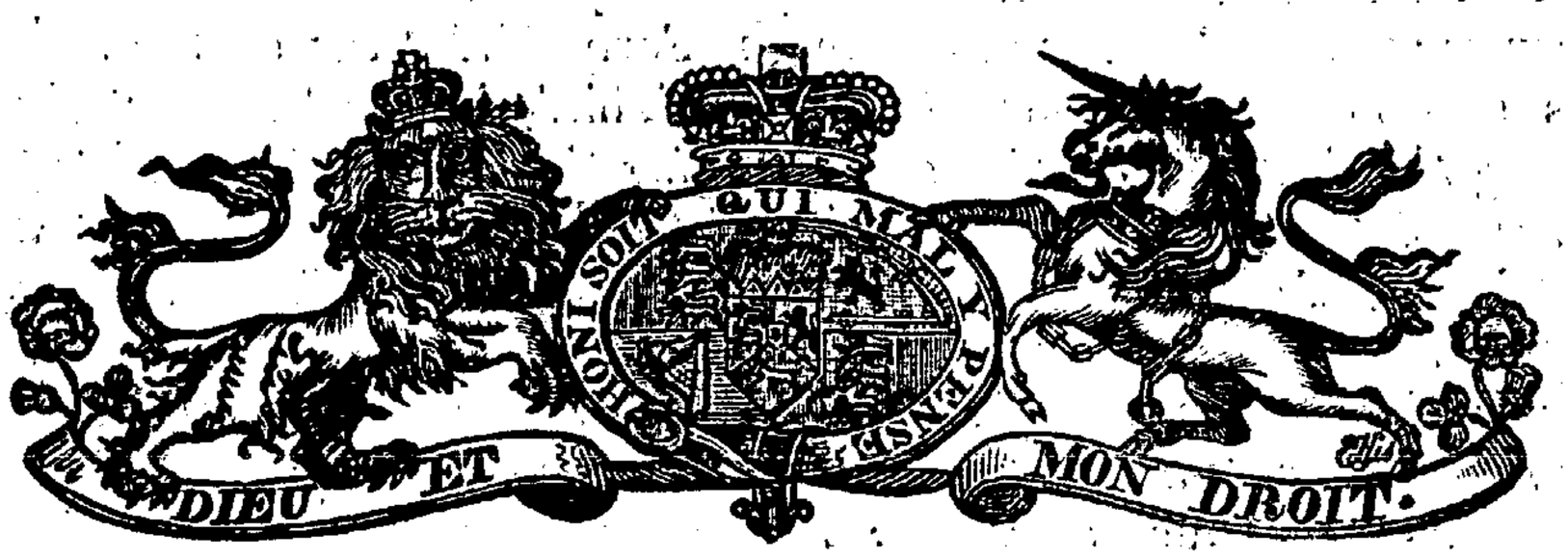


ANNO QUARTO

GEORGII IV. REGIS.

Cap. cxxii.

An Act for repairing the Roads from the Borough of *Tamworth* in the Counties of *Stafford* and *Warwick*, to the Town of *Ashby-de-la-Zouch* in the County of *Leicester*, and from *Harrington Bridge* (heretofore *Sawley Ferry*) in the said County of *Leicester*, to a Turnpike Gate at or near the End of *Swarcliffe Lane*, leading to *Ashby-de-la-Zouch* aforesaid. [27th *June* 1823.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for amending, widening, and keeping in Repair the High Road from the Borough of* Tamworth *to* Ashby-de-la-Zouch *in the County of* Leicester, *and from* Sawley Ferry *in the said County to a Turnpike Gate at or near the End of* Swarcliffe Lane *leading to* Ashby-de-la-Zouch *aforesaid*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Thirty-third Year of the Reign of His late Majesty King* George *the Second, for amending, widening, and keeping in Repair the High Roads from the Borough of* Tamworth *to* Ashby-de-la-Zouch *in the County of* Leicester, *and from* Sawley Ferry *in the said County to a Turnpike Gate at or near the End of* Swarcliffe Lane

