ANNO NONO

GEORGII IV. REGIS.

****

Cap. lxxxvi.

An Act for more effectually repairing and maintaining the Road from *Banbury* in the County of *Oxford*, through *Daventry* and *Cottesbach*, to *Lutterworth* in the County of *Leicester*.

[23d *May* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the Turnpike Road in* Banbury *in the County of* Oxford, *through* Daventry *and* Cottesbach, *to the South End of* Mill Field, *in the Parish of* Lutterworth *in the County of* Leicester: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and explain and amend the Powers of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled 'An Act for repairing and widening 'the Road from the Turnpike Road in* Banbury *in the County of* Oxford, *'through* Daventry *and* Cottesbach, *to the South End of* Mill Field, *in the 'Parish of* Lutterworth *in the County of* Leicester:' And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of the Fifth and Twenty-fifth Years of His present Majesty, for repairing the Road from* Banbury *in the County of* Oxford, *through* Daventry *and* Cottesbach, *to* Lutterworth *in the County of* Leicester: And whereas the

5 G.3.c.105.

25 G.3. c.128.

47 G.3.c.91.

the Trustees appointed to put the said Acts into Execution have made a considerable Progress in the Repairs of the said Road, and for that Purpose have borrowed several Sums of Money upon the Credit of the Tolls thereby granted; which Tolls are insufficient for Payment of the Interest of the Sums borrowed on the Credit of such Tolls, and for the proper Maintenance and Repair of the said Road; and the said Principal Money so due and owing cannot be repaid, nor can the said Road be amended and kept in repair, unless the Term and other Powers thereby granted are altered, explained, and enlarged, and the Tolls increased: And whereas it would facilitate the Execution of the Purposes aforesaid if the said Acts were repealed, and further Provision made for the Repairs of the said Road: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, in-
3 G. 4. c. 126. tituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His
4 G. 4. c. 95. said 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 an Act was passed in the
5 G. 4. c. 69. Fifth Year of the Reign of His said present 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 an Act was passed in the Seventh and Eighth Years of the Reign of His said
7 & 8 G. 4. c. 24. 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 Three first-recited Acts repealed.

the Authority of the same, That from and after the Twenty-first Day of *June* One thousand eight hundred and twenty-eight the said Three first-recited Acts shall be and the same are hereby repealed.

This Act to take effect for repairing the Roads herein described.

II. And be it further enacted, That this Act shall from the said Twenty-first Day of *June* 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 Road from the Eastern Boundary of the Borough of *Banbury* in the County of *Oxford*, and from thence, through the Parishes of *Wartworth* and *Chalcomb* in the County of *Northampton*, the Town of *Wardington* in the said County of *Oxford*, the Towns of *Chippenwarden*, *Byfield*, and *Charwetton*, the Parishes of *Farnsley* and *Badby*, the Hamlet of *Drayton*, the Town and Parish of *Daventry*, the Parishes of *Welton*, *Ashby Saint Ledgers*, *Kilsby Crick*, and *Lilbourn*, in the said County of *Northampton*, the Parishes of *Hillmorton* and *Clifton*, and the Hamlet of *Biggins*, in the County of *Warwick*, and the Parishes of *Calthorpe*, *Shotwell*, *Churchover*, *Cottesbach*, and *Misterton*, in the County of *Leicester*, to the South End of *Mill Field* in the Parish of *Lutterworth* in the County of *Leicester*.

Powers of the General Turnpike Acts extended to this Act.

III. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained,

contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be 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.

Tolls granted by this Act to be subject to Debts, &c. under former Act.

IV. And be it further enacted, That this Act, and the Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the same Road, and of all Interest due and to grow due thereon, 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 Persons and Person owing any Sum or Sums of Money on account of the said Road, to the Trustees for executing the said three first-recited Acts, shall be liable to the Payment thereof to the Trustees hereinafter appointed or directed to be appointed for executing this Act.

Securities, &c. under former Acts to continue in force.

V. 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 any of the Trustees for executing the said recited Acts hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Trustees for executing the said Acts, with or to any Person or Persons, for any Purpose relating to the said Road, or to the Execution of the said Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof.

Books under former Acts to be Evidence under this Act.

