ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxiv.

An Act for more effectually repairing the Road from the Borough of *Leicester* in the County of *Leicester* to the Town of *Ashby-de-la-Zouch* in the said County. [18th *June* 1842.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Road from the Borough of* 26 G. 2. c. 46.
Leicester *in the County of* Leicester *to the Town of* Ashby-de-la-Zouch *in the said County:* And whereas an Act was passed in the Nineteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act* 19 G. 3. c. 90.
passed in the Twenty-sixth Year of the Reign of His late Majesty, for repairing the Road from the Borough of Leicester *in the County of* Leicester *to the Town of* Ashby-de-la-Zouch *in the said County:* And whereas an Act was passed in the Fortieth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for* 39 & 40 G. 3.
continuing for Twenty-one Years, and from thence to the End of c. 2.
the then next Session of Parliament, the Term, and altering and enlarging the Powers of Two Acts, passed in the Twenty-sixth Year of

His late Majesty, and in the Nineteenth Year of His present Majesty, for repairing the Road from the Borough of Leicester *in the County of* Leicester *to the Town of* Ashby-de-la-Zouch *in the said County*: And whereas an Act was passed in the Second Year of the Reign of
1&2 G.4.c.8. His Majesty King *George* the Fourth, intituled *An Act for continuing the Term and altering and enlarging the Powers of several Acts passed for repairing the Road from the Borough of* Leicester *in the County of* Leicester *to the Town of* Ashby-de-la-Zouch *in the said County*: And whereas considerable Sums of Money have been borrowed for the Purposes of the said Acts on the Credit of the Tolls authorized to be taken by the said Acts, 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 properly and effectually amended, widened, improved, and kept in repair, unless further Powers are granted, and the Term granted and continued respectively by the said recited Acts be further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers and Provisions should be granted in lieu thereof, for repairing, amending, and improving the said Road; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by 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 Second *Monday* next after the passing of this Act the said recited Acts of the Twenty-sixth Year of the Reign of His Majesty King *George* the Second, the Nineteenth Year of the Reign of His Majesty King *George* the Third, the Fortieth Year of the Reign of His said Majesty King *George* the Third, and the Second Year of the Reign of His Majesty King *George* the Fourth, shall be and the same are hereby repealed; and this Act shall from thenceforth commence and take effect, and shall thereafter be put in execution during the Term and for the Purposes herein-after mentioned.

Recited Acts repealed, and this Act to take effect.

Monies and Property vested in Trustees.

II. And be it further enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the said recited Acts 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 Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof.

Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace acting for the said County of *Leicester*, together with *William Withering Arnold* Doctor of Medicine, *William Wootton Abney*, *William Acworth* Clerk, Sir *George Howland Willoughby Beaumont* Baronet, *Thomas Gisborne Babington*, *John Babington* Clerk, *Matthew Drake Babington* Clerk, *James Bankart*, *Samuel Bankart*, *Samuel Stephens Bankart*, *Samuel Berridge*, *Thomas Burbidge*, *John Bosworth*, *John Fox Bell*, *John Brown* Clerk, *Bradshaw Roby Burgin*, *Richard Cheslyn*,