33 G. 2. c. 41.

21 G. 3. c. 89.

Lane, *leading to and in the Parish of* Ashby-de-la-Zouch *aforesaid:* And whereas another Act was passed in the Forty-third Year of the Reign of
43 G. 3. c. 28. His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Thirty-third Year of the Reign of His late Majesty, and the Twenty-first Year of the Reign of His present Majesty, for amending, widening, and keeping in Repair the Roads from* Tamworth *to* Ashby-de-la-Zouch *in the County of* Leicester, *and from* Sawley Ferry, *now* Harrington Bridge, *in the said County, to a Turnpike Gate at or near the End of* Swarcliffe Lane *to* Ashby-de-la-Zouch *aforesaid:* And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Roads, and which Money, or a great Part thereof, still remains due and owing, and the said Roads cannot be effectually amended and repaired, nor can the Money so borrowed be repaid, unless the Terms and Powers of the said Acts are enlarged and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled
3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas it is desirable that the said Acts passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, and in the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third should be repealed, and that such further Powers and Provisions as are herein-after mentioned should be granted and made for the better Repair and Management of the said Roads: 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 the said recited Acts passed
33 G. 2. and 21 & 43 G. 3. repealed. in the Thirty-third Year of the Reign of King *George* the Second, and in the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third, shall on the Twenty-fifth Day of *December* next after the passing of this Act be and the same are hereby severally repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the present Turnpike Roads from the Borough of *Tamworth* in the Counties of *Warwick* and *Stafford*, to the Town of *Ashby-de-la-Zouch* in the County of *Leicester*, and from *Harrington Bridge* (heretofore *Sawley Ferry*) in the said County, to a Turnpike Gate at or near the End of *Swarcliffe Lane* leading to *Ashby-de-la-Zouch* aforesaid, which said Road from the Borough of *Tamworth* aforesaid to *Ashby-de-la-Zouch* aforesaid passes from, through, or into the several Parishes, Townships, or Hamlets of *Wigginton*, *Sirescote*, *Statfold*, and *Thorpe*, in the County of *Stafford*, *Seckington* and *Newton-in-the-Thistles* in the County of *Warwick*, *Measham* in the County of *Derby*, *Stretton-en-le-field*, *Appleby*, and *Packington*, in the Counties of *Leicester* and *Derby*, and *Ashby-de-la-Zouch* in the County of *Leicester*, and which said Road from *Harrington Bridge* (heretofore *Sawley Ferry*) aforesaid, to the said Turnpike Gate at or near the End of *Swarcliffe Lane* aforesaid, passes from, through, or into the several Parishes, Townships, or Hamlets of *Hemington*, *Castle Donington*, *Isley*, *Walton*, *Tongue*, *Breedon-on-the-Hill*, *Worthington*, *Staunton*, *Harold*, and *Ashby-de-la-Zouch*, all in the said County of

Leicester; and this Act and the Term and 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 by the said Acts hereby repealed, or any of them, to be taken on the said Roads, 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 or become due on the Credit of this Act, or of the Tolls hereby authorized to be collected. New Term and Tolls liable to former Debts.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act. 3 G. 4. c. 126. to extend to this Act.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Stafford*, *Warwick*, *Derby*, and *Leicester* respectively; and also *Edward Abney*, *Thomas Adnutt*, *Richard Astley*, Sir *George Howland Beaumont* Baronet, *Francis Blick* Clerk, *John Boultbee*, *John Brown* Clerk, *Robert Robey Burgin*, *Thomas Cantrill*, Sir *William Browne Cave* Baronet, *John Cave*, *Richard Cheslyn*, *Thomas Clare*, *William Clare*, *Joseph Clarke*, *John Clarkson*, *Robert Creswell*, *Robert Green Creswell*, Sir *George Harpur Crewe* Baronet, *Robert Crockett* Clerk, *John Curzon*, *Nathaniel Curzon*, *John Dalby* Clerk, *Thomas Dalby*, *William Daniel*, *William Dickenson*, Sir *Willoughby Dixie* Baronet, *Alexander Dixie*, *Dugdale Stratford Dugdale*, *William Eagleston*, *John Farmer*, *Thomas Farmer*, *William Faux*, *William Fernyhough*, *John Fisher*, *John Fisher* Clerk, *John Fisher* the younger, Clerk, *Thomas Fisher* Clerk, *Leonard Fosbrooke*, Sir *John Dickenson Fowler* Knight, *Thomas Freer*, *Richard Gough*, *Valentine Green*, *Edward Green*, *Robert Green*, *William Gresley* Clerk, *Richard Gresley*, *Thomas Grundy*, *William Hall*, *William Harris*, *Thomas Hassall*, *Joseph Lester Hassall*, Sir *Charles Hastings* Baronet, *Charles Hastings*, *Charles Hill*, *William Homer* Clerk, *William Phillips Inge*, *Matthew Ingle*, *Joseph Jones*, *Thomas Jones* Clerk, *John Kettle*, *Thomas Kirkland*, *William Southworth Lee* Clerk, *George Wood Lloyd* Doctor in Divinity, *Spencer Madan* Doctor in Divinity, *Spencer Madan* Clerk, *William Madan* Clerk, *William McDouall* Clerk, *Joseph Henry Malpas* Clerk, *George Moore*, *John Moore*, *Thomas Moore*, *Nicholas Ashton Mosley*, *George Norbury*, *John Oliver* Clerk, Sir *Robert Peel* Baronet, the Right Honourable *Robert Peel*, *William Peel*, *Edmund Peel*, *Shirley Farmer Steele Perkins*, *John Piddocke* Clerk, *Middlemore Clarke Pilkington*, *Robert Piper*, *Joseph Pycroft*, *Charles Edward Repington*, *Joseph Rice*, *John Robey* Clerk, *William Sherwin*, *John Smith*, *William Smith*, *John Standley*, *Edward Stevenson*, *Robert Thornley*, *Thomas Thorpe*, *Thomas Thorpe* Clerk, *Francis Tunnicliffe* Clerk, *John Watkinson* Clerk, *Stanley Pipe Wolferstan*, and their Successors, shall be and they are hereby appointed Trustees for repairing, widening, altering, improving, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution. Trustees Names.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any of their Meetings, to be held pursuant to the Directions of the said recited Act passed in the Third Year Power to appoint Ten additional Trustees.

