



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xli.

An Act for repairing the Road from *Upton* in *Ratley* to *Great Kington* and *Wellesbourne Hastings* in the County of *Warwick*. [6th May 1833.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from Upton in the Parish of Ratley to the North End of Bridge Street in the Town of Great Kington, and from thence to the Guide Post at the Town of Wellesbourne Hastings, in the County of Warwick*: And whereas an Act was passed in the Thirty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for enlarging the Term of an Act of the Tenth Year of His present Majesty's Reign, for repairing and widening the Road from Upton in the Parish of Ratley to the North End of Bridge Street in the Town of Great Kington, and from thence to the Guide Post at the Town of Wellesbourne Hastings, in the County of Warwick*: And whereas an Act was passed in the Fifty-second 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 present Majesty, for repairing the Road from Upton in Ratley to Great Kington and Wellesbourne Hastings in the County of Warwick*: And whereas the Trustees appointed under 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

[Local.] 10 Z authorized

10 G.3. c. 63.
32 G.3. c. 116.
52 G.3. c. 61.

Recited Acts
repealed.

authorized to be taken on the said Road from *Upton* in *Ratley* to *Great Kington* and *Wellesbourne Hastings*, which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be effectually amended, widened, improved, and kept in repair, unless the Terms of the said Acts be further extended : And whereas it would facilitate the Execution of the Purposes aforesaid if the said several recited Acts were repealed, and if the Powers thereby given, and such further Powers as may be necessary for repairing and maintaining the said Road and for carrying this Act into execution, were granted and comprised in One Act : 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 Third *Wednesday* next after the passing of this Act the said several recited Acts passed in the Tenth, Thirty-second, and Fifty-second Years of His late Majesty King *George* the Third shall be and the same are hereby repealed.

This Act to
be put in
execution for
the Term
after men-
tioned.

II. And be it further enacted, That this Act shall be put into 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 *Upton* in *Ratley* to *Great Kington* and *Wellesbourne Hastings* aforesaid.

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 *Robert John Barnard*, *Joseph Bishop*, *John Boudier* Clerk, *Walter Henry Bracebridge*, *Henry Bromfield* Clerk, *Thomas Collins*, *John Clavering* Clerk, *Edward Dodd*, *John Drinkwater*, *John Farr* Clerk, *John Fullerton*, *Thomas Garrett*, *Court Granville*, *Bernard Granville*, *Granville Granville*, *Edward Greaves*, *John Greaves*, *William Green*, *Kelynge Greenway*, *George Cattell Greenway*, *John Hall*, *William Hall*, *William Harding*, *Edward Holbech*, *Hyla Holden*, *Edward Hughes* Clerk, *Humphry Jeston* Clerk, *Robert Green Jeston* Clerk, *William Edward King*, *Henry Eyres Landor*, *William Ledbrooke* of *Burton Hill*, *William Ledbrooke* of *North End*, *John Ledbrooke*, *William Little*, *Jeffery Bevington Lowe*, *George Lucy*, *John Lucy* Clerk, *John Nesbit M'Evoy* Clerk, *Francis Mills* Clerk, *Fiennes Sanderson Miller*, *Edward Miller* Clerk, *Miller* of *Combroke*, Clerk, *Sir John Mordaunt* Baronet, *William Oram*, *Charles Palmer* Clerk, the Honourable *Charles Paulet* commonly called Lord *Charles Paulet*, *Joseph Phillips*, *Henry Robbins*, *Samuel Ryland*, *Samuel Young Seagrave* Clerk, *Daniel Serjeant*, *Edward Sheldon*, *Evelyn John Shirley*, *Richard Spraggett*, *William Staunton*, *William Staunton* Clerk, *John Staunton* Doctor of Medicine, *Henry Steward* Clerk, *William Tibbits*, *John Townsend* Clerk, *Joseph Townsend*, *John Venour* Clerk, *Charles Wake* Doctor of Medicine, *James Wallington*, *Edward Welchman*, *John Welchman*, *Whateley*, *William Whateley*, *Henry Whateley*, *Henry Christopher Wise*, *Matthew Wise*, *William Yerrow*, 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.

