Anno nono

Georgii III. Regis.

An Act to explain, amend, and render more effectual, an Act paſſed in the Twenty ſeventh Year of King *George* the Second, for repairing and widening the Road from *Leiceſter* to *Narborough*, and from *Leiceſter* to *Coventry*, and from thence through *Kenilworth* to *Warwick*, and other Roads, and for other Purpoſes in the ſaid Act mentioned, ſo far as the ſame relates to the Road from the Borough of *Leiceſter* to the Town of *Narborough*, and from *Leiceſter* to *Hinckley* in the County of *Leiceſter*.

WHEREAS an Act was made in the Twenty ſeventh Year of His late Majeſty's Reign, 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 *Holford Bridge*, and from *Warwick* to *Stratford upon Avon*, and from *Coventry* to *Martyn's* Preamble, reciting Act 27 *Geo.* II.

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*; for which Purpoſes ſeveral Tolls and Powers were granted for the Term of Twenty one Years, and to the End of the then next Seſſion of Parliament: And whereas the Roads by the ſaid Act directed to be repaired are thereby divided into Diſtricts, and the Firſt of the ſaid Diſtricts contains the Roads from the Borough of Leiceſter to the Town of Narborough, and from Leiceſter to Hinckley: And whereas the Truſtees for putting the ſaid Act in Execution, with reſpect to the ſaid Diſtrict, have made great Progreſs in the Repair of the Roads included therein, and for that Purpoſe have borrowed a conſiderable Sum of Money upon the Credit of the ſaid Act; which, together with the Tolls collected within the ſaid Diſtrict, have been duly applied; but the ſaid Diſtrict of Roads cannot be ſufficiently amended and kept in Repair, and the Money ſo borrowed be repaid, with the Intereſt thereon, unleſs the Term of the ſaid Act with reſpect to the ſaid Diſtrict be continued, and the ſaid Act, ſo far as relates to the ſaid Diſtrict, made more effectual: 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 Act, paſſed in the Twenty ſeventh Year of his ſaid late Majeſty, and all and every the Clauſes, Powers, Proviſions, Authorities, Exemptions, Articles, Rules, Penalties, and Forfeitures, therein contained, and now in Force, except ſuch Clauſes, Matters, and Things, as are hereby explained, altered, or varied, ſhall, ſo far as the ſame relate to the ſaid Diſtrict of Roads from Leiceſter to Narborough, and from Leiceſter to Hinckley, continue and be in full Force and Effect, and be executed, from and after the Expiration of the Term granted by the ſaid former Act, and alſo of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of his late Majeſty King George the Second, intituled, An Act to amend an Act made in the Twenty ſixth Year

Recited Act, &c. further continued for 21 Years.

Year of His preſent Majeſty, intituled, *An Act for the Amendment and Preſervation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, and from thence for and during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, as fully and effectually to all Intents and Purpoſes, as if the ſame were herein again repeated and particularly re-enacted; which ſaid additional Term hereby granted ſhall be, and the ſame is hereby made ſubject and liable to the Payment of all Money now due and owing, or hereafter to grow due upon the Credit of the ſaid recited Act, or this Act, and the Intereſt thereon, ſo far as relates to the ſaid before-mentioned Diſtrict of Roads.

Truſtees Names.

And be it further enacted by the Authority aforeſaid, That Charles Allen Clerk, Thomas Arnald M. D. Samuel Aſhby Clerk, Thomas Ayre, Benjamin Alvey, John Armſton, Charles Barwell, Thomas Barwell, Richard Beale junior, Sir George Beaumont Baronet, the Reverend Blair D. D. John Benſkin, Allen Brown, George Buckley, William Buckley, Edmund Bunney, William Babington Clerk, Robert Burnaby Clerk, Samuel Brown, Samuel Bankart, Thomas Bentley, William Bentley junior, Simeon Brewin, Robert Brewin, John Brewin Tanner, John Burgeſs, John Burgeſs junior, William Blower, Thomas Blower, John Bracebridge, Berkhead Bracebridge, Richard Barry, Thomas Barry, Davis Black, Robert Beal, John Baxter, James Biſhop, William Burleton, William Brown, Samuel Brown, Robert Belton, Samuel Chambers Clerk, Nathaniel Cooper, William Cooper Hoſier, Joſeph Cradock of Gumley, Iſaac Carter, Jonathan Collins, Foſter William Cooper Apothecary, John Choyce, John Clayton Clerk, Richard Clayton Surgeon, Henry Coleman, Francis Cooper, Thomas Cobley, John Coltman, John Coltman, Thomas Chamberlain, Joſeph Chamberlain, William Chamberlain, John Cramant, Thomas Chapman, Jonathan Chettle, William Cart, William Cart junior, John Coleman, Joſeph Chambers, Hamlet Clarke, John Cartwright, James Cooper, John Clarke Linen Draper, John Deacon, Richard Denſhire, Sir Wolſtan Dixie Baronet, Willoughby Dixie, Richard Roberts Drake, Edward Davie, John Davie, Dalby Hoſier, William Dickens, James Dowley, Benjamin Dowley, Edward Daniel, Joſiah Eburne, Henry Erpe, Joſ. Erpe, Simeon Erpe, John Fox, John Fiſher of Coſſington,