VI. And be it further enacted, That all Books of Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Road, kept according to the Directions and Provisions of the said recited Acts hereby repealed, 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, Actions, and Proceedings whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Officers under former Acts to account.

VII. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, shall account for, pay, and deliver over the same to the Trustees for executing this Act, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and this Act.

VIII. And

Appointment of Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Oxford*, *Northampton*, *Warwick*, and *Leicester*, for the Time being respectively, together with *George Henry Arnold*, *Francis Annesley* Clerk, *James Arnold* Clerk, *Thomas Adams*, *John Arnold*, *John Jackson Blencowe*, *Robert Blencowe*, *Thomas Blencowe* Clerk, *James Blencowe*, *John Bollard* Clerk, *Arden Bayley* Clerk, *William Butlin*, *Robert Brayne*, *Thomas Hughes Chamberlain*, *Ralph Churton* Clerk, *Thomas Cartwright*, *Francis Henry Clerke* Clerk, *Richard Clarke*, *Samuel Cox*, *Thomas Dunckley*, *Abraham Grimes*, *Henry Grimes*, *Thomas Green* Clerk, *Thomas Golightly* Clerk, *John Clarke Jenkins* Clerk, *Samuel Wyment Harrison*, *Corbet Hue* Doctor in Divinity, *John Hall* the elder, *John Hall* the younger, *John Higgs Hunt* Clerk, *William Head*, *Thomas Heydon*, *John Lamb* Doctor in Divinity, *Richard Howson Lamb*, *John Loveday*, *Robert Marriott* Clerk, *George Marriott* Barrister at Law, *George Mallaber*, *Thomas Marfell*, *William Philpot* Clerk, *Benjamin Wyment Palmer* the elder, *William Doveton Philpot*, *John Paine*, *John Rose* Clerk, *Charles Rattray* Doctor of Physic, *Henry Rose* Clerk, *Charles Rose* Clerk, *Richard Rocke* Clerk, *Thomas Smith* Clerk, *Samuel Amy Severne*, *John Michael Severne*, *John Spense* Clerk, *Edward Stafford* Clerk, *John Scriven* Serjeant at Law, *Thomas Sanders*, *Thomas Sanders* Clerk, *Samuel Smith* Doctor in Divinity, *Henry Smith* Clerk, *Samuel Smith* Clerk, *Thomas Cook Thornton* Clerk, *William Thornton* the elder, *William Thornton* the younger, *Philip Thornton* Clerk, *William Watkins*, *Richard Webster* Clerk, *Charles Wyatt*, *John West*, *Charles Williams* Clerk, *John Wildegose*, *Robert Wildegose*, *William Walford*, 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, and for carrying the said last recited Acts and this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons (not exceeding Seven 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, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

First Meeting of Trustees.

X. And be it further enacted, That the said Trustees shall meet at the *Red Lion* Inn in the Town of *Banbury*, or in some other convenient Place in the said Town, on the First *Tuesday* 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 and Fourth and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

Old Officers (except Treasurer) to continue.

XI. Provided always, and be it further enacted, That every Clerk, Receiver, Collector, Surveyor, and other Officer, except the Treasurer, appointed under and by virtue of the said first three recited Acts, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each

and

and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all Respects whatsoever, as if he had been appointed by virtue of this Act.

Power to erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in or upon or across the said Road, or on the Sides thereof and also to erect, and set up, or build, or cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading into the same, or any Part thereof, 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, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary and from Time to Time to take down and remove, or to alter and discontinue the same or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

XIII. 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 Turnpikes, Toll Gates, 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, 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,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouch, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Drag so constructed as that the Distance between the Axletrees shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence over and above the Toll or Duty payable for each of the Horses or Beasts of Draught drawing the same:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drag, Cart, or other such like Carriage, the Sum of Sixpence:

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

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

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number.

Tolls to be paid but once a Day.

XIV. 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, Beast, Cattle, or Carriage through any One of such Toll Gates or Turnpikes or Side Gates, such Horse, Beast, Cattle, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Toll Gates, Turnpikes, and Side Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, before Twelve of the Clock at Night; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

XV. Provided also, and be it further enacted, That no more than Five full Tolls shall be demanded or taken for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in One Day (to be computed as aforesaid) through all the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road.

