ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 135.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing certain Roads lying in the Counties of *Leicester* and *Warwick* and in the County of the City of *Coventry*; and for amending and keeping in Repair the Road from *Bourne* Bridge to *Blythe* Bridge in the County of *Warwick*.

[24th *May* 1810.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending, widening and keeping in Repair several Roads therein mentioned, lying in the Counties of* Leicester *and* Warwick *and in the County of the City of* Coventry: And whereas another Act was passed in the Twenty-first Year of the Reign of His said present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act passed in the Second Year of the Reign of His present Majesty, intituled,* 'An Act for 'amending, widening and keeping in Repair several Roads therein mentioned, 'lying in the Counties of Leicester and Warwick and in the County of the 'City of Coventry:' And whereas great Progress hath been made by the Trustees appointed in and by virtue of the said recited Acts, for the Care and Management of the said Roads, in repairing and amending the same, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted and continued, which Money still remains due and owing and cannot be paid off, nor can the said

2 G. 3. c. 69.

21 G. 3. c. 89.

Roads be effectually amended, widened, improved and kept in Repair, unleſs the Term granted and continued by the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof amended, altered and enlarged: And whereas the Road from the North End of *Bourne* Bridge, through the Pariſh of *Shuſtoke* in the ſaid County of *Warwick* to *Blythe* Bridge in the ſame Pariſh and County, is very ruinous in many Parts thereof, and in the Winter Seaſon dangerous for Paſſengers, Cattle and Carriages, and cannot be effectually amended, improved and kept in Repair by the ordinary courſe of 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 the ſaid recited Acts, and all the Clauſes, Powers, Authorities, Proviſions, Penalties, Forfeitures, Matters and Things therein contained, (except ſuch Parts thereof as relate to Exemptions from Stamp Duties, and alſo ſuch as are hereby varied, altered or repealed), ſhall, together with this preſent Act, be and the ſame are hereby declared to be in full Force and Effect, and ſhall be executed for and during the Term hereinafter mentioned, for the Purpoſe of amending, widening and keeping in Repair the ſeveral Roads compriſed in the ſaid recited Acts, and alſo the ſaid additional Road from the North End of *Bourne* Bridge through the Pariſh of *Shuſtoke* in the ſaid County of *Warwick*, to *Blythe* Bridge in the ſame Pariſh and County, as fully and effectually to all Intents and Purpoſes as if the ſaid Clauſes, Proviſions, Matters and Things were repeated and re-enacted in the Body of this preſent Act, and as if the ſaid additional Road had been comprized in and directed to be amended, widened and kept in Repair by the ſaid firſt recited Act.

Continuance of ſaid Acts of 2 G. 3. and 21 G. 3.

II. And be it further enacted, That *John Adamthwaite* Doctor in Divinity, *Henry Charles Aſton*, *Charles Bowyer Adderley*, *Charles Clement Adderley*, *Ralph Adderley* the younger, *Gerrard Andrews* Doctor in Divinity, *John Dugdale Aſtley*, *Richard Aſtley* the younger, *Richard Arkwright*, *Henry Adams* Clerk, *Henry Cadwallader Adams*, the Honourable *Thomas Bowes*, *Thomas Bowes* the younger, Sir *William Cave Browne*, Baronet, *Richard Bamford*, *Thomas Bamford*, *John Bamford*, *William Barrs*, *Gilbert Beresford* Clerk, *Thomas Berry* the younger, *John Baker*, *George Beeby*, *Francis Blick* Clerk, *Dudley Baxter* the younger, *Joſeph Boultbee*, *Thomas Boultbee*, *John Boultbee*, *John Bourne*, *Edward Bourne* Doctor of Phyſic, *Charles Holt Bracebridge*, *William Breton*, *John Braithwaite* Clerk, *John Darleſton Blakeſley*, *William Brookes* Clerk, *Thomas Bree* Clerk, *Thomas Braithwaite* Clerk, *Henry Burton*, *John Burton*, *Samuel Ballard*, *Robert Bunney*, *Thomas Booth*, *Thomas Burton*, *William Burton*, *Robert Bunney* the younger, *Samuel Brooks*, *John Bagſhaw* the younger, *Thomas Banbury* the younger, *Richard Berry*, Sir *George Chetwynd* Baronet, the Honourable *Richard William Penn Curzon*, *George Chetwynd*, *William Chetwynd*, *Henry Chetwynd*, *Thomas Chapman*, *John Hood Chapman*, *Edward Croxall* the younger, *James Chartreſs* Clerk, *John Capenhurſt*, *Robert Cheſhire*, *Thomas George Clay*, *William Cheſhire*, *John Craddock*, *William Craddock*, *John Craddock* the younger, *Thomas Carter* the younger, *Samuel Carter*, *Arthur Dabbs*, *Thomas Deſter* the younger, *William Deſter*, *William Dickenſon*, *Charles Dilke*, *John Dilke* Clerk, *William Dilke*, *Thomas Dilke*, Sir *Beaumont Dixie* Baronet, *John Drummond*, *Dugdale*

Additional Truſtees.