Coſſington, John Gregory, Jonathan Grundy, John Gamble of Leiceſter, John Gamble of Willoughby, Thomas Gamble, Henry Gutheridge, John Gretton, John Gamble, the Honourable John Grey, Samuel Gamble, John Goode, Thomas Goſſip, Edward Galſon, Sir Charles Halford Baronet, Edward William Hartopp, Iſaac Harris, Edward Heathcote Clerk, Edward Hawkins Clerk, Arthur Heſilrige, Philip Hackett, Robert Hartſhorne, William Hudſon, George Villiers Hewitt, William Hodges, Edward Hodges, Edward Harris, John Harris Baker, Edward Hextal, William Holmes, Nicholas Higginſon, Daniel Iliff Clerk, Joſeph Iliff, Edmund Johnſon, Joſeph Johnſon junior, William Johnſon, Lawrence Jee, John Iliff, John Jee, John Jackſon, Samuel Jordan, William Knowles, Caleb Lowdham, John Lambert Clerk, William Ludlam, Thomas Ludlam, Clerks; Francis Glen Lowdham, Joſeph Lobb, William Lamb, Thomas Lockwood, Thomas Lawton, John Lewin, Edmund Ludlam, Sambley Lane, Richard Miles, Samuel Miles, Francis Mundy, William Maſon, John Maſon Surgeon, Thomas Manners Clerk, Thomas Marſhall Mercer, Thomas Marſhall, Samuel Mathews, Thomas Mattock, Manning, John Miles, Rowney Noel D.D. Thomas Newton, Francis Needham, James Nutt, Chriſtopher Noble, Peter Oliver, John Baſs Oliver, James Olderſhaw junior, William Oldham, Richard Ogden, William Orton, Samuel Oliver, Sir John Palmer Baronet, Thomas Pares junior, John Phipps, James Pigott Clerk, William Pochin, George Pepper, Henry Palmer, John Poynton, Valentine Pyne, Stephen Peck, John Pares, John Pocklington, Tyrringham Palmer, Rogers Ruding, Walter Ruding, Sir George Robinſon Baronet, Triſtram Revell, Mathew Reid, John Daws Roſs Clerk, Richard Roſs, Charles Boothby Scrimſher, Thomas Sanſome junior, John Simpſon Clerk, William Simpſon, Charles Loraine Smith, John Smart, Thomas Smart, John Simmonds Clerk, William Stephens, John Stockdale, Nicholas Simons Clerk, Mathew Simons, Clement Stretton ſenior, Ellis Shipley, John Simpſon, William Simpſon, Nathaniel Simpſon, John Simpſon Clerk, John Stephens, Thomas Stephens, Robert Sleath, William Scott, Robert Smith Surgeon, John Syſmey, Benjamin Sutton, Benjamin Spencer, John Shipley, Samuel Simpſon, James Siſmey, Clement Stretton, Temple Sutton, William Tilly, Samuel Topp, Thomas Tylecoate, Charles Tufley, Samuel Tufley, Thomas Tufley, Thomas

