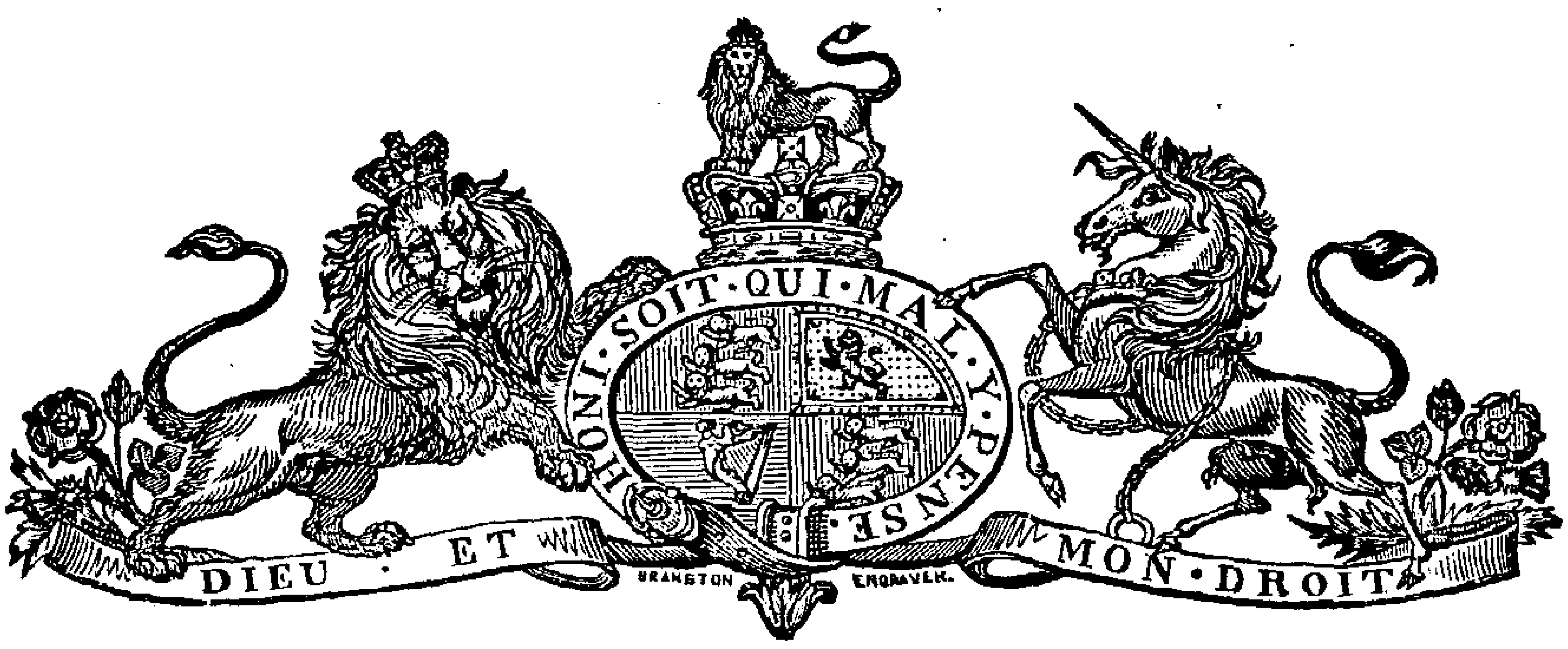


ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxx.

An Act for more effectually repairing the Roads from the Borough of *Leicester* to *Narborough*, and from the said Borough of *Leicester* to *Earl Shilton*, and from *Earl Shilton* to *Hinckley*, all in the County of *Leicester*. [18th *June* 1842.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and* 39 & 40 G. 3.
improving the Roads from the Borough of Leicester *in the County of* c. 3.
Leicester *to the Town of* Narborough, *and from the said Borough of* Leicester *to the Town of* Earl Shilton, *and from the said Town of* Earl Shilton *to the Town of* Hinckley *in the said County:* And whereas an Act was passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for continuing* 1 & 2 G. 4.
the Term and altering and enlarging the Powers of an Act of His c. 9.
late Majesty's Reign, for repairing the Roads from the Borough of Leicester *in the County of* Leicester *to the Town of* Narborough, *and from the said Borough of* Leicester *to the Town of* Earl Shilton, *and from the said Town of* Earl Shilton *to the Town of* Hinckley *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 Roads 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

be further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers and Provisions should be granted in lieu thereof, for repairing, amending, and improving the said Roads; but the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,

Recited Acts repealed, and this Act to take effect.

That upon the Second *Monday* next after the passing of this Act the said recited Acts of the Fortieth Year of the Reign of His 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.