Dugdale Stratford Dugdale, *William Stratford Dugdale*, *Benjamin Dickens*, *Jerome Dyke* Clerk, *Thomas Dickinson*, *Joseph Downes*, *William Eborall* the younger, *Thomas Eagle*, *John Eagle*, *Gilpin Ebdell* Clerk, the Honourable *Charles Finch*, *John Farrin* the younger, *Joseph Faux*, *Robert Faux* the younger, *Thomas Fisher* the younger, *William Fowler*, *John Fowler*, *Joseph Fowler*, *John Fisher* Clerk, *Thomas Cotton Fell* Clerk, *Walter William Fell*, *Thomas Freer*, *William Freer*, *John Farr*, *Samuel Freer*, *Robert Foster*, *Arthur Francis Gregory*, *George Greenway*, *John Geary* the younger, *Joseph Grew*, *Thomas Geary*, *George Grundy*, *Samuel Gibbons*, Sir *Edmund Cradock Hartopp* Baronet, *George Hartopp*, *Thomas Cowper Hincks*, *Charles Harding*, *Samuel Tuffley Harding*, *Samuel Bracebridge Heming* Clerk, *George Heming*, *Dempster Heming*, *Samuel Robert Highmore* Clerk, *John Hill*, *Charles Hill*, *John Hinks*, *Thomas Holden*, *William Homer* Clerk, *Richard Homer*, *Hugh Hughes* Clerk, *Thomas Smart Hughes*, *Edward Smart Hughes*, *Thomas Hutchins*, *John Dyer Hewett* Clerk, *William Manolin Hollifear* Clerk, *Abraham Hoskins*, *Andrew Hackett*, *William Phillips Inge*, *John Ironmonger*, *Joseph Jarvis*, *Joseph Jarvis* the younger, *Richard Jee* the younger, *Isaac Jee*, *Charles Jee*, *Charles Jarvis*, *John Jewsbury*, *Richard Jewsbury*, *Thomas Jones* Clerk, *Joseph Jones*, *John King*, *Edward Knightley*, *William Little*, *Morris Edward Lythall*, *William Lythall* the younger, *Robert Lingard*, *Jeremiah Lowe* Clerk, *William Lowe*, *Stephen Lapworth*, *Richard Lowe* the younger, *George Lant*, *Edward Mammatt*, *George Mettam* Clerk, *Joseph Miles*, *George Moore*, *John Moore* Clerk, *George Moore* the younger, *Thomas Moore*, *John Moore*, *Charles Moore*, *William March* Doctor of Physic, *Thomas Morris* the younger, *Francis Newdigate*, *Thomas Noel* Clerk, *Francis Newdigate* the younger, *Pendock Barry Neale*, *Thomas Neale* Clerk, *John Neale* Clerk, *Robert Neville*, *Charles Newcomb*, *Charles Newcomb* the younger, *Haughton Farmer Okeover*, *Charles Gregory Okeover*, *John Oliver* Clerk, *Thomas Westley Oldham*, *William Owen*, *Stephen Oldham*, Sir *Robert Peele* Baronet, *John Peel*, *John Peel* the younger, *Joseph Phillimore* Clerk, *Thomas Powers*, *William Preest*, *Robert Peircy*, *Lionel Place*, *William Palmer*, *Charles Palmer* Clerk, *William Piercy*, *Philip Perkins*, *Thomas Bradley Paget* Clerk, *John Power*, *John Power* the younger, *Samuel Steele Perkins*, *Richard Steele Perkins*, *Edward Percy*, the Honourable and Reverend *Henry Ryder*, *Samuel Rathbone*, *Joseph Rann*, the Honourable and Reverend *Richard Bruce Stopford*, *Robert Sadler* Clerk, *Thomas Sansome*, *John Stanton*, *Ambrose Joseph Salisbury*, *John Seymour*, *Robert Simpson* Clerk, *Joseph Smith*, *Durham Sharpe*, *Thomas Sharpe*, *William Payton Summerfield*, *Thomas Short*, *George Sale*, *John Singleton* Clerk, *Richard Spencer*, *Francis Spencer*, *John Simmons*, *John Smith*, *Richard Smith*, *John Smith* of Donisthorpe, *James Swinton*, *Thomas Shakespear*, *Thomas Soden*, *Joseph Smith*, *Joseph Smith* the younger, *Thomas Shaw*, *Joseph Troughton*, *James Troughton*, *Joseph Twigger* Clerk, *George Taylor*, *Marmaduke Theakstone*, *James Troughton* the younger, *Thomas Ball Troughton*, *Bryan Troughton* the younger, *Thomas Terry* Doctor of Physic, *John Villiers*, *Samuel Vale*, *Samuel Vale* the younger, *Bradford Wilmer*, *John Woodcock*, *James Wyatt*, *Thomas Montgomery Willday*, *Joseph Willday*, *Charles Weston*, *Edward Weston*, *John Watson*, *John Woodhouse*, *Thomas Wilmot*, and *Gregory Wade* Clerk, (being qualified according to the Directions of the said first recited Act), shall be and are hereby added to and joined with the surviving and remaining Trustees appointed by or in pursuance of the said recited Acts, for putting the said recited Acts and this Act into Execution, and shall have