Thomas Towers, Nicholas Trosby, James Vaughan M. D. Thomas Underwood, Harley Vaughan, Thomas Vowe, Richard Walker junior, David Welles, Henry Watchorn, William Waterman Clerk, Francis Wheler, Clement Winstanley, George White junior, George Webb, Daniel Woodland, Samuel Woodford, John Weston, Pitts Ward, Edward Rowe Yeo, shall be joined with, and added to, the Trustees of the said First District, and shall, in all Respects whatsoever, have the like Power and Authority to act in Execution of the said recited Act, and of this Act, with respect to the said District, as if they had been originally named in, and appointed Trustees for the said District by virtue of the said Act; and that so much of the said Act of the Twenty seventh Year of his late Majesty, as appoints the Mayor, Recorder, and Aldermen of the Borough of Leicester, for the time being, Trustees for putting in Execution so much of the said Act as relates to the said First District, shall be, and the same is hereby repealed.

And whereas the Tolls by the said former Act granted and made payable within the said District, are not sufficient to amend and keep in Repair the said District of Roads, and to repay the Money borrowed on the Credit of the said former Act for repairing the same; be it therefore further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and sixty nine, there shall be demanded and taken at each and every of the Turnpikes and Toll-gates erected, or to be erected, within the said District of Road from the said Borough of Leicester to the Town of Narborough aforesaid, and from Leicester to Hinckley aforesaid, the following Tolls, instead of the Tolls granted and made payable by the said former Act within the said District; that is to say, The Tolls following to be taken in lieu of those granted by the former Act.

For every Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Hearse, Carravan, or Litter, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence; and drawn by Four or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two or Three Horses, Mares, Geldings, or Mules, the Sum of Six Pence. The Tolls.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or more Horses, Mares, Geldings, Oxen, Mules, or Asses, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, Oxen, Mules, or Asses, the Sum of Nine Pence; and drawn by Two Horses, Mares, Geldings, Oxen, Mules, or Asses, the Sum of Six Pence; and drawn by One Horse, Mare, Gelding, Ox, Mule, or Ass, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Half Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score; and so in proportion for any greater or less Number.

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in proportion for any greater or less Number.

Tolls vested in Trustees.

Which Tolls shall be, and the same are hereby, vested in the Trustees appointed, or to be appointed, to put the said former Act and this Act in Execution with relation to the said received District; and the same, and every Part thereof, shall be collected, levied, and recovered, paid, applied, assigned, lessened, varied, and disposed of, in the same Manner, and by such Ways and Means, and with such Remedies for the Nonpayment or Evasion thereof, and with such and the same Exemptions, Powers, and Provisions, as are contained in the said recited Act, with respect to the Tolls granted in and by the said former Act, for repairing the said District of Roads; the reasonable Charges expended, or to be expended, in and about, or by reason of, passing the said former Act, so far as relates to the said herein recited District, and the Expences of passing this present Act, being first deducted.

For lessening the Quorum.

And be it further enacted by the Authority aforesaid, That all and every the Powers and Authorities given to, and vested in, the Trustees appointed, or to be appointed, in or by virtue of the said recited Act, or this Act, for the said District of Roads, and thereby directed to be executed by Fifteen or more Trustees, shall and may, during the Continuance of this Act, be put

put in Execution by any Seven or more of the said Trustees, at any Meeting held by virtue of the Powers of the said former Act; any thing therein or herein contained to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawfull to and for the said Trustees, or any Nine or more of them, at any General Meeting assembled, from time to time, by any Writing or Writings under their Hands and Seals, to demise, lease, and to farm-lett, all or any of the Tolls by this Act granted, to any Person or Persons who shall be willing to take or farm the same, at or for the largest yearly Sums that can be got for the same: Provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking the said Tolls respectively and the Trustees that let the same, and be not made for more than Three Years at a Time; and that the Money that shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid, to the said Trustees by quarterly Payments; and that the Person or Persons to whom the said Tolls shall be so let shall always pay down One Quarter's Pay in advance: And if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in Payment of the Money agreed to be paid for the same in advance, contrary to the true Meaning of this Act, then every such Letting or Agreement shall be void; and then, and in either of such Cases, the Person or Persons to whom the said Tolls shall be lett, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them by such Means, and in such Manner, as are by the said former Act directed or provided for accounting for the Tolls by the Collectors thereof, or for Monies had and received by any Person or Persons, and unaccounted for or unpaid, and for the levying and recovering the same upon and of them; which Money so paid or recovered shall be applied and disposed of as the Tolls granted by this Act are to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees to purchase Lands for widening the Road.