Year of the Reign of His present Majesty, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

Trustees to take an Oath.

V. And be it further enacted, That no Person hereby appointed or who shall hereafter be chosen or appointed a Trustee, shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, until he shall have taken and subscribed the Oath, (or being one of the People called *Quakers* made and subscribed the Affirmation,) following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words following; (that is to say),

'I do swear [*or, being One of the People called Quakers*, do solemnly affirm], That I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act of Parliament passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*]. So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

For appointing Officers.

VI. And be it further enacted, That the said Trustees assembled at their First or any subsequent Meeting, may by Writing under their Hands, subject to the Restrictions contained in the said recited Act passed in the Third Year of the Reign of His present Majesty, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, and such other Officers as they the said Trustees shall think necessary, and may from Time to Time remove any such Officer or Officers respectively, and on the Death, Resignation, or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and the said Trustees shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries, and make such Allowances to such Officers, and also to any other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Present Officers to continue until *new ones* elected.

VII. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer or Treasurers), appointed under and by virtue of the said former Acts, or any of them, for or in respect of the said Roads hereby directed to be repaired and maintained, 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 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.

VIII. Pro-

Clerk not to act as Treasurer, and vice versâ.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees.

IX. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, by virtue of the said Acts hereby repealed, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, pay, and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties, as the several Collectors, or other Persons receiving any Money by virtue of this Act may be required to pay or account for the same.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

X. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts of the Thirty-third Year of the Reign of King *George* the Second, and the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, or of the said recited Act passed in the Third Year of the Reign of His present Majesty, who shall be and they are hereby enabled to receive and take Possession of the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act or of the said Act passed in the Third Year of the Reign of His present Majesty; or such Arrears of Tolls or Rents or other Monies so due to the Trustees under the said recited Acts hereby repealed as aforesaid, by virtue of any Deed

or Specialty shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the Trustees named in or to be appointed by virtue of this Act or of the said Act passed in the Third Year of the Reign of His present Majesty; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Power to continue and erect Toll Gates.

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Roads, or on the Sides thereof, and also subject to the Regulations contained in the said Act passed in the Third Year of the Reign of His present Majesty, to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads hereby directed to be maintained, repaired, and amended or any Part thereof, or upon or across the Entrance to any 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 Bar or Side Bars, Chain or Chains, and also One or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate, and to take in and inclose, on the Sides of the said Roads, suitable Garden Spots to such Toll House or Toll Houses, 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 remove Toll Gates.

XII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, from Time to Time when and as often as they shall think proper, subject to the Regulations and Restrictions in this Act and in the said Act passed in the Third Year of the Reign of His present Majesty respectively contained, to cause any of the Toll Gates or Toll Bars or Chains already erected, or which shall be continued or erected in, or upon, or across, or on the Side or Sides of any Part of the said Roads by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Parts of the said Roads, as the said Trustees assembled at a general or adjourned Meeting shall from Time to Time order and direct.