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

XVI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of Horses or Beasts drawing any Stage Coach, Diligence Van, Caravan, or Stage Waggon or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Road.

Post Chaises to be subject again to Toll on every new Hiring.

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

Lime not to be exempt from Toll.

XVIII. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act contained shall extend or be construed to extend to exempt any Horse, Beast, Cattle, or Carriage drawing or conveying Lime, from the Payment of Toll.

Exemptions from Part of the Toll on Manure taken off in certain Months.

XIX. And whereas many Persons make a Practice of carrying and conveying Manure upon the said Road in the Winter Season, which is exempted from Toll, to the great Prejudice of the same Road, and which might be carried and conveyed with less Prejudice at other Seasons of the Year; be it therefore enacted, That it shall be lawful for the said Trustees at all Times hereafter between the First Day of *November* and the First Day of *March*, except in the Time of hard Frost, to demand and take, or cause to be demanded, received, and taken, at the said several and respective Toll Gates or Turnpikes or Toll Houses, or Side Bars or Side Gates or Chains, erected or to be erected on the said Road, for every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, or other Carriage, carrying or laden with, or empty and going and returning immediately after having been so laden with, Manure, Dung, Mould, Compost, or any other Manure of what Nature or Kind soever, except Lime, One Half the Tolls by this Act imposed upon Horses, Mules, and Beasts drawing other Waggons, Carts, and Carriages, and not exempted from the Toll aforesaid: Provided always, that all Persons living in the Borough of *Banbury*,

Banbury, and Occupiers of Farms or Lands within the adjoining Parish of *Walkworth* and Hamlet of *Grimsbury*, shall be exempt from paying the said Toll on Manure to be consumed on the Farms or Lands in his or their Occupation in the said Parish of *Walkworth* and Hamlet of *Grimsbury*.

Present Leases to continue in force.

XX. Provided always, and be it further enacted, That all and every Lease and Leases or Letting of the Tolls arising on the said Road, granted and made or agreed upon by the Trustees for executing the said first-recited Acts, and the several Covenants thereof, shall, notwithstanding this Act, remain and continue in full Force and Effect until the Expiration of the Term or Terms thereby respectively granted or agreed for, or until any legal Determination of any such Lease or Letting; and the same, and the respective Grantees, shall be subject to the Powers and Provisions of this Act, in the same Manner as if such Leases or Lease, or Letting, had been granted or made or agreed upon by the Trustees for executing this Act, and as if the Trustees granting, making, or agreeing upon the same, had been Trustees for executing this Act.

Application of the Tolls.

XXI. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited Acts, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same, and, in the next place, pay and discharge all Sums of Money owing for Land purchased or taken for widening and improving the said Road, and for Damages done in getting Materials, and for Rent of Quarries taken and used for the Repair and Improvement of the said Road, and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers and other Expences incidental to the Execution of this Act,) from Time to Time be applied, in the first place, in keeping down the Interest of the whole Principal Monies now borrowed and due, or hereafter to be borrowed or grow due, upon the Credit of the said Tolls, as well now in arrear as hereafter to grow due, to be paid to all the respective Creditors equally and without Preference, and after Payment thereof, then in repairing, widening, improving, and maintaining in repair the said Road; and in case, after making the Payments and satisfying the Charges aforesaid, and after keeping and maintaining the said Road in good Repair, there shall at any Time be a Surplus of Money in the Hands of the said Trustees, or of their Treasurer, applicable to the Purposes of the said Road, arising from the said Tolls or otherwise, such Surplus shall be applied in repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on the said Road, and the Principal Monies which may be hereafter borrowed or advanced upon the Credit of the Tolls hereby granted on the said Road.

Not to apply any Money in repairing the Streets.

XXII. And be it further enacted, That it shall not be lawful for the said Trustees to apply the Tolls or any of the Money received or to be received by virtue of this Act, in paving, maintaining, or repairing any of the Streets, Highways, or public Places within the Town of *Daventry*.

XXIII. And

Public Act.

XXIII. 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.

Commencement and Continuance of this Act.

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

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