ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxv.

An Act for repairing and maintaining the Road from *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County. [4th *July* 1838.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and maintain-* 9 G. 4. c. 88.
ing the Roads from Lutterworth Hand *on the* Watling Street Road, *through* Churchover, Brownsover, Newbold-upon-Avon, Rugby, *and* Bilton, *in the County of* Warwick, *to the Turnpike Road between* Dunchurch *and* Hillmorton *in the said County:* And whereas an Act was passed in the Eighth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for repairing* 8 G. 4. c. 54.
the Road from Dunchurch *to* Hillmorton *in the County of* Warwick, *and from thence to* Saint James's End *in the Parish of* Duston *in the County of* Northampton: And whereas the Trustees appointed in or by virtue of the firstly herein-before recited Act for repairing the said *Rugby* and *Lutterworth* Turnpike Road have proceeded in the Execution thereof, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be taken, which Money still

remains due and owing, and it is expedient that the said first-recited Act should be repealed, and other Powers granted to the said Trustees in lieu thereof, for the better Repair and Maintenance of the said Road: And whereas the said *Rugby* and *Lutterworth* Road falls into and unites with the said *Dunchurch* and *Hillmorton* Road at or near a Public House known by the Sign of the *Cock*, in the Parish of *Bilton* in the County of *Warwick*; and it is expedient that so much of the said *Dunchurch* and *Hillmorton* Road as lies between the *Dun Cow* in *Dunchurch* and the Point where the Two Roads unite, being a Distance of Three Quarters of a Mile or thereabouts, should cease to be Turnpike, and that the same should in future be repaired according to the Laws for the Time being in force with respect to common Highways; and for that Purpose that so much of the said Act passed in the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as relates to that Part of the Road comprised therein which is situate between the *Dun Cow* in *Dunchurch* and the Point where the Two before-mentioned Roads unite should be repealed: 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 on the Thirty-first Day of *December* next after the passing of this Act the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby repealed, and also that on the said Thirty-first Day of *December* next after the passing of this Act so much of the said recited Act passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth as relates to the said Piece of Road lying between the *Dun Cow* Inn in *Dunchurch* and the Junction of the said *Rugby* and *Lutterworth* Road with the *Northampton* and *Dunchurch* Road shall be and the same is hereby also repealed; and the said Piece of Road shall from thenceforth cease to be Turnpike, and it shall not be lawful for any Person or Persons whomsoever to continue or erect any Turnpike or Toll Gate thereon, or to take any Toll upon or in respect of the said Piece of Road, or any Part thereof.

First-recited Act wholly repealed, and second-recited Act in part.

II. And be it further enacted, That this Act shall upon the said Thirty-first Day of *December* next after the passing of this Act commence and take effect and be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, maintaining, and keeping in repair the said Road from the *Lutterworth Hand* on the *Watling Street Road*, through *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick*, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the said County.

This Act to be put in force for the Purpose herein mentioned.

III. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the County of *Warwick* for the Time being, together with *Thomas Arnold* Doctor in Divinity, *John Arnold*, *George Henry Arnold*, *John Allibone*, Sir *Theophilus Biddulph* Baronet, *Richard Rouse Bloxam* Doctor in Divinity, *William Birch* Clerk, *Thomas Belgrave* Clerk, *Charles Bucknill*, *Samuel Bucknill*, *Thomas Truelock*

Appointment of Trustees.

Truelock Bookey, *Charles Butlin*, *James Butlin*, *Thomas Chamberlain*, *Hughes Chamberlain* Clerk, *Robert Otway Cave*, *John Caldecott*, *Thomas Caldecott*, *William Stratford Dugdale*, *Henry Grimes*, *Henry Grimes* the younger, Sir *Henry Halford* Baronet, *Philip Bracebridge Horner* Clerk, *William Holbech*, *William Wheler Hume*, *Abraham Hume*, *George Harris*, *John Lindsey* Clerk, *Francis Lawley*, *John Ward Boughton Leigh*, *John Moultrie* Clerk, *James Hoare*, *Christopher Moor* Clerk, *William Norman*, *Thomas Norman*, *William Pearson* Doctor in Divinity, *John Thomas Parker* Clerk, *Giles Powell* Clerk, *Robert Beresford Podmore* Clerk, Sir *Gray Skipwith* Baronet, *John Sleath* Doctor in Divinity, *Harvey Sitwell* Clerk, *Thomas Smith* Clerk, *William Sutton* Clerk, *Evelyn John Shirley*, *Thomas George Skipwith*, *William Sutton*, *William Lucas Sutton*, *William Townsend*, *Thomas Townsend*, *John Hands Townsend*, *William Terry*, *John Harvey Thursby*, *Henry Townsend*, *Thomas Voile*, *John Venour* Clerk, Sir *John Eardley Eardley Wilmot* Baronet, Sir *Trevor Wheler* Baronet, *Charles Williams* Clerk, *Thomas Walker*, *Henry Wise* Clerk, *John Wise* Clerk, *William Wise*, *Thomas Wall*, *Walter Watson*, and *John Worth*, and their Successors, being duly qualified according to the Provisions and Directions of the Acts for the Time being in force for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for maintaining and keeping in repair the Turnpike Road leading from the *Lutterworth Hand* on the *Watling Street Road*, through the several Parishes of *Churchover*, *Brownsover*, *Newbold-upon-Avon*, *Rugby*, and *Bilton*, in the County of *Warwick* aforesaid, to the Turnpike Road between *Dunchurch* and *Hillmorton* in the same County, and for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given as is directed by the Acts in force relating to Turnpike Roads in *England* respecting the Appointment of new Trustees on Vacancies, to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein nominated and appointed.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees acting in the Execution of this Act shall meet at the *Spread Eagle* Inn in the Town of *Rugby* aforesaid, or in some other convenient Place in the said Town, on the said Second *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution, and shall and may adjourn their Meetings from Time to Time and from Place to Place as they shall think proper.

