Anno quarto

Georgii III. Regis.

An Act for repairing and widening the Roads from *Melton Mowbray*, in the County of *Leiceſter*, to the Guide Poſt in *Saint Margaret's Field*, *Leiceſter*; and from the Town of *Leiceſter* to the Town of *Lutterworth*, in the ſaid County; and other Roads therein mentioned.

WHEREAS the High Road leading from Melton Mowbray, through Kirby Bellars, Friſby upon the Wreak, over the upper Parts of Rotherby and Brookſby Lordſhips, and through Rearſby, Syſton, and Thurmaſton, in the County of Leiceſter, to the Guide Poſt in Saint Margaret's Field, Leiceſter, near the Turnpike Road there leading from the Town of Leiceſter to Loughborough; and alſo the High Road leading from the ſaid Road, at or near a certain Place in the Lordſhip of Barkby, called the Round Hill, to the Town of Barkby; and alſo the High Road leading from the Town of Leiceſter aforeſaid, by Ayleſton, through Blaby and Preamble.

Dunton Baſſet Lane, to Lutterworth, in the ſaid County of Leiceſter, are in a ruinous Condition, narrow in many Places, and incommodious to Travellers, and cannot be effectually repaired and widened by the preſent Methods provided by Law; 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 for the more effectual repairing, widening, altering, and keeping in Repair, the ſaid Roads, the ſame ſhall be Two ſeparate Diſtricts; and that the Roads leading from Melton Mowbray aforeſaid, through Kirby Bellars, Frisby upon the Wreak, over the upper Parts of Rotherby and Brookeſby Lordſhips, and through Rearſby, Syſton, and Thurmaſton, in the ſaid County of Leiceſter, to the Guide Poſt in Saint Margaret's Field, Leiceſter, near the Turnpike Road there, leading from Leiceſter to Loughborough, and from the ſaid Road, at or near a certain Place in the Lordſhip of Barkby, in the ſaid County of Leiceſter, called The Round Hill, to the Town of Barkby, ſhall be and be called the Firſt Diſtrict of the ſaid Roads; And that the Right Honourable John Manners, commonly called Marquis of Granby, the Right Honourable George Harry Grey Eſquire, commonly called Lord Grey, the Honourable John Grey, William Aiſlabie, Shuckburgh Aſhby, John Ayre, Thomas Ayre, William Ayre, Francis Allſop, William Adcock, William Adcock junior, Thomas Allatt, Thomas Babington, John Baſs, Joſeph Bunney, John Beaumont, John Brown of Little Dalby Clerk, Henry Brown Clerk, William Brown of Little Dalby, William Brown of Brentingby, William Benſon, William Blower, William Blower junior, Thomas Blower, [illegible] Beaumont, John Beaumont of Barrow upon Soar, John Beaumont junior, Andrew Burnaby Clerk, Andrew Burnaby junior Clerk, Robert Burnaby Clerk, Robert Baſs, Charles Barwell, Joſeph Boyer, the Right Honourable Sir John Cuſt Baronet, Speaker of the Houſe of Commons; Sir Thomas Cave Baronet, Thomas Cave, Thomas Crane, Joſh Cradock, Morris Cannon, William Cant Clerk, John Cant Clerk, Sir John Danvers Baronet, Timothy Dallowe, John Darker, John Davys, Edward Farnham, William Fox, James Fowler, Robert Ferryman, John Ferryman, Robert Garton, John Garton, Samuel Gamble, William Gutteridge, Stephen

Truſtees Names.

Stephen Greenaway Clerk, Thomas Green, the Right Honourable Lord Howe in the Kingdom of Ireland, Colonel Howe, Joseph Hurlock, William Hartopp, Samuel Haynes, George Henton, George Henton junior, William Hewitt, George Villers Hewitt, Richard Inett, Robert Jones, John Kelby, Thomas King, Thomas King junior, John Kirkland, Sir Mathew Lamb Baronet, Lamb, Joseph Linney, the Right honourable William Manners, commonly called Lord William Manners; John Manners, Thomas More Molyneux, Mason, Edward Muxloe, Edward Muxloe junior, John Moore, John Marriart, the Mayor and Aldermen of Leicester for the time being, Mydlleton, Thomas Noel, Thomas Noon, John North, Joseph Noble, Josiah North, George Noble, John Orton Clerk, Thomas Orton Clerk, Sir Thomas Palmer Baronet, William Pochin, George Pochin, Charles James Pack, Thomas Pares, Thomas Pares junior, Thomas Peach, George Peak, George Perkins, Ruben Parke, William Parke, Samuel Perkins, Thomas Reeve, William Reeve, the Right honourable George Sutton, commonly called Lord George Sutton; the Honourable Robert Sherard, the Honourable Philip Sherard, Edward Stokes, Edward Stokes junior, Thomas Sanderson Clerk, James Sanderson, Nicholas Simons Clerk, Sir George Smith, Thomas Smith, Abel Smith, Dutton Seaman, Seaman, Samuel Stevens, John Stone, Nathaniel Stone, Thomas Thoroton, George Thompson, George Wright, George Wright junior, Thomas Wright, Nathan Wright, James Wigley, James Winstandley, Clement Winstandley, William Wartnaby, Robert Wartnaby, John White, Joseph Williamson, Luke Williamson, Hubbert Woodhouse, John Watkinson, William Welby, and William Earle Welby, and their Successors, to be appointed as herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, so far only as it relates to the said First District of the said Roads: And that the Road leading from the Town of Leicester aforesaid, by Aylestone, through Blaby and Dunton Basset Lane, to Lutterworth, in the said County of Leicester, shall be and be called the Second District of the said Roads; and that the Right honourable John Manners, commonly called Marquis of Granby; the Right honourable George Harry Grey Esquire, commonly called Lord Grey; the Honourable John Grey, John Arnold, John Armstrong, John Armstrong junior, John Andrews, Shuckburgh Broughton,

