



ANNO TERTIO

# GULIELMI IV. REGIS.

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## Cap. xvi.

An Act for repairing the Road from *Wellsbourn Mountfort* to *Stratford-upon-Avon* in the County of *Warwick*.  
[29th March 1833.]

**W**HEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending the Road from Wellsbourne Mountfort to Stratford-upon-Avon in the County of Warwick*: And whereas an Act was passed in the Thirty-first Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term of an Act passed in the Tenth Year of the Reign of His present Majesty, for amending the Road from Wellsbourn Mountfort to Stratford-upon-Avon in the County of Warwick*: And whereas an Act was passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for amending the Road from Wellsbourn Mountfort to Stratford-upon-Avon in the County of Warwick*: 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 considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless the Terms and Powers of the said Acts are enlarged, and the Tolls varied or altered: And whereas it would facilitate the Purposes aforesaid if the said recited Acts were repealed, and if further and more effectual Powers

[Local.] 3 G and

10 G. 3. c. 94.  
31 G. 3. c. 98.  
52 G. 3. c. 60.



and Provisions were granted instead thereof for repairing, amending, and improving the said Road: 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 on the First Day of *May* next after the passing of this Act the said several recited Acts passed in the Tenth, Thirty-first, and Fifty-second Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby repealed.

Recited Acts repealed.

This Act to be put in execution for the Purposes 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 more effectually amending, improving, and keeping in repair the present Turnpike Road leading from *Wellsbourn Mountfort* to *Stratford-upon-Avon* in the County of *Warwick*.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Warwick*, together with *Arthur Annesley* Clerk, *John Clavering* Clerk, *Thomas Cox* Clerk, *John Griffith*, *William Judd Harding*, *Edward Townsend Higgins*, *Thomas Hiron*, *Thomas Hunt*, *Francis Fortescue Knottesford* Clerk, *William Little*, *George Lucy*, *John Mills*, *Francis Mills* Clerk, the Honourable *Charles Paulet* commonly called Lord *Charles Paulet*, Clerk, *John Peglar* Clerk, *Richard Smith*, *Joseph Townsend*, *John Hathaway Turbitt*, *John Venour* Clerk, *James Roberts West*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in repair the said Road, and for otherwise carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to elect and appoint any Number of Persons, not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed, being duly qualified as aforesaid, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing the same as if they had been herein named.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall meet at the House known by the Name or Sign of the *Unicorn* Inn, in *Stratford-upon-Avon* in the said County of *Warwick*, or at some other convenient Place, within Twenty-eight Days next after the Commencement of this Act, and proceed to put the same into execution, and shall and may adjourn themselves and meet from Time to Time at such Place or Places upon or near the said Road as they shall think proper.

Power to continue and erect Toll Gates.

VI. And be it further enacted, That the several Toll Gates or Turnpikes, and Toll Houses, and Weighing Machines, now standing and



and being in, or upon, or across the said Road, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or upon the Sides thereof, at the Entrance to any public Road, Lane, or Way leading into the same, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates and Turnpikes, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, as they the said Trustees shall think proper.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or for any Person under their Authority, to demand and take the Tolls following at every Turnpike Gate, Side Gate, Side Bar, or Chain continued, erected, or placed by virtue of this Act in, upon, across, or on or near the Side or Sides of the said Road, or any Part thereof; (that is to say,) Power to take 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 Three-pence: Tolls.

For every Horse 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 Three-pence:

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

For every Horse 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 Four-pence Halfpenny:

For every Coach, Waggon, or Vehicle, of whatsoever Description, propelled or drawn by Steam, Gas, or other like Means, the Sum of Two Shillings and Sixpence:

For every Horse, Mule, or Ass, 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:

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: Fraction of a Halfpenny in Tolls.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast  
or



or Cattle or Carriage, upon which any Toll is by this Act imposed, 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.

No more than  
One full  
Toll to be  
paid on the  
whole Line of  
Road in One  
Day.

VIII. And be it further enacted, That no more than One full Toll shall be demanded or taken on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for or in respect of the same Horse, Cattle, Beast, or Carriage, for passing or repassing through all or any of the Toll Gates or Turnpikes or Side Gates erected or to be erected in, upon, or across the said Road.