Lamps to be lighted at Toll Houses.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, to order and direct one or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmerof the Tolls authorized by this Act to be

taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said Roads, by virtue of the said Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, unless the same shall have been taken in and inclosed from the said Roads, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her or their Purchase Money to the said Trustees or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons whose Land may adjoin any such Toll Houses, as is by the said recited Act passed in the Third Year of the Reign of His present Majesty directed to be given where any Piece or Pieces of overplus Land or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold or disposed of: Provided also, that where any such Piece or Pieces of Land shall have been taken in and inclosed from the said Roads, without having been purchased for the Purposes of the said Roads, the same shall be thrown open again when become useless or unnecessary, and in such Cases it shall only be lawful for the said Trustees to take down and dispose of the Materials of the Toll Houses and other Erections thereon.

Power to take Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors by virtue of this Act or of the said recited Act passed in the Third Year of the Reign of His present Majesty, to demand and take the several Tolls following, (subject to the Restrictions and Exemptions in this Act and the last-mentioned Act contained), at each and every or any of the Toll Gates erected or to be erected upon the said Roads or on the Sides thereof, or on the Side of any Street, Road, or Way leading into or out of the said Roads, once a Day and 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),

For every Horse, Mule, or other Beast of Draught, drawing a Chaise Marine, Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse,	Tolls

Hearse, Break, Chaise, Curricle, Gig, Chair, Taxed Cart, or other such Carriage for the Conveyance of Passengers, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast of Draught, drawing a Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Four-pence:

For every Horse, Mule, or other Beast of Draught, drawing a Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and an Half, and less than Six Inches, the Sum of Five-pence:

For every Horse, Mule, or other Beast of Draught, drawing a Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and an Half, the Sum of Six-pence:

For every Ox, Cow, or other Head of Neat Cattle (not drawing), the Sum of Three Farthings:

For every Calf, Hog, Sheep, or Lamb, the Sum of One Halfpenny:

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

Tolls to be paid before Cattle pass the Gate.

And the said respective Tolls shall, subject to the Restrictions and Exemptions in this Act and in the said recited Act passed in the Third Year of the Reign of His present Majesty contained, be demanded and taken before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or any Ox, Cow, or other Neat Cattle, Calves, Hogs, Sheep or Lambs, shall be permitted to pass through any Toll Gate erected or to be erected or continued on the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Bye-way leading into the same.

Tolls to be paid but Once a Day.

XVI. 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 continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and on such Ticket shall be named and specified the Gate at which the same shall have been paid, and also the Gate and Gates (if any) freed by the Payment of such Toll), be permitted to pass Toll-free through the same Toll Gate, 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.

XVII. Provided also, and be it further enacted, That no more than Four full Tolls on the whole Line of the said Roads shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beast or Cattle, or Carriage or Carriages as aforesaid, in any One Day, such Day to be computed as aforesaid, for passing and repassing through any of the said Toll Gates or Toll Bars erected or continued or to be erected or continued on the said Roads.

XVIII. Pro-

Stage Coaches and Post Chaises to pay every fresh Hiring.

XVIII. 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 Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads upon every Time of a new Hiring of such Post Chaise or other Carriage, on a Ticket being produced denoting a fresh Hiring.

Power to vary Tolls.

XIX. And be it further enacted, That the said Trustees, or any Three or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty Days Notice shall be given in Writing, to be affixed on the Toll Gates erected or to be erected on the said Roads, may and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite and expedient, to lessen and reduce all or any of the said Tolls, and again to raise and advance the same as they shall think fit, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted or varied be never lessened without the Consent of the Person or Persons entitled to Five-sixth Parts of such Money; and such Tolls and Duties so reduced or lessened, and every of them, shall be collected, recovered, and applied in the same Manner as the Tolls or Duties by this Act authorized to be taken are directed to be collected, recovered, and applied.

Respecting Beasts and Carriages employed in the conveyance of Lime.