Trustees for the Second District.

Broughton, Thomas Boothby, Thomas Boothby junior, George Byrd, Thomas Benkin, Thomas Billis, Edward Bradgate, James Buttler, William Belgrave, William Burditt, Thomas Boswell, Thomas Ball, Philip Bolt, Richard Bruin, Allen Brown, John Bass, Robert Bass, Joseph Burney, Charles Bagnell, Sir Thomas Cave Baronet, Thomas Cave junior, Burton Crompton, Mathew Cobbery, John Cooper, Samuel Cowdale, William Chandler, John Coe, Samuel Jeffry Cornell, Joseph Cradock, Sir John Danvers Baronet, John Freeman, John Freer, Aaron Franks, Richard Grey, William Diswell Grimes, Jonathan Grundy, Davenport Gamble, Thomas Gamble, John Gamble of Willoughby, Thomas Grace, John Goodacre, Mansfield Gregory, Samuel Gamble, Charles Hutchinson, Holled, Charles Hitchcock, Thomas Holled, Edward Halford, John Harrison, Thomas Hastings, William Ilift, William Jarvis, Dean Judd, Sir Mathew Lamb Baronet, Lorain, John Lippott, John Levett, Thomas Lucas, the Mayor and Aldermen of Leicester for the time being, the Right Honourable William Manners, commonly called Lord William Manners, John Manners, Robert Marriatt, Thomas Manners, William Maior, John Maior, Thomas Morr, John Morr, Richard Murphey, John Newcomb, Lovel Noble, Samuel Newbold, Henworth Newton, Sir Thomas Palmer Baronet, John Pratt, John Payne, Thomas Pares, Thomas Pares junior, Edward Roe, the Right Honourable George Sutton, commonly called Lord George Sutton, Sir Francis Skipwith Baronet, Francis Skipwith, Thomas Skipwith, James Sanderson, Edward Stokes, Charles Stokes, Thomas Smith, Holled Smith, William Sleath, Richard Shuckburgh, Thomas Thorotton, Richard Tatton, William Welby, William Erle Welby, James Wigley, George Wright, Clemont Winstandley, James Winstandley, Henry Wigley, Thomas Willey, Richard Willon, William Wartnaby, Oliver Wright, Richard Warner, Luke Williamson, and John Young, and their Successors, to be appointed as herein after-mentioned, shall be, and they are hereby appointed Trustees for putting this Act in Execution, so far only as it relates to the said Second District of the said Roads.

Qualification of Trustees.

Penalty on a Thing not being qualified.

Time and Place of Meeting.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted, That as often as any Trustee by this Act appointed, or their Successors, shall happen to die or refuse to act in the Execution of the Powers hereby granted, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, within their respective Districts, under their Hands and

and Seals, to appoint any Person a Trustee in the Room of the Trustee so dying or refusing to act; and the Person so appointed shall and may act in the Execution of this Act, as fully as any Trustee hereby appointed is impowered to act.

Qualification of Trustees.

And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in the Right of his Wife, be in the actual Possession or Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds: And if any Person, hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Penalty on acting, not being qualified.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees for the said First District, or any Five or more of them, shall meet together on Tuesday the First Day of May, One thousand seven hundred and sixty four, at the House of Ellis, known by the Sign of the White Swan in Melton Mowbray aforesaid; and that the said Trustees for the Second District, or any Five or more of them, shall meet together on Saturday the Fifth Day of May, One thousand seven hundred and sixty four, at the House of Samuel Oliver, known by the Sign of the Three Cranes in Leicester, and shall proceed to the Execution of this Act, so far as the same relates to the said respective Districts; and shall and may then adjourn themselves from time to time, and afterwards meet at the same or any other Place or Places near the said Roads within the said respective Districts, as the said respective Trustees, or any Two or more of them, shall think proper: And if it shall happen, that there shall not appear at any Meeting appointed to be held by the said

On Death, &c. of Trustees, other chosen.