Cheslyn, *Richard Cheslyn* the younger, *Robert Green Creswell*, *Richard Edward Creswell*, *John Clarke*, *Joseph Spencer Cardale*, *Thomas Clare*, *John Mawbey Cooper* Clerk, *Henry Chamberlain*, *Sheldon Cradock*, *Sheldon Firmadge Cradock*, Sir *Willoughby Wolstan Dixie* Baronet, *Beaumont Dixie* Clerk, *Thomas Denning*, *William Dewes*, *Thomas William Dabbs*, *Jemson Davies* Clerk, *John Edward Dalton*, *John Eames*, *John Ellis*, *Joseph Ellis*, *Edward Fisher*, *John Booth Freer* Doctor of Medicine, *Charles Thomas Freer*, *George Freer*, *John Fry* Clerk, *Leonard Fosbrooke*, *Peter Fearnhead*, the Right Honourable *George Harry Grey* commonly called Lord *Grey*, the Honourable *Henry Booth Grey*, *Thomas Gisborne*, *Robert Green*, *Edward Mortimer Green*, *John Gregory*, *Joshua Grundy*, *John Gregory* the younger, Sir *Edmund Cradock Hartopp* Baronet, *Edward Bourchier Hartopp*, Sir *Charles Abney Hastings* Baronet, *Samuel Bracebridge Heming* Clerk, *William Heyrick*, *Robert Jacomb Hood*, Sir *George Hewitt* Baronet, *William Hackett*, *Isaac Hodgson*, *Richard Hole*, *Richard Hole* the younger, *John Stockdale Hardy*, *Andrew Irvine* Clerk, *Benjamin Jackson*, *William Jackson*, *Joseph Knight*, *Isaac Lovell*, *George Lockwood*, *John Mammatt*, *Francis Mason*, *George Moore*, *John Moore*, *William Moore*, *Nathaniel Morgan* Clerk, *William Martin*, *Robert Martin* Clerk, *John Martin*, *Samuel Miles*, *Roger Miles*, *Thomas Miles*, *Roger Dutton Miles*, *Robert Marston*, *Thomas Marston*, *George Marston*, *Thomas Miller*, *Thomas Miller* the younger, *Charles Meredith*, *John Nedham*, *John Nedham* the younger, *John Nichols*, *George Nichols*, *John Nichols* the younger, *John Pengree Newby* Clerk, *Thomas Pares*, *Thomas Paget*, *Joseph Philips*, *William Parsons*, *Joseph Rice*, *John Briggs Robinson*, *Richard Stephens* Clerk, *Richard Spencer*, *William Sherwin*, *William Sherwin* the younger, *Joseph Simmonds*, *Edward Butterworth Shaw* Clerk, *George Shaw* Doctor of Medicine, *Thomas Smith*, *Robert Thorneley*, *John Taylor*, *William Tailby*, *Charles John Vaughan* Clerk, *Marmaduke Vavasour* Clerk, *Frederick William Wollaston*, *Clement Winstanley*, *George Winstanley* Clerk, *William Kenworthey Walker*, *Henry Wood*, *Richard Warner Wood*, *Thomas Wood* the younger, *Charles Wright* Clerk, *Henry Cleever Woodcock*, and *John George White Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be the Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said 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 Three 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 said Trustees shall hold their First Meeting at the *Three Crowns* Hotel in *Leicester* aforesaid on the Second *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, or at some other convenient Place in the Neighbourhood of the said Road, and shall then, and from Time to Time thereafter,

thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

Road to which this Act is applicable.

VI. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually amending, maintaining, altering, widening, or otherwise improving and keeping in repair the said Road comprised in the herein-before recited and hereby repealed Acts; (that is to say,) the Road from the Borough of *Leicester* in the County of *Leicester* to the Town of *Ashby-de-la-Zouch* in the same County, which said Road commences in the *Wood-gate* in or near the Borough of *Leicester* aforesaid, One hundred Yards Northward of a certain Bridge in *Leicester* aforesaid called the *North Bridge*, and terminates in the Parish of *Ashby-de-la-Zouch* aforesaid at a Point Eighty-eight Yards to the East of the South-western Corner of the House belonging to and occupied by *John Eames* Esquire, all in the said County of *Leicester*.

Present Leases of Tolls to continue in force.

VII. And be it enacted, That, notwithstanding the Repeal of the said recited Acts, all Leases of the Tolls arising on the said Road granted and made by the Trustees for executing the said recited Acts, and the several Covenants and Conditions thereof, shall remain and continue in full Force and Effect until the Expiration of the Terms granted by such Leases respectively, or until any other legal Determination of such Leases, and the Tolls payable at the Toll Gates or Toll Bars erected on or across or on the Sides of the said Road shall continue to be paid and received until such Expiration or other legal Determination as aforesaid.