XX. Provided also, and be it further enacted, That any Horse or Horses, or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages employed in conveying Lime for the Purpose of Manure only, from the Lime Works at *Breedon-on-the-Hill* or *Cloud Hill*, or any other Lime Works adjacent, which shall pass through, and for which Toll shall be paid at the Turnpike Gates now standing and being on the said Road from *Harrington Bridge* aforesaid to the Turnpike at the End of *Swarcliffe Lane* aforesaid, called *Burney Lane Gate*, the *Lount Gate*, or the *Smoile Gate*, or any or either of them, or any Gate, Bar, or Chain to be erected instead of such Turnpike Gates, or any or either of them, shall be permitted to pass through the Turnpike Gate now standing and being on the same Road called *Noman's Heath Gate*, or any Gate, Bar, or Chain to be erected instead thereof, free from any further or additional Toll, on Production of a Ticket or Tickets by the Owner or Driver of any such Beast or Beasts, Carriage or Carriages, denoting the Payment of Toll for the same Beast or Beasts, Carriage or Carriages, at *Burney Lane Gate*, *Lount Gate*, or *Smoile Gate* aforesaid, or any Gate, Chain, or Bar to be erected instead thereof; and also that any Horse or Horses, or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, going empty to fetch, carry, or convey only Lime, for the Purpose of Manure, from any or either of the Lime Works aforesaid, which shall pass through, and for which Toll shall be paid at *Noman's Heath Gate* aforesaid, or any Bar or Chain to be erected instead thereof as aforesaid, shall be permitted to pass through *Burney Lane Gate*, *Lount Gate*, and *Smoile Gate* aforesaid, or any or either of them, or any Gate, Chain, or Bar instead thereof as aforesaid, without paying any further or additional Toll, on Production of such Ticket or Tickets as aforesaid, denoting the Payment of Toll for

the same Horse or Horses, or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, at *Noman's Heath Gate* aforesaid.

Such Beasts and Carriages having paid Toll at any of the Gates, and being casually delayed till after Twelve o'Clock at Night, may return through such Gates Toll-free.

XXI. Provided also, That if any Horse or Horses, or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying and conveying, having been employed only in carrying or conveying Lime for the Purpose of Manure only, from the Lime Works at *Breedon-on-the-Hill*, or *Cloud Hill* aforesaid, or any other Lime Works adjacent or near the Road last-mentioned, and to which the same Road leads, having passed through any Turnpike Gate or Gates, Bars, or Chains, erected on the said Road, in respect of which Beast or Beasts, Carriage or Carriages, the Toll shall have been paid, shall by any Accident or Hindrance not return till after Twelve of the Clock at Night of the same Day, such Beast or Beasts, Carriage or Carriages, on returning through the Turnpike Gate or Gates, Bars, or Chains, at which the Toll shall have been paid, and through the other Gates, if any, cleared by such Payment, shall be permitted to repass Toll-free.

Lime Exemption.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken upon the said Roads, of or from any Person or Persons, for any Horse or Horses, or other Beasts or Cattle, or for any Waggon, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying any Lime for manuring or improving Land between the First Day of *May* and the First Day of *October* in every Year.

Penalty for fraudulently taking the Benefit of Exemptions under this Act.

XXIII. Provided always, and be it further enacted, That if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any Exemption from Toll by this Act herein-before made in respect of Lime or otherwise, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Beasts and Carriages may pass through Donington Park with the Permission of the Marquis of Hastings, except Horses conveying Lime or Coal.

XXIV. Provided always, and be it further enacted, That nothing in this Act, or in the said Act passed in the Third Year of the Reign of His present Majesty contained, shall subject the Marquis of *Hastings*, his Heirs or Assigns, to any Penalty for granting Permission to any Person or Persons to pass through *Donington Park*, or subject such Person or Persons to any Penalty for availing himself, herself, or themselves of the said Permission, by passing through *Donington Park* with any Horses or other Beasts, Waggons, or other Carriages, other than the Waggons or Carts conveying Lime, Limestone, or Coal from any Lime Work or Colliery in the Neighbourhood.

Application of the Tolls and Money to be borrowed.

XXV. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts, or any of them, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls, Mortgages, or otherwise, by virtue of this Act, the said Trustees shall first pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, and the

Remainder of such Money shall from Time to Time be applied in paying the Costs and Expences of keeping in Repair and improving the said Roads, and the Interest of the Principal Monies already borrowed by virtue of the said former Acts, or any of them, or which by virtue of and under the Powers of this Act, or of the said recited Act passed in the Third Year of the Reign of His present Majesty, may be borrowed on the Credit of the Tolls hereby granted and made payable.

Former Books to be Evidence, and Conveyances under former Acts valid.

XXVI. And be it further enacted, That all and every the Books and Book of Proceedings which may have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and also the Book or Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and also that all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Acts, or any of them, shall be as valid and effectual, to all Intents and Purposes, as the same respectively would have been in case the said recited Acts had remained unrepealed.

Where old Securities are lost, new ones may be executed.