In Default of a sufficient Number to act,

said Trustees, a sufficient Number of Trustees to act at such Meeting, or to adjourn to any other Day; then the Clerk to the said Trustees for the District where the same shall happen, shall, by Notice fixed on all the Turnpikes which shall be erected by virtue of this Act within such District, at least Ten Days before the next ensuing Meeting, appoint the said Trustees to meet at the same or some other convenient Place on that Day Three Weeks on which such last Meeting was appointed to be held; and the said Trustees, at their first and all their subsequent Meetings, shall defray their own Charges and Expences.

Notice to be given of the next Meeting.

Trustees to defray their own Expences.

No Trustee to accept a Place of Profit arising from the Tolls.

And be it further enacted, That no Person shall be capable of acting as a Trustee under the Authority of this Act, who shall hold any Place of Profit arising out of the Tolls hereby granted.

Trustees who are in the Commission of the Peace to act as Justices.

And be it further enacted, That a Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereon.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, within their respective Districts, cause to be erected One or more Toll-gates and Toll-houses in, upon, or across any Part or Parts of the said Roads, and cause to be demanded and taken, at each and every of the said Toll-gates within the said respective Districts, the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse or other Beast drawing any Carriage, the Sum of Three Pence.

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in Proportion for any less Number.

Which

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and shall be paid to such Person or Persons as the said respective Trustees, or any Five or more of them, shall appoint to collect the same; and the Money so to be raised within each respective District is hereby vested in the said Trustees for such District, and shall be applied in such Manner as is herein after-mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed as aforesaid to collect the said Tolls, to seize and distrain any Horse or Horses, or other Cattle or Beasts, upon which such Toll is by this Act imposed, or any of the Goods or Chattles of such Person or Persons so neglecting or refusing; and if such Toll, and the reasonable Charges of such seizing and distraining, shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Horses, Cattle, Beasts, or Goods, so seized and distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted.

Tolls vested in Trustees.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, within their respective Districts, to cause to be erected a Toll-gate or Toll-gates, and Toll-house or Toll-houses, on the Side or Sides of any Part or Parts of the said Roads or Highways, or across any Lane or Way leading out of the same, and there to cause to be taken and levied such Tolls as are by this Act made payable at any other Toll-gate erected or to be erected by virtue hereof; so that the same do not extend to a double Charge upon any Person passing through any other Toll-gate erected or to be erected by virtue of this Act within the same District.

Trustees may erect Side-gates, &c. and take Tolls thereat,

so as the same do not extend to a double Charge.

And be it further enacted, That nothing in this Act contained shall extend to impower the said Trustees for the said First District to erect any Toll-gate on the said Road leading from Melton Mowbray aforesaid to the Guide Post in Saint Margaret's Field, Leicester, or on the said Road leading from a Place called the Round Hill to the Town of Barkby, until the Sum of One thousand Pounds shall have been agreed to have been advanced and lent by some Person or Persons to the said Trustees, upon the Credit of the Tolls to be collected upon

No Toll-gate to be erected on the Road from *Melton Mowbray* to the *Guide Post* in *Leicester*, nor on the Road from the *Round Hill* to *Barkby*, till 1000*l.* be agreed to be lent on the Credit of the Tolls on the said Roads;

and 1 Moiety thereof be paid down.

the said Roads, and shall have advanced and paid One Moiety of the said Sum to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers; nor shall any Thing herein contained extend to impower the said Trustees for the said Second District to erect any Toll-gate on the said Road leading from Leicester to Lutterworth, until the Sum of Seven hundred Pounds shall have been agreed to have been advanced and lent by some Person or Persons to the said Trustees, upon the Credit of the Tolls to be collected upon the said Road, and shall have advanced and paid One Moiety of the said Sum to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers.

Nor any Gate on the Road from *Lutterworth*, till 700*l.* be agreed to be lent, &c.

and 1 Moiety of the said Sum be paid down.

Any Person making Default in Payment of the other Moiety, when called upon by the Trustees.

Provided always, That if any Person or Persons who shall have advanced and lent any Sum or Sums of Money, in Manner and for the Purposes aforesaid, shall not when thereunto required by the said respective Trustees, or any Seven or more of them, pay or cause to be paid to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, the other Moiety of the said Sum or Sums so agreed to be advanced and lent by such Person or Persons, after One Month's Notice thereof shall have been given for that Purpose, and of the Time and Place of paying such other Moiety by the Clerk of the said Trustees, by affixing the same in Writing under his Hand on all the Toll-gates then erected within the District where the said Trustees shall so require the same to be paid, every such Person so making Default in Payment shall forfeit and lose the Sum he or she shall have advanced and paid as the Moiety of the Sum so first agreed by such Person to advance and lend for the Purposes of this Act; and the same shall be applied as the Tolls to be collected by virtue of this Act are directed to be applied.

forfeits the Sum he shall have advanced.

No Gate to be erected within a certain Distance of the Towns here mentioned.