And whereas by the said former Act the Trustees are impowered to purchase any Lands, Grounds, Tenements, or Hereditaments, for the Purposes of widen-

ing, turning, or altering, any Part of the said District of Roads; and are also impowered, after any such new Road shall be compleated with the Premisses so to be purchased, to sell and convey the Lands and Grounds constituting the former Roads; but a Doubt hath arisen, whether the said Trustees, not being a Corporation or Body Politic, can convey the Fee-simple and Inheritance of the Lands and Grounds to be sold by them as aforesaid; therefore, for obviating the said Doubt, be it further enacted, That all Sales and Conveyances already executed, or hereafter to be made and executed, by any Nine or more of the Trustees for the said recited District of Roads, in pursuance and by virtue of the said former Act, or this Act, shall be of force, and sufficient to convey the Fee-simple and Inheritance of the Lands and Grounds so to be sold and conveyed, and shall be valid and effectual to all Intents and Purposes whatsoever; and the Purchaser or Purchasers, Grantee or Grantees, of the said Lands and Grounds, shall and may inclose, and hold and enjoy the same against all Persons, freed, exempted, and discharged, of all Right of Common claimed or to be claimed by any other Person or Persons whatsoever, in or upon the same, and of, from, and against, all other Claims, Titles, or Demands whatsoever.

Old Roads may be sold.

Conveyances made by Trustees to be valid.

And be it further enacted, That all Orders and Proceedings of the said Trustees, made and executed, or to be made and executed, in pursuance of the said former or this present Act, so far as the same relate to the said last mentioned District of Roads, shall be entered in Books to be kept for that Purpose, and shall be signed by the said Trustees, or any Five or more of them; and true Copies thereof, signed by the Clerk to the said Trustees for the time being, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done in pursuance and by the Authority of this Act.

Proceedings to be entered in a Book.

And whereas Doubts have arisen upon the Construction of the said former Act, whether Power is thereby given to get Gravel and Materials for repairing Roads in private Grounds, where such private Grounds are not within the said District of Roads; therefore for obviating such Doubts, 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,

Materials may be taken from private Grounds;

Grounds, Rivers, or Brooks, near or adjoining to the said District of Roads, it shall and may be lawful to and for the 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 Act, of any Person or Persons where the same can or may be found, and whether situate or not situate within the said herein recited District; 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 Act in the like Cases.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault any Collector or Collectors of the Tolls, or threaten such Collector or Collectors in the Execution of their Office, or shall forcibly pass through any Turnpike-gate or Bar within the said District, without paying the Tolls by this Act granted; every Person, so 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 on assaulting, &c. Officers.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act or the said former Act imposed, and to be incurred by Force and Virtue thereof respectively, on account of the said herein recited District of Roads, the Manner of Recovery whereof shall not be therein or herein otherwise provided for, 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 be applied and laid out for and towards the Repairs of the said Roads, 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

Penalties, &c. to be recovered by Distress, &c.

shall be deducted, and the same shall be settled and ascertained by such Justice or Justices.

Notice of Appeal to be given.

Provided always, and be it further enacted by the Authority aforesaid, That in all Matters of Appeal relative to the said former Act or this Act, with regard to the aforesaid District, the Party or Parties 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 or Place 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 or Place, next 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 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 or Place for any Time not exceeding Two Months, or until the Payment of such Costs shall be made.

And, for the more easy and speedy Conviction of Offenders against this or the said former Act within the said District, be it further enacted by the Authority aforesaid, That all and 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 Act, 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.

BE

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 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. Form of Conviction.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven 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 or leading into or from the said District of Roads, 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 directed to be paid. Trustees may erect Side-gates, &c. and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That all the Charges and Expences in and about procuring and passing this Act, shall be defrayed out of the Money already raised or to be raised within the said District, by virtue of the said former Act, or this Act. Charges of passing this Act how to be paid.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of the said former Act, or this Act, until Eight Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees for the said First District, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in the County or Place where the Matter shall arise, and not elsewhere; and Limitation of Actions.

the Defendant and Defendants in every such Action or Suit shall and may, at his or their Election, plead
General Issue. Specially, or the General Issue, Not Guilty, and give the said former Act and this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said former Act and this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Eight Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or
Treble Costs. Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. 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.

FINIS.