Power to take Tolls, &c.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as they shall from Time to Time appoint

appoint for that Purpose, to demand and take, at the several Toll Gates, Turnpikes, and Toll Bars already erected or which may be erected or continued upon, across, or on the Sides of the said Road by virtue of this Act, before any Horse, Beast, or other Cattle, Calves, Swine, Sheep, or Lambs, Coach, Waggon, Chaise, Cart, or other Carriage, shall be permitted to pass through the same, any Sum not exceeding the several Tolls or Sums of Money following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Sociable, Phaeton, Curricle, Chaise, Car, Gig, Caravan, Hearse, Litter, Chair, or other such like Carriage, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Soles or Bottom of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage, having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Sixpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Sledge, Dray, or such other Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny:

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

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 Carriage of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or Machinery, or otherwise than by Animal Power, the Sum of One Shilling:

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the Trustees for carrying this Act into execution, and the same and every of them shall be levied, collected, paid, applied, and disposed of for the Purposes of this Act in the manner herein-after directed.

Tolls to be paid only once a Day;

VII. Provided always, and be it further enacted, That in case the Toll shall have been paid for or in respect of any Horse, Beast, Cattle, or other Stock, or Carriage, before mentioned, passing through any of the Turnpikes, Toll Gates, or Side Bars now erected or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of the same Horse, Beast, Cattle, or Carriage for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Bar, or any other Turnpike,

Turnpike, Toll Gate, or Side Bar hereafter to be erected or continued on the said Road, on the same Day, before Twelve of the Clock at Night, but that every Person on producing a Note or Ticket denoting the Payment of such Toll shall (except in the Cases herein-after mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Bar, with such Horse, Beast, or Cattle, or other Stock as aforesaid, on the same Day, Toll-free.

except in the Cases herein-after mentioned.

VIII. Provided also, and be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught for which Toll shall have been paid at any of the said Toll Gates, Turnpikes, or Side Bars, returning the same Day through the same Turnpike, Toll Gate, or Side Bar, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, or Side Bars on the same Day, to be computed as aforesaid, without Toll being again paid, any thing herein contained to the contrary thereof notwithstanding.

Horses drawing different Carriages to pay each Time of passing.

IX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and for every Carriage propelled or drawn wholly or in part by Steam, Gas, or Machinery, for each Time of passing or repassing through the Turnpikes, Toll Gates, or Toll Bars on the said Road.

Stage Coaches and other Carriages travelling for Hire to pay each Time of passing.

X. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road as often as any fresh Hiring thereof shall take place.

Post Chaises to pay each Time of passing with a fresh Hiring.

XI. And be it further enacted, That all Monies which shall have been raised and produced by virtue of the first-recited Act hereby repealed, or by any former Act, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all Monies which shall arise and be produced by and from the Tolls granted and made payable by this Act or the said herein-before recited Act of the Ninth Year of the Reign of King *George* the Fourth, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in paying and discharging the Interest now due or hereafter to accrue or become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said *Rugby* and *Lutterworth* Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties granted and made payable by this Act, and in

Application of Tolls and Money borrowed.

defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road; and of erecting, providing, altering, and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses upon, across, and by the Sides of the said Road, and otherwise executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said former Acts, and all the Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and of all other Debts and Sums of Money now owing or which may hereafter become due and owing by or on account of the said Road.

No Tolls to be laid out on the Streets of Rugby, nor Toll Gate erected therein.

XII. And be it further enacted, That none of the Tolls hereby imposed nor any Money to be raised by virtue of this Act shall be expended in repairing or improving any of the Streets, Lanes, Highways, or Places within the Town of *Rugby*, nor shall any Toll Gate be erected or Tolls taken by virtue of this Act in any Part of the said Town.

Public Act.

XIII. 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.

Commencement and Continuance of this Act.

XIV. And be it further enacted, That this Act shall commence upon the Thirty-first Day of *December* next after the passing hereof, and shall from thenceforth continue for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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