Anno ſecundo

Georgii III. Regis.

An Act for explaining and amending ſo much of Two Acts of the Twenty ſeventh and Twenty ninth Years of His late Majeſty, for repairing ſeveral Roads therein mentioned, in the Counties of *Leiceſter* and *Warwick*, as relates to the Road between *Hinckley* and *Coventry*.



Whereas by an Act of Parliament paſſed in the Twenty ſeventh Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing and widening the Road from *Leiceſter* to *Narborough*, and from *Leiceſter* to *Coventry*, and from thence through *Kenilworth* to *Warwick*, and from thence to *Halford Bridge*, and from *Warwick* to *Stratford upon Avon*, and from *Coventry* to *Martyn's Gutter*, leading towards *Stoneleigh* Town; and for ſupplying an Omiſſion in an Act paſſed in the laſt Seſſion of Parliament for repairing the Road from *Leiceſter* to *Aſhby de la Zouch*, in the County of *Leiceſter*; and by another Act paſſed in the Twenty ninth Year of the ſame Reign, for explaining, amending, and rendering more effectual, ſo much of the former Act as related to the Road leading from the Town of Hinckley in the County of Preamble.

Leiceſter, to Biſhop's Gate in the ſaid City of Coventry; ſeveral Tolls and Powers were granted and eſtabliſhed for repairing the ſaid Road from Hinckley to Coventry, which were to have Continuance for and during the Terms in the ſaid Acts reſpectively mentioned: And whereas the Truſtees appointed by the ſaid Acts for the Diſtrict of Road between Hinckley and Coventry aforeſaid, have borrowed and taken up at Intereſt, divers large Sums of Money, amounting in the whole to Two thouſand five hundred Pounds and upwards, and have made ſome Progreſs in the Repairs of the ſaid Road; but, by reaſon of exceſſive Weights drawn thereon, and the Scarcity of Materials for repairing the ſaid Road, the ſame ſtill remains in ſome Parts very incommodious and dangerous for Travellers and Carriages, and unleſs the Tolls made payable upon the ſaid Road are increaſed, and the Powers of the ſaid Acts enlarged, the ſaid Road cannot be effectually amended, and kept in good Repair, nor the Money borrowed upon the Credit thereof repaid: To the End, therefore, that the ſaid Road may, with all convenient Speed, be effectually repaired, and the Monies borrowed, or to be borrowed on the Credit of the ſaid former Acts, and this preſent Act, may be repaid; May it pleaſe Your moſt excellent 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 over and beſides the Tolls and Duties granted and made payable by the ſaid former Acts reſpectively, there ſhall be demanded and taken at the ſeveral Turnpikes, Chains, or Bars, erected or to be erected in the ſaid Diſtrict of Road which leads from Hinckley aforeſaid to the ſaid City of Coventry, the Toll and Duty following; that is to ſay,

The following Toll to be taken on the Road between *Hinckley* and *Coventry*.

The Toll.

For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt, going for, or returning laden with Coals, between the ſaid Town of Hinckley and the ſaid City of Coventry, or on any Part of the ſaid Road, the Sum of One Penny.

Which ſaid Money ſhall and may be demanded in the Name of, and as a Toll and Duty; and the ſame ſhall be veſted in the ſaid Truſtees for the ſaid laſt mentioned Diſtrict of Road, and ſhall and may, together with any other Tolls herein after granted and made payable, be collected, levied, recovered, mortgaged, applied, reduced, and raiſed again, by ſuch Ways and Means, and in the ſame Manner,

Toll veſted in the Truſtees.

ner, and for ſuch Purpoſes as the Tolls and Duties granted by the ſaid recited Acts are thereby directed to be collected, levied, recovered, mortgaged, applied, reduced and raiſed again, and as if all the Clauſes, Proviſions, Penalties, Forfeitures, Puniſhments, Matters and Things, contained in the ſaid Acts, were repeated and re-enacted in the Body of this preſent Act.