And be it further enacted, That no Toll-gate shall be erected by virtue of this Act between the Town of Melton Mowbray and the Lordship of Kerby Bellars, nor within the Distance of half a Mile from the Southwestward End of the Town of Leicester, in the said Road between the Town of Leicester and Lutterworth; nor shall any Person be subject or liable to the Payment of any of the said Tolls for any Cattle or Beast which shall cross any of the said Roads only.

Cattle crossing the Roads only, exempted from Toll.

Provided always, and be it further enacted, That in case any Toll-gate shall be erected by virtue of this Act between the Guide Post in Saint Margaret's Field and

the Town of Thurmaston, no Inhabitant or Occupier of Lands within that Part of Thurmaston lying within the Parish of Belgrave, shall be subject or liable to the Payment of Toll at any such Toll-gate for the passing and repassing of his, her, or their Cattle drawing any Carriage through any such Toll-gate, such Inhabitants or Occupiers first paying or causing to be paid to the said Trustees for the said First District, or any Five or more of them, or to their Treasurer, the Sum of Fifty three Pounds; which Sum the said Trustees, or any Five or more of them, or their Treasurer, are hereby required to accept upon Tender thereof: And the said Trustees, or any Five or more of them, are hereby required to cause the said Sum to be applied towards the Repair of such Part of the said Roads within their District as lies within the Parish of Belgrave aforesaid.

Inhabitants and Occupiers of Lands in Belgrave exempted from paying Tolls on the Road between the Gate at Belgrave and Thurmaston, upon paying 53*l.* to the Trustees of the first District.

And be it further enacted, That the said Toll-gates and Toll-houses, and the Materials of which the same shall consist, and all Materials which shall be provided by the said respective Trustees, or by their Surveyor or Surveyors, for repairing the said Roads, and all Milestones set up and to be set up on the said respective Roads, shall be, and they are hereby vested in the said respective Trustees; and they, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the Name of their respective Treasurer or Clerk, or to prefer, and order, and direct the preferring of Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy, any Toll-gate or Toll-house, which shall be erected by virtue of this Act, or any Part thereof, or any of the Materials of which the same shall be built or consist, or any of the Materials which shall be provided for the repairing of the said respective Roads.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

Provided always, and be it further enacted, That no Toll-gate or Toll-gates that shall be erected by virtue of this Act shall be removed by Order of the said Trustees, or any of them, without the Consent of the major Part in Value of the Creditors upon the said respective Tolls, assembled at a Meeting for that Purpose held in pursuance of a previous Notice in Writing of Twenty one Days at least, to be given by the Clerk of the said Trustees for the District wherein such Toll-gate or Toll-gates shall have been erected, to be affixed on all the Toll-gates then erected within such District.

No Turnpike to be removed, but by Order of the Trustees.

And

Application of the Money.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls or Duties which shall be collected by virtue of this Act within the said respective Districts, or out of the Money which shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, for each of the said Districts, shall, in the first Place, pay and discharge One half Part of the Expences and Charges of procuring and passing this Act; and shall apply the Remainder of the Money so raised in erecting Gates or Turnpikes and Toll-houses, and repairing and widening the said Roads within their respective Districts, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act, and to no other Use or Purpose whatsoever.

Toll to be paid but at 1 Gate on the several Roads here mentioned.

And be it further enacted, That no Person shall be subject to the Payment of the said Tolls at more than One Toll-gate between the said Towns of Melton Mowbray and Rearsby, or between the said Town of Rearsby and the said Guide Post in Saint Margaret's Field, Leicester, nor between the said Town of Leicester and the Southwestward End of a certain Lane called Dunton Basset Lane, or between the Southwestward End of the said Lane and the Town of Lutterworth.

Trustees, with Consent of Creditors, may lessen the Tolls.

And be it further enacted, That it shall be lawful for the said respective Trustees, or any Seven or more of them, by and with such Consent as is herein before required for the removing of any Toll-gate or Toll-gates erected by virtue of this Act, to lessen the Tolls hereby granted, or any Part thereof, for such Time as the said respective Trustees shall think proper; and such Tolls, so lessened, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted, That if any Person shall have paid the Toll by this Act granted for the passing of any Cattle or Beast through any Toll-gate erected by virtue of this Act, the same Person shall be permitted to pass Toll-free with the same Cattle or Beast through the same Toll-gate at any Time or Times during the same Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night.