XXVII. And whereas divers Creditors on the said Roads may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees, for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved to the Satisfaction of the Trustees, that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts or any of them, although they cannot produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Payment of the Money now due on the said Mortgage Security of the said Acts or the Tolls thereby granted; be it therefore further enacted, That it shall and may be lawful for the Trustees for executing this Act, in any Case where it shall appear by the Books kept by the Clerk or Treasurer to the said Trustees, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on the Tolls granted by the said Acts hereby repealed or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, in every such Case to execute, at the Expence of the Person or Persons applying for the same, and on such Person's indemnifying the said Trustees by Bond in a sufficient Penalty, and with sufficient Surety or Sureties, from any Loss or Damage which may happen to such Trustees from executing such new Security, an Assignment of the Tolls by this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every such Assignment, to be executed by the said Trustees or any Three or more of them, shall be valid and effectual for the Purposes thereby intended.

Temporary Roads may be made whilst said

XXVIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, by Order of the

present Roads are under Repair.

said Trustees, to make or cause to be made a Road or Way through, over, or along any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired, (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of inclosed Ground planted, set apart, or used as a Plantation or Nursery for Trees) to be made use of by all Passengers, with Horses, Coaches, Carriages, or otherwise, as a Public Highway, whilst the old narrow or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired and no longer, making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, through, over, and along which such temporary Road or Roads shall be made, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees touching such Damages, that then it shall and may be lawful for the Justices of the Peace at their next General Quarter Sessions of the Peace, or at their Second Quarter Sessions at farthest, to be holden for the County in which such temporary Roads shall lie, or the major Part of them present at such Quarter Sessions, and they are hereby required to hear, settle, adjudge, and finally determine the same.

Directing how Costs and Damages are to be recovered.

XXIX. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid, in pursuance of the Directions of the said recited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justices, from any Clerk to the said Trustees or their Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees, by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time

Time being, as the Case may be; and such Treasurer shall and he is hereby authorized to retain, out of the first Monies which shall come to his Hands by virtue of this Act, the Amount of such Costs and Expences so paid by him as aforesaid.

Statute Labour, how to be regulated and enforced.

XXX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads by this Act authorized to be repaired, or any Part or Parts thereof, shall still remain liable thereto in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the respective Counties of *Stafford*, *Warwick*, *Derby*, and *Leicester*, within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Roads by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers, Surveyor or Surveyors; and in order thereunto, the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division, or Place, shall on an Order in Writing made by the said Justices, on an Application to them by the said Trustees, or any Three or more of them, or by their Clerk or Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists, in Writing, of the Names of the several Persons who, within such Parish, Township, Tithing, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and the said Turnpike Surveyor, having received such Lists, shall within Five Days afterwards give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices in order to apportion the said Statute Duty, and at the Time appointed in and by such Notice the said Lists shall be laid before the Justices by the said Turnpike Surveyor in the Presence of the said Surveyor of the Highways if he shall attend, and out of such Lists the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Part or Parts of

of the said Roads, as the said Trustees or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of every such Parish, Township, Tithing, Hamlet, District, Division, or Place for the Time being, to pay over to the said Trustees, or their Treasurer or Treasurers, Surveyor or Surveyors, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subjedt or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught, Horse or Beast, had not been sent to work on any Part of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Roads lie, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels by Warrant under the Hands and Seals of any Two Justices of the Peace for the Counties of *Stafford*, *Warwick*, *Derby*, and *Leicester*, or either of them, on Complaint made to such Justices by the Surveyor of the said Trustees.

For removing Nuisances.

XXXI. And whereas Heaps of Dung, Soil, Compost, Ashes, and other Things, may be deposited on the Sides of the said Roads, and may not be removed therefrom without Detriment to the said Roads, by having a Part of the Soil under the said Heaps removed therewith, whereby the Sides of the said Roads become in Time steep and uneven; for Prevention of such Mischief, it is hereby further enacted, That whosoever shall from and after the passing of this Act deposit or place any such Heaps of Dung, Soil, Compost, Ashes, or other Things on the said Roads, or

on the Sides thereof, within Thirty Feet from the Centre of such Roads, unless for the Repair of the said Roads, shall, for every such Offence in depositing or placing such Heaps, forfeit and pay any Sum not exceeding Five Pounds, to be sued for and recovered as other Penalties are by this Act directed to be sued for and recovered.

Public Act.

XXXII. 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 especially pleaded.

Commencement and Continuance of this Act.

XXXIII. And be it further enacted, That this Act shall commence on the Twenty-fifth Day of *December* next after the passing of this Act, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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