And it is further enacted by the Authority aforeſaid, That the Tolls and Duties by the ſaid former Acts, and this preſent Act, granted for the ſaid laſt mentioned Diſtrict of Road, ſhall and may be demanded, taken, levied, and recovered, at ſuch and ſo many of the Gates or Turnpikes erected or to be erected within the ſaid Diſtrict, as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, order and direct, ſo as the ſame do not extend to charge any Perſon or Perſons with the Payment of more than Two full Tolls, for paſſing or repaſſing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night, with the ſame Horſes, Cattle, Beaſts, or Carriage, through all or any of the ſaid Gates or Turnpikes, on the ſaid laſt-mentioned Road, or the Sides thereof; nor to charge any Perſon or Perſons with Payment of more than One full Toll in any One Day, to be computed as aforeſaid, for paſſing or repaſſing through any One of ſuch Gates or Turnpikes within the ſaid Diſtrict only, or for paſſing or repaſſing between the ſaid Towns of Hinckley and Nuneaton, or between the ſaid Town of Nuneaton and the ſaid City of Coventry. Tolls to be paid on reſpective Roads.

Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons travelling with any Waggon, Cart, Carriage, Horſe or Beaſt laden with Coals, or otherwiſe laden, ſhall be liable to pay Tolls for paſſing through all or any of the ſaid Gates or Turnpikes, in reſpect of every new Load or Burthen, although the ſame ſhall be in the ſame Day; any thing in this Act, or the ſaid former Acts, contained to the contrary notwithſtanding. Proviſo.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to repair, amend, and keep in Repair, if they think fit, but not otherwiſe, ſo much of the ſaid laſt mentioned Diſtrict of Road as leads through the ſaid Town of Nuneaton, and to erect any Gate or Gates, Chain or Chains, upon, acroſs, or on the Side or Sides of the ſaid Road, through the ſaid Town of Nuneaton, and there to demand the ſeveral Tolls and Duties by this and the ſaid former Acts granted and Truſtees may erect Turnpikes on the Sides of the Road, and take Tolls thereat,

made payable; any thing in this or the ſaid former Acts contained to the contrary notwithſtanding.

The Vicar of *Hinckley* for the time being, his Tenants and Servants exempted from Toll.

And whereas the Vicar of Hinckley cum Stoke, in the ſaid County of Leiceſter, is ſeiſed in Right of his ſaid Vicarage of certain Incloſures, lying in the Pariſh of Higham, and adjoining to the Watling Street, Part of the Diſtrict of Road intended to be repaired by virtue of this Act; be it therefore enacted, That the Vicar of Hinckley for the time being, his Tenants and Servants, ſhall be exempted from paying any Toll for any Carriage, Horſes, or Cattle, which ſhall be uſed for the taking care of, ſtocking, cultivating, viſiting, and improving the ſaid Lands in Higham aforeſaid, and ſhall paſs and repaſs for any of the ſaid Purpoſes, through any Toll-gate erected or to be erected upon the ſaid Watling Street, between the ſaid Lands and the ſaid Town of Hinckley.

Pariſh Surveyors, &c. to deliver in Liſts of Perſons liable to do Statute-work.

And whereas the Methods preſcribed by the ſaid former Acts for enforcing the Performance of Statute-work upon the ſaid laſt mentioned Road have been found ineffectual; be it therefore enacted by the Authority aforeſaid, That the Surveyors of the Highways of and for the ſeveral Pariſhes, Hamlets, and Places reſpectively, through which the ſaid Diſtrict of Road doth or ſhall lead, ſhall, and they are hereby required, at the firſt Meeting of the ſaid Truſtees, after the firſt Day of January in every Year, during the Continuance of this Act (Ten Days Notice of ſuch Meeting being previouſly given to ſuch Surveyors reſpectively) to return and deliver in to the ſaid Truſtees, or any Five or more of them, true and perfect Liſts in Writing of the Names of the ſeveral Perſons, who, within each Pariſh, Hamlet, or Place, are obliged by Law to do Statute-work for that Year upon the Highways, and ſhall in all ſuch Liſts diſtinguiſh and ſet forth which of ſuch Inhabitants keep Teams, and which of them are liable as Labourers only; and the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authoriſed and impowered to adjudge and determine what Part or Proportion of the Statute-work ſhall be done on the ſaid Road by ſuch Pariſhes, Hamlets, or Places, ſo as the ſame ſhall not exceed Three Days: And the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, ſhall give, or cauſe to be given Notice in Writing to ſuch Pariſh Surveyor or Surveyors, at what Time or Place, and on what Part of the Road within the ſaid Pariſhes, Hamlets, or Places ſuch Proportion of the ſaid Statute-work ſhall be done and performed, and how many and what Perſons ſhall be ſent out on each Day; and ſuch

Truſtees to proportion the Statute-work to be done on the Roads.