Trustees may lease, &c. the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said respective Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to demise, lease, and to farm lett the Tolls arising at the respective Toll-gates within their respective

five Districts, to any Person or Persons willing to take or farm the same, for any Term of Years not exceeding Three Years, for the best Rent or Price which can be got for the same, to be paid Monthly or otherwise, to the said respective Trustees, or any Five or more of them, or their respective Treasurers; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Application of the Money

And be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage laden with Gravel, Stones, or other Materials for repairing the said Roads, or any Road in any of the Townships or Hamlets in which the same do lie; or any Dung, Mould, Lime, or Soil, for manuring the Grounds in such Township or Hamlet as aforesaid, or laden with Grass, Hay, Fodder, Straw, or Corn in the Straw, to be laid up in the Houses, Barns, Outhouses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Land-owners, or Land-holders, for their own private Use and Consumption, in any Townships or Hamlets in which any of the said Turnpikes shall be erected; or for any Ploughs, Harrows, or other Implements of Husbandry, which shall be conveyed on any Sledge or wheeled Carriage, to be used for tilling or stocking of any Lands in the Townships or Hamlets in which such Turnpikes shall be erected; or for any Horse or Horses, or other Cattle, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within such said several Townships or Hamlets; or of any Person or Persons passing to and from his or their Parish Church respectively on Sundays; or attending any Funeral to such Church, or returning from any such Funeral; nor for any Post Horse carrying the Mail or Packet; or Horses of any Soldiers passing who are upon their March, or for Horses or Carriages belonging to or passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Pass; nor shall any Toll be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of Leicester, or Burgess or Burgesses to serve in Parliament for the Town of Leicester, on the Day or Days of any such Election, or the Day before or Day after any such Election shall begin or be concluded.

Exemptions from Tolls.

To be paid Once for the several Roads mentioned.

Turnpikes, with Consent of Owners, may letten the Tolls.

Tolls to be paid Once.

Turnpikes may leave off Tolls

Penalty on making illegal Claims.

Provided nevertheless, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said respective Roads where the same shall be so claimed and taken.

Penalty on Persons permitting or going thro' private Passage, &c.

And be it further enacted, That if any Person occupying any Land near to any Toll-gate erected in pursuance of this Act, shall permit or suffer any Person or Persons to pass through any Gate, Passage, or private Way, with any Cattle; or if any Person shall with any Cattle pass through any such Gate, Passage, or private Way; or if any Person shall take off, or cause to be taken off, any Horse or Beast from any Carriage on either Side of any Gate or Turnpike erected by virtue of this Act, in order to avoid the Payment of any of the Tolls hereby granted; or if any Person shall forcibly pass through any such Toll-gate with any Cattle, whereby the Payment of any of the Tolls by this Act granted shall be avoided; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

or taking off Horses, &c. to avoid Payment of the Tolls,

Thurmaston Road,

And whereas the Tolls hereby granted for repairing the Roads in the said First District may be evaded, if the publick Road leading from Thurmaston Lane to a Place called Calves Water is not shut up and discontinued; be it therefore enacted, That it shall and may be lawful to and for the said Trustees of the said First District, or any Seven or more of them, to cause the said Road to be shut up and discontinued as a publick Road, in such Manner as the said Trustees, or any Seven or more of them, shall think proper.

and *Ely Lane*,

And whereas the Tolls hereby granted for repairing the Road in the said Second District may be evaded, if a certain Lane or Way called Ely Lane, leading into the Town of Lutterworth, is not shut up and discontinued; be it therefore enacted, That it shall and may be lawful to and for the said Trustees for the said Second District, or any Five or more of them, to cause the said Lane or Way called Ely Lane, to be shut up at the East End thereof, and discontinued as a publick Road or Way, in such Manner as the said Trustees, or any Five or more of them, shall think proper.

to be discontinued.

And, for the more speedy repairing and widening the said Roads, be it further enacted, That it shall and may be

be lawful to and for the said respective Trustees, or any Seven or more of them, from time to time, upon the Credit of the Tolls by this Act made applicable to the repairing, widening, and keeping in Repair, the said respective Roads, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think needful; and may, and they are hereby impowered to mortgage or assign over the Tolls arising within their respective Districts, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; which said Sums of Money so to be borrowed, shall be laid out and applied in and for the repairing and widening the said respective Roads, and to and for no other Use or Purpose whatsoever.

Trustees may borrow Money upon the Credit of the Tolls.

And be it further enacted, That all and every Person and Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, of the said respective Tolls granted by this Act shall be made, or who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom the said respective Trustees, or any Seven or more of them, shall at any Time make such Assignment or Mortgage, and his, her, and their Assignee or Assignees, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever.

No Priority as to discharging Mortgages.

And be it further enacted, That the Interest of the several Sums of Money borrowed upon the Credit of this Act shall, from time to time, be paid to all and every Person and Persons who shall advance and lend such Sum or Sums of Money, as such Interest shall become due, without any Preference or Priority in Payment of the same.

No Preference shall be given in the Payment of Interest.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act; and such Officers

Trustees to appoint Officers;

and remove them, and appoint others.

