, and also the Road from *Crickett's Inn Bridge* to the *Earl Howe's Arms* (late the *Bull's Head Alehouse*) in *Twycross* in the County of *Leicester*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have from Time to Time for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads from *Measham* to *Filand* otherwise *Fieldon Bridge*, and from *Tamworth* to *Pinwall*, which Money still remains due and owing, and the same cannot be repaid, nor can the said Roads from *Measham* to *Filand* otherwise *Fieldon Bridge*, and from *Tamworth* to *Pinwall*, nor the said Road from *Crickett's Inn Bridge* to the *Earl Howe's Arms*, be effectually amended and kept in repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased: And whereas it would facilitate the Purposes aforesaid if the said recited Acts, so far as they respectively relate to the said Roads from *Measham* to *Filand* otherwise *Fieldon Bridge*, and from *Tamworth* to *Pinwall*, and from *Crickett's Inn Bridge* to the *Earl Howe's Arms*, were repealed, and if further and other Powers and Provisions were granted instead thereof: 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 Third *Thursday* next after the passing of this Act the said recited Acts respectively passed in the *Thirty-third Year* of the Reign of His late Majesty King *George* the Second, and in the *Twenty-first and Forty-ninth Years* of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, so far as they respectively relate to the Roads leading from *Measham* to *Filand* otherwise *Fieldon Bridge*, and from *Tamworth* to *Pinwall*, and from *Crickett's Inn Bridge* to the *Earl Howe's Arms*; save and except only that the Contracts already made and entered into by the Trustees acting under the Authority of the said Acts, for leasing the present Tolls authorized to be taken on the said last-mentioned Roads until the *Fifteenth Day of October* One thousand eight hundred and thirty-one, shall remain and be in force, and that such Tolls shall continue to be collected under the Authority of the said recited Acts until Twelve of the Clock at Night on the said *Fifteenth Day of October* One thousand eight hundred and thirty-one.

Recited Acts repealed, so far as they relate to the District of Roads above mentioned, except as to existing Contract for leasing the Tolls.

This Act to be put in execution for the Term after mentioned.

II. And be it further enacted, That this Act shall commence and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from *Measham* in the County of *Derby*, through *Snarestone* and the Parish of *Norton* near *Twycross*, to and through *Twycross*, and from *Twycross* to and through *Great Sheepy* in the said County of *Leicester*, and

and from thence to *Filand* otherwise *Fieldon Bridge* near *Atherstone* in the said County of *Warwick*; and also the Road from the Town of *Tamworth* in the Counties of *Stafford* and *Warwick*, through *Polesworth*, to *Pinwall*, where the same joins the said Road from *Measham* to *Fieldon Bridge*; and also the Road from *Crickett's Inn Bridge*, through *Stretton-en-le-Field* and *Appleby* in the Counties of *Derby* and *Leicester*, to the *Earl Howe's Arms* (late the *Bull's Head Alehouse*) in *Twycross* aforesaid; and which Roads pass from, through, or into the several Parishes, Townships, Hamlets, Districts, or Places of *Measham* in the County of *Derby*, *Snarestone*, *Norton-juxta-Twycross*, *Twycross*, *Great Sheepy*, *Pinwall*, and *Merevale*, in the County of *Leicester*, and *Grendon*, *Dordon*, *Polesworth*, *Pooley*, *Shuttington*, *Glascote*, *Amington*, and *Tamworth*, in the County of *Warwick*, and *Stretton-en-le-Field* in the County of *Derby*, and *Donisthorpe* and *Appleby* in the Counties of *Derby* and *Leicester* or One of them.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Derby*, *Leicester*, and *Warwick* respectively, together with *Henry Cadwallader Adams*, *John Baker*, *Thomas Bradgate Bamford*, *Dudley Baxter*, *Stafford Stratton Baxter*, *John Boulton*, *John Boulton the younger*, *John Bourne*, *Charles Holt Bracebridge*, *William Bradley Clerk*, *John Brown*, *Thomas Brown Cave*, *John Hood Chapman*, *John Newdigate Ludford Chetwode*, *Sir George Chetwynd Baronet*, *George Chetwynd*, *John Craddock*, *Edward Wingfield Dickenson*, *William Dilke*, *Dugdale Stratford Dugdale*, *William Stratford Dugdale*, *Jerome Dyke Clerk*, *Robert Faux*, *Thomas Cotton Fell Clerk*, *Robert Fowler*, *William Freer*, *Dempster Heming*, *Samuel Bracebridge Heming Clerk*, *William Phillips Inge*, *Richard Jee*, *John Lingard*, *Morris Edward Lythall*, *Samuel Mallabey*, *George Mettam Clerk*, *George Moore*, *John Moore*, *Haughton Farmer Okeover*, *William Palmer Clerk*, *James Roberts Clerk*, *Henry Roberts Clerk*, *Thomas Shaw*, *John Smith*, *Richard Smith*, *Roger Ryland Vaughton Clerk*, *Henry Ward*, *Joseph Willday*, and their Successors, being duly qualified according to the Provisions and Directions contained in the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing the said Roads, and for carrying this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting from Time to Time to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, to elect and appoint any Number of Persons not exceeding Seven in the whole to be Trustees for executing this Act, in addition to the Trustees herein named and appointed; and such additional Trustees so elected and appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to appoint additional Trustees.