Pariſh Surveyor and Surveyors is and are hereby required and directed to give public Notice thereof on the Sunday next before ſuch Proportion of Statute-work ſhall be required to be done as aforeſaid, either in the Church immediately after Divine Service, or by affixing ſuch Notice on the Church Door, which Notice being ſo given, ſhall and the ſame is hereby declared to be a good and ſufficient Notice to ſuch Perſon and Perſons to do and perform the Statute-work as aforeſaid; and ſuch Perſon and Perſons ſo ſummoned as aforeſaid, is and are hereby required to do and perform ſuch Work at ſuch Times, and upon ſuch Part of the ſaid Road as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors ſhall direct or appoint.

Penalty on Surveyors neglecting to deliver in ſuch Liſts;

And be it further enacted by the Authority aforeſaid, That if the Surveyor or Surveyors of the ſeveral Pariſhes, Hamlets, or Places, through which the ſaid Diſtrict of Road doth lead, ſhall not deliver in true and perfect Liſts, or ſhall refuſe or neglect to give ſuch public Notice as aforeſaid, every ſuch Surveyor or Surveyors ſhall for every ſuch Default forfeit and pay the Sum of Ten Pounds; and if any of the Inhabitants being liable to do Statute-work as aforeſaid, ſhall not attend to do ſo much Statute-work, in and upon the ſaid Road, at ſuch Times and Places, and in ſuch Manner as they ſhall by the ſaid Truſtees, or any Five or more of them, or by the Surveyor or Surveyors by them appointed, be directed or adjudged to do, not exceeding Three Days as aforeſaid, ſuch Inhabitants and every of them, ſhall for every ſuch Neglect or Default forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant who ſhall keep, or be deemed to keep a Team, for every Day's Default the Sum of Ten Shillings; and every other Inhabitant or Perſon liable to work on the ſaid Road as a Labourer only, for every Day's Default the Sum of One Shilling and Six Pence; and if any Perſon who ſhall come or be ſent to work with a Team, or as a Labourer, on the ſaid Road, ſhall not attend at the Time and Place appointed, or ſhall attend and be found idle or negligent by the ſaid Turnpike Surveyor or Surveyors, ſuch Surveyor or Surveyors is and are hereby impowered to remove and turn off ſuch Perſon and Perſons; and in either of the Caſes aforeſaid, the reſpective Forfeitures and Payments before mentioned ſhall be incurred and become payable.

and on Perſons not performing Statute-work.

Labourers found idle to be turned off.

And whereas Doubts have been made upon the Conſtruction of the ſaid former Acts, whether Power is thereby given to the ſaid Truſtees, and their ſaid Surveyor or Surveyors,

Surveyors, to get Gravel and Materials in private Grounds, where ſuch private Grounds are not within the Diſtrict of the ſaid laſt mentioned Road: For obviating ſuch Doubt, be it enacted by the Authority aforeſaid, That where there is not a ſufficient and convenient Supply of Materials in any Common or Waſte Grounds, Rivers or Brooks, near or adjoining to the ſaid Road, it ſhall and may be lawful to and for ſuch Surveyor or Surveyors, by Order of any Five or more of the ſaid Truſtees, to dig and gather ſuch Materials in the Lands, Fields, or Grounds, not excepted by the ſaid former Acts, or either of them, of any Perſon or Perſons where the ſame can or may be found, and whether ſituate or not ſituate within the Diſtrict of the ſaid laſt-mentioned Road, ſo as a reaſonable Recompence be made to the Owners or Occupiers of the ſaid Grounds reſpectively, for the ſaid Materials, and the getting and carrying away the ſame, to be aſcertained in ſuch Manner as is directed by the ſaid former Acts, or either of them, in the like Caſes.