Officers and other Persons, and any of them, from time to time to remove, and to appoint others in case of Death or such Removal: And all and every such Officers and other Persons who shall at any Time or Times have, receive, or pay, any Sum or Sums of Money on account of, or relating to, the repairing, widening, altering, and keeping in Repair, the said respective Roads, shall, from time to time (when thereunto required by the said respective Trustees, or any Five or more of them) make and render to the said Trustees, or any Five or more of them, a true, exact, and perfect Account in Writing, under their Hands, upon Oath, to be taken before Five or more of the said respective Trustees (which Oath Two of the said Trustees are hereby impowered to administer) of all Monies which he, they, and every of them respectively, shall to that Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said respective Trustees, or any Five or more of them, or to such Person as they shall respectively appoint to receive the same; and in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath, such Account, or to make such Payment as aforesaid, then any One or more Justice or Justices of the Peace for the County where such Officer or other Person shall reside, shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer): And if any such Officer or other Person shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall commit the Offender to the common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make and render a full, true, and perfect Account and Payment as aforesaid, or until he or they shall have compounded and agreed with the said respective Trustees, or any Five or more of them, and shall have paid such Composition to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same; which Composition the said respective Trustees, or any Five or more of them, are hereby impowered to make.

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default,

and commit the Offender,

until Payment or Composition made.

And

And it is further enacted, That the said respective Trustees, or any Five or more of them, are hereby authorized and required to take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the respective Trustees, or any Five or more of them, shall seem meet. Treasurer to give Security.

And be it further enacted, That no Person keeping an Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of holding any Place of Trust or Profit under this Act. No Victualler, &c. to hold a Place of Profit.

And it is further enacted, That the Surveyor or Surveyors appointed by the said respective Trustees, or any Seven or more of them, or any Person or Persons appointed by such Surveyor or Surveyors, may, and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Materials proper for repairing of Roads, in, upon, out of, or from any Waste or Common, in any Parish, Town, or Place, in, adjoining to, or lying near, the Roads aforesaid, to be used in repairing the said Roads, without paying any thing for the same; they the said Surveyors, or other Persons, filling up the Pits and Holes, and levelling the Ground, or making a sufficient Fence, to prevent any Misfortune or Accident happening in the Pits or Holes from whence such Materials shall be taken, or causing the same to be done; and if a Quantity of Materials sufficient for that Purpose cannot be found in or upon such Waste or Commons then, and in such Cases, to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Quantity or Quantities of Materials proper and sufficient for that Purpose, in, upon, or out of and from any Lands or Grounds of any Person or Persons where the same may be had or found, to be used towards repairing the said Roads (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Avenue, Wood, Coppice, or Nursery) they the said Surveyors, or other Person or Persons, paying or offering to pay to the respective Owners or Occupiers of such Lands or Grounds such Damage for getting and carrying away the said Materials, and for carrying the same over their Grounds, as the said respective Trustees, or any Seven or more of them, shall think reasonable; and Surveyors may dig Gravel, &c. without paying for the same; levelling the Pits. If sufficient Materials cannot be had there, they may be taken from private Grounds; making Satisfaction to the Owners.

Justices to determine Differences.

In case of any Difference between the said respective Trustees, Surveyors, or Person or Persons by them appointed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages, any Two or more Justices of the Peace of the County where the said Materials shall be so cut, digged, gathered, taken, and carried away, shall and may, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at their respective Places of Abode, with some or One of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Judgement or Order of the Justices thereon shall be final and conclusive to all Parties.

Surveyors may make Causeways, &c.

And be it further enacted, That the said respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered to make, or cause to be made, Causeways in or along the Sides of any Part or Parts of the said Roads; and to cut, or cause to be cut, any Watercourses in, through, or across, any Lands or Grounds, in order to drain or prevent the said Roads, or any Part or Parts thereof, from being overflowed, and erect Bridges over such Drains or Watercourses, if necessary; and also to make, or cause to be made, a Road or Way by, through, or over, the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired (not being the Site of or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be made use of by all Passengers with Carriages and Cattle, or otherwise, as a publick Road, whilst the old or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds for the Damages they shall thereby sustain, as the said respective Trustees, or any Seven or more of them, shall seem reasonable.

and make temporary Road;

making Satisfaction to the Owners of the Grounds;

Surveyors to remove Annoyances, &c.

And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to remove all Annoyances on the said respective Roads, and

to cut down Trees or Bushes growing in the said Road, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimburied to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Leicester, from time to time, to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his and their Goods and Chattles, rendering the Overplus (if any be) to the Owners or Occupiers thereof, upon Demand, after all Charges paid: And if, upon the Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County, shall, for every such Offence, forfeit and pay to the said respective Trustees, or any Five or more of them, the Sum of Forty Shillings, to be levied and recovered in Manner aforesaid.

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

the Charges thereof to be reimburied to the Surveyor;

to be levied by Distress and Sale.

Penalty of a second Offence.

And be it further enacted, That if any Person or Persons who of Right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to, or lead into or out of, any Part or Parts of the said respective Roads, shall not in a proper Manner cause the same to be scoured and cleansed, within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode, by the said Surveyor or Surveyors; then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for the scouring and cleansing the same; and if the said Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, upon Demand thereof upon him, her, or them, respectively made, either in Person, or by Writing to be left at his, her, or their respective Place

Owners neglecting to scour their Watercourses, &c.

Surveyors may cleanse them,

and levy the Charge by Distress and Sale.

or

or Places of Abode, the said Money and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses, before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattles of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges paid.