Power to take Tolls.

VIII. And be it enacted, That upon and after the said Second *Monday* next after the passing of this Act, or from and after the Expiration or other legal Determination of the respective Leases, as the Case may be, it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or across or on the Sides of the said Road, the Tolls following; (that is to say,)

Tolls.

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

For every Horse, Mule, 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 Sixpence:

For every Horse, Mule, 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 Four Inches and a Half and less than Six Inches, the Sum of Five-pence:

For every Horse, Mule, 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 Four-pence:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of One Shilling

Shilling if empty, and if loaded the Sum of Two Shillings; and for every Two-wheeled Carriage so fixed, the Sum of Sixpence if empty, and if loaded the Sum of One Shilling:

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Tenpence *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 Five Shillings:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

Fractional Part of a Halfpenny in Tolls.

IX. 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 taken the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting the Number of Tolls to be taken.

X. Provided always, and be it enacted, That no more than Three full Tolls shall be taken for the Passage of the same Horses, Beasts, Cattle, Animals, Carriages, or Things on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) through all the Toll Gates and Toll Bars erected or to be erected between *Leicester* and *Ashby-de-la-Zouch*, nor more than Two full Tolls for the like Passage through all the Toll Gates and Toll Bars erected or to be erected between *Leicester* and the Eighth Mile Stone therefrom.

After Payment of Toll to return Toll-free.

XI. And be it enacted, That all Horses, Cattle, Carriages, and Things (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 or Toll Bar on the said Road or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises, &c. to be paid for on every new Hiring.

XII. Provided always, and be it enacted, That notwithstanding any thing herein-before contained 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.

Regulations as to Stage Coaches, &c.

XIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, 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 Tolls hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar 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 or Bar the Payment at 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.

Lime for Manure to be exempt from Toll.

XIV. And be it enacted, That no Toll shall be demanded or taken at any Toll Gate or Toll Bar erected or to be erected on the said Road for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Limestone for the Improvement or manuring of Land, or going empty to be so laden, or returning unladen or empty from having been so employed: Provided always, that no Exemption from Toll shall be allowed for or in respect of any Horses or Beasts drawing any Waggon, Cart, or other Carriage having Wheels of less Breadth than Four Inches and a Half on the Sole or Bottom of the Fellies thereof.

Penalty for hanging out Clothes on Hedges or obstructing the Use of the Road, &c.

XV. And be it enacted, That if any Person or Persons shall hang out or put or place any Linen or other Clothes on any Hedge, Fence, Rail, Bank, or Line within Twenty Yards from the Centre of the said Road, or if any Person or Persons shall hang, fix, put, or place any Hook or other Thing to, from, or in any House, Shop, Building, or other Place adjoining or being near to the said Road, so as to project into the said Road, or to be a Hindrance or an Annoyance to any Person passing thereon, or to prevent or obstruct the safe or free Use of the whole Breadth of the said Road, every Person offending in any of the Cases aforesaid shall forfeit and pay any Sum of Money not exceeding the Sum of Twenty Shillings for every such Offence.

Respecting Toll Gates.

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

XVII. And

Application of Money.

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

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 Acts hereby 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:

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

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former recited Acts hereby repealed, or which shall or may hereafter be borrowed on the Credit of the Tolls authorized to be taken by this Act.

No Tolls to be taken or Money laid out in Towns.

XVIII. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein or in the Town of *Leicester*.

Trustee or Clerk competent Witnesses in Actions.

XIX. 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.

Road not to be exempted from any general Act.

XX. 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 Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement of Act.

XXI. And be it enacted, That this Act shall commence on the Second *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

XXII. 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,)

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

Words importing the Masculine Gender shall include Females: The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

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

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