Materials may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforeſaid, That as often as any Collector of the Tolls upon the ſaid Road ſhall die or misbehave himſelf, or be incapable of performing his Duty, it ſhall and may be lawful for any Three or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of the ſaid Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls, and the Perſon ſo appointed ſhall have the ſame Authority for Recovery thereof as the Perſon he ſhall ſucceed was veſted with, until the Truſtees, or any Five or more of them, ſhall, at a Meeting to be held by virtue of the ſaid Acts, appoint a Collector of ſuch Tolls conformably to the Directions thereof.

Truſtees may appoint Collectors tho' not at a publick Meeting.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall aſſault any Collector or Collectors of the ſaid Tolls, or threaten ſuch Collector or Collectors in the Execution of their Office, or ſhall forcibly paſs through any Turnpike-gate or Bar, without paying the Tolls by this or the ſaid former Acts granted, every Perſon or Perſons offending in any of the ſaid Caſes, ſhall forfeit and pay the Sum of Ten Pounds, to be levied and recovered as herein after mentioned.

Penalty of obſtructing Officers in their Duty, &c.

And be it further enacted by the Authority aforeſaid, That if any ſuch Collector, duly appointed by the ſaid Truſtees, or any Five or more of them, to collect and receive the ſeveral Tolls at any of the Turnpikes or Tollgates erected, or to be erected, by virtue of this or the ſaid former Acts, ſhall, at any Time or Times hereafter, neglect or refuſe to quit his Employment, conformable to

Collector refuſing to quit his Employment, and deliver up Poſſeſſion of the Turnpike, purſuant to an Order of the Truſtees,

any

any Order of the ſaid Truſtees, or any Five or more of them, for that Purpoſe made, and to deliver up the Poſſeſſion of the Turnpike and Toll-houſe to the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, and ſhall be convicted thereof before One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Turnpike or Toll-houſe ſhall be ſituate, either on his own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter) that then it ſhall and may be lawful to and for ſuch Juſtice or Juſtices to commit ſuch Perſon or Perſons to the Houſe of Correction, for the County where the Offence ſhall be committed, there to be kept to hard Labour, for any Time not exceeding One Month.

may be committed to the Houſe of Correction.

And be it further enacted by the Authority aforeſaid, That all the Penalties and Forfeitures by this Act, or the ſaid former Acts, impoſed, and to be incurred by force and virtue thereof reſpectively, ſhall be recovered and levied by Diſtreſs and Sale of the Goods and Chattles of the Offender and Offenders, by Warrant under the Hand and Seal of One or more Juſtice or Juſtices of the Peace for the County or Place wherein the ſaid Forfeitures and Penalties ſhall be incurred, or the Offender or Offenders ſhall reſide; which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant upon the Confeſſion of the Party or Parties, or the Information of One or more credible Witneſs or Witneſſes upon Oath, and One Moiety of the Penalties and Forfeitures, when recovered, ſhall go to the Informer, and the other Moiety to be applied and laid out for and towards the Repairs of the ſaid Road; and the Overplus (if any be) ſhall, upon Demand, be returned to the Owner thereof, after the reaſonable Coſts and Charges of ſuch Diſtreſs and Sale ſhall be deducted, and the ſame ſhall be ſettled and aſcertained by ſuch Juſtice or Juſtices.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforeſaid, That in all Matters of Appeal the Party appealing ſhall give Notice in Writing to the Clerk or Clerks of the ſaid Truſtees for the time being, of his or their Intention of bringing or proſecuting any Appeal, Fourteen Days before the Quarter Seſſions, and ſhall, within Three Days after ſuch Notice given, enter into a Recognizance, in the Penalty of Twenty Pounds, before One or more Juſtice or Juſtices of the Peace for the County where the Matter ariſes, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the General Quarter Seſſions of the Peace which ſhall be held for the ſame County, next

Notice of Appeal to be given.