Trustees may contract for the Purchase of Lands, &c. to be laid into the Roads.

And be it further enacted, That in case the said respective Trustees, or any Seven or more of them, shall at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the said Roads, within their respective Districts, for the better accommodating of Passengers; that then the said respective Trustees, or any Seven or more of them, shall have full Power and Authority to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part of such Roads; and out of the respective Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said respective Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said respective Trustees be thought necessary or proper to be taken in and added to the said Roads, or through which the said Roads may be turned; and such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Lands, Grounds, or Hereditaments, but may be

be incapable of granting or conveying the same, by reason of Infancy or other Disability; be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said respective Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever; any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politick, &c. may treat for the Sale of such Lands.

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Roads, or into or through which such Road is to be turned or altered as aforesaid, shall, by the Space of Twenty one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating them, and in every or any such Case, the said respective Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent

Owners neglecting to treat, &c.

Jury to settle the Damage and Recompence.

Men

Men of the County wherein such Lands, Grounds, or Hereditaments shall lie (which Oath any Two or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and, in order thereto, the said respective Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer); and they shall order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said respective Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Proprietors, or Occupiers, of, or other Person interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Person and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

assessed

assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said respective Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have full Power from time to time to impose any reasonable Fine or Fines, on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or, being so sworn, refusing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn, and give Evidence; and from time to time to levy such Fine or Fines in the same Manner as any other Forfeiture or Penalty herein before mentioned is hereby directed to be levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and all such Fines shall be applied for such Uses, and

Trustees to issue their Warrant to the Sheriff, to impanel and summon a Jury.

Jurors may be challenged.

Trustees may impose a Fine upon Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10 *l.*

in such Manner, as the Tolls granted by this Act are to be applied.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is hereby charged upon the Monies which shall be raised by virtue of this Act, and shall be paid thereout accordingly by the said respective Trustees, or any Five or more of them, or their respective Treasurer, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer to the said respective Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall be

Lands, &c. when purchased, to be made Part of the Roads,

and esteemed a publick Highway,

laid into and made Part of the said Roads, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said respective Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner as the old Road so widened, altered, or turned, was and ought to be kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprised in or constituting the old or former Road, shall be vested in the said respective Trustees, and shall or may be stopped up or left unrepaired, or shall or may be by them, or any Five or more of them, sold and disposed of to such Person or Persons as shall be willing to become the Purchaser or Purchasers thereof, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the repairing the said Roads, and other the Purposes of this Act; and the Sale or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the said County of Leicester, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

and kept in Repair as such,

Old Road may be sold.

Buildings, &c. not to be injured.

And be it further enacted, That in widening, turning, altering, or diverting, any Part or Parts of the said Roads, nothing shall be done which shall or may in any Way injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

And

And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who before the making this Act hath or have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, or any Bridge or Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with, the repairing and keeping in Repair the same Parts of the same Roads, and such Bridge or Bridges, in the same Manner as they, and every of them, hath or have heretofore usually done or ought to do; and that the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired do lie, who, by the Laws and Statutes of this Realm, are or shall be obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, shall still be subject and liable to do and perform the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the Roads by this Act directed to be repaired, and lying within the said Towns, Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, as the said respective Trustees, or any Five or more of them, shall direct or appoint, and at such Times, and in such Manner, as the Surveyor or Surveyors by them authorized shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds within any such Towns, Parishes, Hamlets, and Places, shall be deemed and taken to keep a Team.

Bodies Politick, &c. liable to the Repair of the Roads, to continue.

Inhabitants to do Statute-work.

Persons renting 50 *l. per Ann.* deemed Team-holders.

And, to the End that the said respective Trustees may know the Inhabitants of all the Towns, Parishes, Hamlets, and Places, wherein the Roads, by this Act directed to be repaired, do lie, who are liable to do Statute-work in their Highways, and what Sort of Duty they ought respectively to do; be it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, shall, and they are hereby required, at the First Meeting of the said respective Trustees after the Twenty fifth Day of March in every Year, or oftener if thereunto required by the said respective Trustees, or any Five or more of them,

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

during the Continuance of this Act (Ten Days Notice of such Meeting being affixed on the Toll-gate or Toll-gates erected by virtue of this Act within the District wherein such Work is to be performed) to deliver in to the said respective Trustees true and perfect Lists in Writing, under their respective Hands, of the Names of all the Inhabitants of such Towns, Parishes, Hamlets, and Places respectively, who are liable to do their Statute Duties in and upon the said Highways, and shall, in such Lists, and every of them, distinguish and set forth which of such Inhabitants shall, and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams.

Penalty on Surveyors, &c. neglecting to deliver in such Lists.