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, *Robert Thomas Adnutt* Clerk, *Thomas Gisborne Babington*, *John Babington* Clerk, *Matthew Drake Babington* Clerk, *James Bankart*, *Samuel Bankart*, *Samuel Stephens Bankart*, *Samuel Berridge*, *John Brown* Clerk, *Thomas Burbidge*, *John Martin Bates*, *Joseph Burgess*, *Thomas Bennett*, *John Bosworth*, *Bradshaw Roby Burgin*, *William Brookes*, *Thomas Bradley*, *John Fox Bell*, *Richard Hunter Bird*, *Joseph Spencer Cardale*, *Richard Cheslyn*, *Richard Cheslyn* the younger, *Francis Thomas Corrance* Clerk, *Robert Green Creswell*, *John Mawbey Cooper* Clerk, *George Calvert* Clerk, *Henry Chamberlain*, *John Clarke*, *Sheldon Cradock*, *Sheldon Firmadge Cradock*, Sir *Willoughby Wolstan Dixie* Baronet, *Beaumont Dixie* Clerk, *Jemson Davies* Clerk, *Thomas Denning*, *Thomas William Dabbs*, *John Edward Dalton*, *John Ellis*, *Joseph Ellis*, *Thomas Frewen*, *John Booth Freer* Doctor of Medicine, *John Fry* Clerk, *Charles Thomas Freer*, *George Freer*, *John Gregory*, the Right Honourable *George Harry Grey* commonly called Lord *Grey*, the Honourable *Henry Booth Grey*, *Thomas Gisborne*, *Joshua Grundy*, *John Gregory* the younger, Sir *Edmund Cradock Hartopp* Baronet, *Edward Bourchier Hartopp*, *William Evans Hartopp* Clerk, *Samuel Bracebridge Heming* Clerk, *William Heyrick*, *Robert Jacomb Hood*, *Robert Boothby Heathcote* Clerk, *George Hewitt*, *William Hackett*, *Richard Hole*, *Richard Hole* the younger, *John Hunt*, *John Stockdale Hardy*, *Isaac Hodgson*, *Andrew Irvine* Clerk, *Robert Johnson*, *Benjamin Jackson*, *William Jackson*, *Joseph Knight*, *Isaac Lovell*, *George Lockwood*,

Lockwood, *George Moore*, *William Moore*, *Nathaniel Morgan* Clerk, *William Martin*, *Robert Martin* Clerk, *John Martin*, *Samuel Miles*, *Roger Miles*, *Thomas Miles*, *Richard Mitchell*, *Robert Marston*, *Thomas Marston*, *George Marston*, *Thomas Miller*, *Thomas Miller* the younger, *Charles Meredith*, *Francis Mason*, *John Nedham*, *John Nedham* the younger, *John Nichols*, *George Nichols*, *John Nichols* the younger, *Thomas Pares*, *Thomas Paget*, *William Parsons*, *Joseph Philips*, *Thomas Sansome*, *Richard Stephens* Clerk, *Edward Butterworth Shaw* Clerk, *George Shaw* Doctor of Medicine, *Thomas Smith*, *John Taylor*, *William Tailby*, *Charles John Vaughan* Clerk, *Frederick William Wollaston*, *Clement Winstanley*, *George Winstanley* Clerk, *William Kenworthey Walker*, *Henry Wood*, *Richard Warner Wood*, *Thomas Wood* the younger, *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 Roads, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Roads 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 Roads comprised in the herein-before recited and hereby repealed Acts; (that is to say,) the Road from the Borough of *Leicester* to the Town of *Narborough* (which commences at the *Hinckley* and *Narborough* Guide Post in *Bromkinsthorpe* in or near the Borough of *Leicester* aforesaid, and terminates at the Commencement of the Village of *Narborough*), the Road from the said Borough of *Leicester* to the Town of *Earl Shilton* (which commences One hundred Yards Westward of a certain Bridge in the *Braunstone Gate* in *Leicester* aforesaid called *Bromkinsthorpe Bridge*, and terminates at the Commencement of the Village of *Earl Shilton*), and the Road from the said Town of *Earl Shilton* to the Town of *Hinckley* (which commences at the Western Extremity of the Village of *Earl Shilton*, and terminates in the Town of *Hinckley* aforesaid at the Thirteenth Mile Stone from *Leicester* aforesaid), all in the said County of *Leicester*.

Present Leases of Tolls to continue granted

VII. And be it enacted, That notwithstanding the Repeal of the said recited Acts all Leases of the Tolls arising on the said Roads

tinue in force.

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 Roads shall continue to be paid and received until such Expiration or other legal Determination as aforesaid.

Tolls to be taken on the Narborough Road.

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 between *Leicester* and *Narborough*, the Tolls following; (that is to say,)

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 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 Nine-pence 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 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:

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

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 between *Leicester* and *Narborough*, or on the Sides thereof.

Tolls to be taken on the Hinckley Road.

IX. 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 Roads between *Leicester* and *Hinckley*, the Tolls following; (that is to say,)

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

For every Drug so constructed as that the Distance between the Axle-trees 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 Three-pence 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 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:

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 Roads between *Leicester* and *Hinckley*, or on the Sides thereof.

Fractional Part of a Halfpenny in Tolls.

X. 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.

XI. 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 on the said Roads between *Leicester* and *Hinckley*, nor more than One full Toll for the like Passage through all the Toll Gates and Toll Bars erected or to be erected on the said Road between *Leicester* and *Narborough*, nor more than Two full Tolls for the like Passage through all the Toll Gates and Toll Bars erected or to be erected on the said Road between *Leicester* and *Earl Shilton*.

After Payment of Toll to return Toll-free.

XII. 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 any of the said Roads 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.

XIII. 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.

XIV. 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

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.

XV. 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 Roads, 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 Tolls 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, or fixing Hooks, &c.

XVI. 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 Roads, 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 Roads, so as to project into the said Roads, 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 Roads, 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.

XVII. And be it enacted, That the several Toll Gates, Toll Bars, and Toll Houses now standing or being upon the said Roads 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 Roads 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.

Application of Money.

XVIII. 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 Roads, 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,

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.

Limiting Money to be laid out on Roads.

XIX. And be it enacted, That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

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

XX. 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 and Clerk competent Witnesses in Actions.

XXI. 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.

The Roads not to be exempt from any general Act.

XXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads 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.

Term of Act.

XXIII. 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.

XXIV. 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 importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

XXV. 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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