Recognizance to be entered into,

and immediately after bringing ſuch Appeal; and every ſuch Appeal ſhall, at the then next General Quarter Seſſions, be there heard and finally determined; and in caſe the ſaid Appeal ſhall, upon ſuch Hearing, be diſmiſſed, and the Matter complained againſt ſtand confirmed, then the Party proſecuting ſuch Appeal ſhall pay the Sum of Five Pounds, by Way of Coſts, which the ſaid Juſtices aſſembled at the ſaid Seſſions, or any Two or more of them, are hereby impowered and required forthwith to levy by Warrant of Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons proſecuting ſuch Appeal, in caſe he, ſhe, or they ſhall not pay down ſuch Coſts in open Court; and for want of ſufficient Diſtreſs, to commit the Party or Parties to the Common Gaol or Houſe of Correction of the ſame County, for any time not exceeding Two Months, or until the Payment of ſuch Coſts ſhall be made.

Convictions to be in the following Form:

And, for the more eaſy and ſpeedy Conviction of Offenders againſt this or the ſaid former Acts, be it enacted by the Authority aforeſaid, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this or the ſaid former Acts, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, as the Caſe ſhall happen, or in any other Form of Words to the ſame Effect:

Form of Conviction.

To wit. } BE it remembered, That on the Day of in the Year of the Reign of His Majeſty King *George* the Third; *A. B.* is convicted before of His Majeſty's Juſtices of the Peace of the County of

of

(ſpecifying the Offence, and Time and Place when and where committed, as the Caſe ſhall be.) Given under our Hands and Seals the Day and Year aforeſaid.

Powers, &c. contained in the former Acts, extended to this.

And be it further enacted by the Authority aforeſaid, That all the Clauſes, Powers, Penalties, Forfeitures, Puniſhments, Matters, and Things contained in the ſaid former Acts, and not hereby varied or altered, ſhall extend to the Execution of this Act in as full and ample Manner, as if the ſame were herein particularly repeated and re-enacted in the Body of this preſent Act.

Truſtees may erect Sidegates,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect, or cauſe to be erected, if they think fit, One or more Gate or Gates,

Turnpike or Turnpikes, Bar or Bars, upon, acroſs, or on the Sides of any Lane or Lanes, or other Place or Places, contiguous and leading into or from the ſaid laſt mentioned Road, or any Part thereof, to prevent Frauds and Abuſes in evading the Payment of the ſaid Tolls, or any of them, and at ſuch Gate or Gates, Turnpike or Turnpikes, Bar or Bars, to receive and take ſuch Toll and Tolls as is or are by virtue of this Act to be taken and collected, ſo as the ſame do not increaſe the Toll or Tolls hereby, or by the ſaid former Acts directed to be levied and paid. and take Tolls thereat.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, out of the Firſt Monies that ſhall ariſe by virtue of the ſaid former or this preſent Act, pay and diſcharge all the Expences and Charges incident to and attending the obtaining and paſſing this Act of Parliament. Charges of paſſing this Act to be firſt paid.

And be it further enacted, That if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held by virtue of this or the ſaid former Acts, a ſufficient Number of Truſtees to act and to adjourn to another Day, or if they ſhall omit or neglect to adjourn, or if there ſhall be any ſpecial Occaſion for any Meeting between the Time of any Adjournment, or at any other Time, then, and in every ſuch Caſe, the Clerk of the ſaid Truſtees, for the time being, ſhall and may call a Meeting at the Place where the laſt Meeting was appointed to be held, or at ſome convenient Place, giving publick Notice thereof in One of the Coventry News Papers, or by Writing affixed on the ſaid Turnpike Gates, Three Days at leaſt before ſuch Meeting ſhall be held. In Default of a ſufficient Number of Truſteestoact, Clerk to give publick Notice of another Meeting.

And be it further enacted by the Authority aforeſaid, That this Act ſhall commence and take Effect from the Day of paſſing thereof, and be in Force during the Continuance of the ſaid former Acts reſpectively. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authorized and impowered to pay an Intereſt at and after the Rate of Five Pounds for every One hundred Pounds for a Year, for any Sum or Sums of Money borrowed, or to be borrowed, upon the Credit of the ſaid Acts reſpectively; any thing in them, or either of them, contained to the contrary notwithſtanding. Truſtees may borrow Money upon the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, and taken to be, a Publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

FINIS.