V. And be it further enacted, That the Trustees acting in the Execution of this Act shall meet together at the *Red Lion Inn* in *Atherstone* in the said County of *Warwick*, or at some other convenient

First Meeting of Trustees.

venient Place upon or near to the said Roads, within Twenty-one Days next after the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time adjourn to and meet at such Times and at such Places upon or near to the said Roads as they shall think proper.

Power to  
take Tolls.

VI. And be it further enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and thirty-one it shall and may be lawful to and for the said Trustees, or for any Person under their Authority, to demand and take the following Tolls at every Turnpike, Toll Gate, Side Bar, or Chain to be continued, erected, or placed by virtue of this Act in, upon, across, or on the Sides of the said Roads; (that is to say,)

Tolls.

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

For every Horse or other Beast drawing any Waggon, Wain, or 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 Four-pence:

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

For every Horse or other Beast drawing any Waggon, Wain, or 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 Sixpence:

And for every Cart drawn by One Horse only, over and above the aforesaid Toll hereby allowed to be demanded and taken, the Sum of Three-pence for each and every entire Hundred Weight which such Cart and the Loading or Contents thereof shall weigh over and above the Weight of One Ton Ten Hundred Weight:

For every Pair of Mill Stones the Sum of Two Shillings and Sixpence:

For every Coach, Waggon, or Vehicle of whatever Description, propelled or moved by means of Steam, Gas, or other like Means, the Sum of Two Shillings 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 One Shilling and Three-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 Seven-pence *per* Score, and so in proportion for any greater or less Number:

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which

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

VII. Provided also, and be it further enacted, That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of such Toll Gates or Turnpikes or Side Bars, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass and repass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Tolls to be paid but once a Day.

VIII. Provided also, and be it further enacted, That no more than the several Tolls herein-after mentioned shall be demanded or taken for or in respect of the same Horse or Horses or other Beasts or Cattle, or Carriages, in any One Day, (to be computed in manner herein-before mentioned,) for passing or repassing through all or any of the said Toll Gates or Toll Bars erected or to be erected in, upon, or across the whole Line of the said Roads; (that is to say,) Three full Tolls between *Measham* and *Fieldon Bridge*, Three full Tolls between *Tamworth* and *Pinwall*, and One full Toll between *Crickett's Inn Bridge* and the *Earl Howe's Arms*.

Limiting the Number of Tolls on the whole Line of Roads.

IX. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll has been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for each Time of passing and repassing through such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches on account only of the Horses drawing the same having been changed.

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

X. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever any new Hiring thereof shall have taken place.

Post Chaises, &c. on every new Hiring.

XI. And be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or every Time.

Steam Carriages to pay every Time.

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Gas, or any other like Means, shall be paid every Time such Carriage shall pass or repass along the said Roads.

Application  
of Tolls and  
Money bor-  
rowed.

XII. And be it further enacted, That out of the Money already received or borrowed by virtue of the said former Acts hereby repealed, or out of the first Money which shall or may arise or be received from the Tolls by this Act granted, the said Trustees shall in the first place pay and discharge all the Costs and Expences incident to and attending the obtaining and passing of this Act, and the Remainder of all such Monies (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) shall be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls collected or arising from or payable on account of the said Roads, and which may hereafter be borrowed on the Credit of this Act, or of the Tolls to arise from or to be collected on or to be paid in respect of the said Roads, and in erecting Turnpikes or Toll Houses on the said Roads, and in amending, altering, turning, widening, improving, and keeping in repair the said Roads, and otherwise in carrying this Act into execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on or arising from or payable in respect of the said Roads, and the Principal Monies which may hereafter be borrowed by virtue of this Act.

Toll Gates to  
be erected on  
each Branch.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the several Acts for the Time being in force for regulating Turnpike Roads in *England*: Provided always, that no Money arising from any of the Tolls hereby authorized to be taken shall be applied towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Toll Bar continued or erected under the Authority of this Act: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such respective Branch Roads; any thing in this Act contained to the contrary thereof notwithstanding.

Separate Ac-  
counts to be  
kept.

XIV. And in order to secure the due Application of the respective Tolls hereby granted to the several Purposes aforesaid, be it further enacted, That all the said Tolls shall be paid by the Collectors or the Lessees thereof into the Hands of the Treasurer or respective Treasurers for the Time being appointed by the said Trustees respectively, who shall keep or cause to be kept separate Accounts thereof, and which shall be applied to the several Purposes aforesaid.

No Money to  
be applied in  
repairing  
Streets.

XV. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said Acts hereby repealed or of this Act shall be laid out in paving, repairing, or cleansing any Street,

Street, Road, or Highway within any City or Town through which the said Roads may pass, and which Streets, Roads, and Highways have now or hereafter shall have Houses or other Buildings abutting upon or ranging along both Sides thereof, nor shall it be lawful for the said Trustees to collect any Tolls therein.

XVI. And be it further enacted, That this Act shall be deemed Public Act. 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.

XVII. And be it further enacted, That this Act shall commence Commence- and take effect from and after the Third *Thursday* next after the ment and passing hereof, and shall continue and be in force for and during the Continuance Term of Thirty-one Years, and from thence to the End of the then of this Act. next Session of Parliament.

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