IV. And be it further enacted, That the said Trustees shall meet on the Fourth *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, at the *Swan Inn* in *Great Kington* aforesaid, or at some other convenient House or Place on the Line of the said Road, and shall then proceed to carry this Act into execution, and the said Trustees shall then and from Time to Time afterwards adjourn to and meet at the same Place, or at such other Place on the said Road, and at such Times as the said Trustees or the major Part of them present at any Meeting shall think proper and appoint.

First Meeting
of Trustees.

V. And be it further enacted, That it shall and may 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, 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.

Power to
appoint
additional
Trustees.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses and Weighing Machines now standing 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, Toll House or Toll Houses, 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, Toll Houses, Turnpikes, Side Gates, Side Bars, and Chains, as they the said Trustees shall think proper.

Power to
continue and
erect Toll
Gates, &c.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Lessee or Lessees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes and Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be erected or continued by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, or any Part thereof, once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Power to
take Tolls.

For

Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Sociable, Chariot, Berlin, Landau, Vis-à-vis, Barouche, Britska, Phaeton, Curricule, Calash, Chaise, Chair, Gig, Car, Whisky, Caravan, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny :

For every Four-wheeled Carriage fixed in any Manner or attached to any Waggon, Wain, Cart, or other Carriage, the Sum of Nine-pence :

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

For every Horse, Mule, Ass, Ox, Bullock, or other Beast drawing any Waggon, Wain, Drag, Cart, or other such Carriage, the Sum of Four-pence :

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

For every Drove of Oxen, Beasts, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number :

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number :

For every locomotive Steam Engine for propelling or drawing any Carriage of whatsoever Description, for the Conveyance of Passengers or Goods, passing through any Turnpike Gate or Toll Bar erected or to be erected upon or by the Side of the said Turnpike Road, the Sum of Two Shillings and Sixpence :

For every Carriage for the Conveyance of Passengers or Goods, propelled or drawn by any such Engine, the Sum of One Shilling and Sixpence :

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll, and the Money so to be raised and collected shall be and the same is hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of in manner herein-after directed.

Tolls to be paid but once a Day.

VIII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of the said Toll Gates, Toll Bars, Side Gates, Side Bars, or Chains to be erected or continued by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, on a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Toll Bar, Side Gate, Side Bar, or Chain, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls to be taken on the whole Line of Road.

IX. And be it further enacted, That no more than Two full Tolls shall be taken upon the said Road for the same Horses, Cattle, and Beasts passing and repassing through all or any of the Toll Gates, Turnpikes, or Side Bars, Chain or Chains erected or to be erected across or on the Sides of the said Road, in any One Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

X. Pro-

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, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and for every Locomotive Steam Engine, and every Carriage propelled or drawn by any such Engine, and applied for the Conveyance of Passengers or Goods for Pay 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.

Stage Coaches, &c. to pay every Time of passing;

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 drawing any Post Chaise, Car, or other 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 Carriage shall have taken place.

Post Chaises on every fresh Hiring.

XII. And be it further enacted, That whenever the Toll shall have been paid for any Horse or Horses or other Beast or Beasts drawing any 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.

No Toll to be paid on the Return of Carriages that have passed through empty.

XIII. And be it further enacted, That out of the Tolls and other Monies which shall be raised or received 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 such Monies shall from Time to Time be applied in erecting Toll Houses, Toll Bars, Side Gates, Side Bars, Chains, and Weighing Machines, and in making, amending, widening, altering, and 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 repaying the Principal Monies by this Act charged, or borrowed under any former Act, or hereafter to be borrowed, and the Interest due or to grow due thereon.

Application of Tolls and other Monies.

XIV. Provided always, and be it further enacted, That no Part of the Money arising or to be received by virtue of this Act shall be laid out in repairing, improving, or maintaining any Street, Highway, or Place in any Part of the Town of *Kington*, or any Town through which the said Road shall pass, any thing herein contained to the contrary notwithstanding.

No Money to be expended in repairing Streets.

XV. 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

Railroads to be carried over and under the Road by Archways and Tunnels.

[*Local.*]

11 A

made

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 Expences 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.

Public Act. XVI. 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. XVII. And be it further enacted, That this Act shall commence on the Third *Wednesday* 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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