And be it further enacted, That if the Surveyor or Surveyors of the several Towns, Parishes, Hamlets, or Places, through which the said Roads lead, shall not deliver in to the said Trustees Lists of the Inhabitants of their said several Towns, Parishes, Hamlets, or Places, at such Times, and in such Manner, as by this Act is required and directed to be delivered, such Surveyor or Surveyors, and every of them, shall forfeit and pay for every such Default, the Sum of Five Pounds; and if any or either of the Inhabitants of the said several Towns, Parishes, Hamlets, or Places, being obliged or liable by Law to do Statute-work in and upon the said Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as they shall, by the Surveyor or Surveyors appointed by the said respective Trustees, be directed or appointed to do, such Inhabitants, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereinafter mentioned; that is to say, Every such Inhabitant or Person, who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Work for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping and not being by virtue of this Act deemed to keep a Team, for every Day's Work the Sum of One Shilling: And if any Person or Persons who shall come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads for the Repairs thereof, commonly called Statute-work, is or are found idle or negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may and is and are hereby impowered and required to remove and discharge such Person or Persons, and it shall be deemed

Penalty on Persons not performing Statute-work.

Persons found idle to be turned off.

deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads, and he, she, or they shall be subject and liable to the respective Forfeitures as if he, she, or they had neglected or refused to do or perform the said respective Day's Work.

Trustees may compound for Statute-work.

And be it further enacted, That the said respective Trustees, or any Seven or more of them, may, and they are hereby authorized and impowered to compound with any Person or Persons, Bodies Politick or Corporate, for the Repairs to be by them done upon the said Roads, and also with the several Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute-work to be by them respectively done upon the said Roads, at and for such Sum and Sums of Money, by the Year or otherwise, as they the said respective Trustees, or any Seven or more of them, and such Person or Persons, Bodies Politick or Corporate, or Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said respective Trustees, or any Seven or more of them, or to their Appointment.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

And be it further enacted, That if the Surveyor or Surveyors of the Highways for the time being of any of the Towns, Parishes, Hamlets, or Places, wherein the said Roads directed by this Act to be repaired do lie, shall think the said respective Trustees have directed or appointed too large a Proportion of the Statute-work, in any Town, Parish, Hamlet, or Place, to be done on the said respective Roads, it shall and may be lawful for such Surveyor or Surveyors of the Highways to appeal to the Quarter Session of the Peace next after such Direction or Appointment, unless the same shall be made within Eight Days preceeding such Quarter Session, and then to the Second Quarter Session next after such Direction and Appointment; and the Justices in their said Quarter Session are hereby authorized and impowered finally to adjust and determine what Proportion of the Statute-work in any Town, Parish, Hamlet, or Place, shall be done on the respective Roads by this Act directed to be repaired; such Surveyor or Surveyors of the Highways having first given Ten Days Notice of such Appeal to the Surveyor or Surveyors appointed by the said respective Trustees.

Road to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Mile-stones to be set up on the

Sides

Sides of the said Road, with Inscriptions to be made thereon, denoting the Number of Miles, and Distance of Places, and also Posts at the several Roads leading out of the Road hereby directed to be repaired, with Inscriptions to be made thereon, denoting to what Place or Places the said Roads respectively lead; and if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure, or destroy, any or either of the Stones or Posts, that shall be so set up, or erase, obliterate, or deface, any of the Inscriptions which shall be made thereon, or cause the same to be done, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully and designedly broken, obliterated, defaced, or pulled down.

Penalty on defacing Milestones.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County wherein the Offender shall dwell, which Warrant the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said respective Trustees, or any Five or more of them, or their Treasurer, and shall be applied, if not otherwise directed to be applied by this Act, for and towards the amending the said Roads, and other the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place for any Time not exceeding Two Months.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved, by any

Act,

Act, Order, or Judgement of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at the next General Quarter Session of the Peace for the County or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding of such Act, Order, or Judgement, he, the, or they causing Ten Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or other Evidence, such Act, Order, or Judgement shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said respective Tolls; which said Justices at their Session, upon due Proof of such Notice being given, shall proceed in and hear and determine the Causes and Matters of the said Appeals, and every of them; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Persons aggrieved may appeal to the Quarter Sessions.

Notice of Appeal to be given.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be removeable by *Certiorari*.

Distress not unlawful for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Plaintiff not to recover, if Tender of Amends hath been made.

Proceedings to be entered in a Book.

And be it further enacted, That full, true, and fair Accounts and Entries of all the Monies which shall be collected and received, laid out, expended and paid by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said respective Trustees in the Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered in Books, which shall be kept for those Purposes.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever; any Law to the contrary notwithstanding.

No Order to be repealed, unless 7 Trustees be present.

And be it further enacted, That no Order made by the said respective Trustees, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Seven Trustees shall be present and consent thereto.

Commencement and Continuance of this Act.

And be it further enacted, That the Tolls or Duties, and Powers, hereby granted, shall commence and have Continuance from and after the passing of this Act, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, such Actions and Suits, and every of them, shall be commenced within Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards, and shall be brought, laid, and tried in the County or Place where such Cause of Action shall arise, and not in any

other County or Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if any such Action or Suit shall appear not to have been commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof, as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law. General Issue. Treble Costs.

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

FINIS.