Toll to be  
paid but once  
a Day.

IX. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for any Horse, Cattle, Beast, or Carriage passing through any one of the said Toll Gates or Turnpikes or Side Gates, such Horse, Cattle, Beast, or Carriage shall at any Time during the same Day (to be computed as aforesaid), upon Production of a Ticket denoting the Payment thereof on that Day (except as herein-after mentioned), be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as may be erected upon or by the Sides of the said Road.

Stage  
Coaches, &c.  
to pay every  
Time of pass-  
ing;

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach or Stage Waggon, Van, Caravan, or other Stage Carriage, and for and in respect of any Steam Engine and the Carriages propelled or drawn thereby, conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road: 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.

Post Chaises  
on every  
fresh Hiring.

XI. 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 let out to Hire, and drawing any Post Chaise, Car, or other such like Carriage travelling for Hire, for every Time of passing or repassing along the said Road, whenever a new Hiring of such Post Chaise, Car, or other such Carriage shall have taken place.

When Toll  
has been paid  
for empty  
Carriages, no  
Toll payable  
on Return  
of such Car-  
riages loaded.

XII. Provided always, and be it further enacted, That whenever the Toll shall have been paid for any Horse or Horses or other Beast or Beasts drawing an empty Waggon, Wain, Cart, Timber Carriage, or other such like Carriage, which shall have passed through any or either of the Toll Gates or Side Bars erected or to be erected upon or on the Side of the said Road, no Toll shall be demanded or taken for any such Horse or Horses or other Beast or Beasts on the Return of such Waggon, Wain, Cart, Timber Carriage, or other such like Carriage, whether empty or loaded, on the same Day.

XIII. And



XIII. And be it further enacted, That it shall not be lawful for any Person or Persons, unless authorized by Act of Parliament, to make any Railroad or Railroads to cross or pass over the Surface of the said Road or any Part thereof, but such Railroad or Railroads shall be made and carried either under the said Road by means of a Tunnel or Archway or Tunnels or Archways, at such Depth from the Surface of the said Road as will not disturb or injure the same, or over the said Road by means of an Archway or Archways of the same Span as the Width of the said Road and of the Height of Twenty Feet at least from the Surface thereof; and all such Tunnels or Archways shall be respectively made and done under the Superintendence and Direction of the Surveyor of the said Road; and in case any Railroad or Railroads shall be made or be begun to be made to cross or pass over the said Road or any Part thereof contrary to the Provisions of this Act, such Railroad or Railroads is and are hereby declared and shall be deemed to be an Encroachment or Encroachments, and may be removed by the Trustees of the said Road or their Surveyor; and the Expence of removing such Railroad or Railroads, and repairing any Injury caused thereby, shall be borne and paid by the Proprietor or Proprietors thereof in such and the same Manner as any other Encroachment on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be removed; and the Proprietor or Proprietors of such Railroad or Railroads shall also forfeit and pay any Sum not exceeding Five Pounds for each and every Day during which the said Railroad or Railroads shall be made or be begun to be made and continue contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be levied, recovered, and applied.

Railroads to be carried either by means of Tunnels under or Archways over the Road.

XIV. And be it further enacted, That out of the Tolls and other Monies already received or borrowed by virtue of the said Acts hereby repealed, or out of the Tolls and Monies which shall be received or borrowed by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Remainder of all such Monies shall from Time to Time be applied in erecting or repairing Toll Houses, Toll Gates, Side Gates, and Weighing Machines, and in amending, widening, altering, or improving the said Road and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into execution, and in paying and discharging the Interest due and to become due upon or by virtue of any Mortgages or Securities which have been already made and granted or shall hereafter be made and granted of the Tolls payable on the said Road, and also in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed in pursuance of and for the Purposes of the said Acts hereby repealed, and likewise the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

Application of Tolls.

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.

Term of Act.

XVI. And be it further enacted, That this Act shall commence on the First Day of *May* next after the passing thereof, and from thence shall continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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