have the like Powers for that Purpose as if they had been named and appointed Trustees by virtue of the said recited Acts or either of them: Provided nevertheless, that all Acts and Proceedings of any Person or Persons who have acted as a Trustee or Trustees in the Execution of the said recited Acts, or who shall act as a Trustee or Trustees in the Execution of this Act, though not duly qualified previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid and effectual as if such Person or Persons had been qualified according to the Directions of the said first recited Act.

Validating Acts of unqualified Trustees before Conviction.

Meetings on Emergencies.

III. And be it further enacted, That in case after any Adjournment of the said Trustees, (two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only), it shall be upon any Emergency thought necessary that the said Trustees should meet at an earlier Time than the Day appointed by such Adjournment, in that case the Clerk or Clerks to the said Trustees upon an Order in Writing signed by any Three or more of them, mentioning the Time, Place and Purpose of such Meeting or Meetings, shall forthwith give Notice in Writing of such Meeting or Meetings, to be affixed on all the Toll Gates erected or to be erected upon such Part of the said Roads upon or for which the Person or Persons giving such Notice shall be Clerk or Clerks as aforesaid, and of the Time and Place which shall be mentioned in such Order, (such Time being not less than Ten Days after such Notice), and such earlier Meeting or Meetings shall and may be held accordingly; and all the Proceedings of the Trustees at such Meeting or Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meeting or Meetings had been holden in pursuance of Adjournment.

For Officers to account.

IV. And be it further enacted, That all such Officers and other Persons as the said Trustees already have, or any Five or more of them shall or may by Writing under their Hands and Seals appoint, under or by virtue of the Powers in the said recited Acts or this Act or any of them, shall upon their respective Oaths, if thereunto required by the said Trustees or any Five or more of them (which Oaths any one of the said Trustees is hereby empowered to administer), from Time to Time and as often as such Officers and other Persons shall be called upon for that Purpose, produce and give up to the said Trustees full, true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees or any Five or more of them, or to such Person or Persons, or for such Uses and Purposes as they shall direct and appoint, and if such Officer or other Person (being required so to do) shall refuse or neglect to render and give up, or to verify upon Oath such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees or any Five or more of them, within Fourteen Days after having been thereunto required by any Five or more of the said Trustees,

Truſtees, all the Books, Papers and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then and in any of the ſaid Caſes any One or more of the Juſtices of the Peace for the County, City, Town or Place wherein ſuch Officer or Perſon ſhall be and reſide, ſhall (upon Complaint of any Two or more of the ſaid Truſtees) make Enquiry concerning ſuch Default, either by the Confeſſion of the Party or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward; and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Officer or other Perſon ſo convicted to the Common Gaol for ſuch County, City, Town or Place, there to remain without Bail or Mainprize until ſuch Officer or other Perſon ſhall give and make a true and perfect Account and verify the ſame as aforeſaid, and make ſuch Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees or any Five or more of them for the ſame, and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees, or to their Treaſurer or Treaſurers, which Compoſition the ſaid Truſtees or any Five or more of them are hereby empowered to make, or until ſuch Officer or Perſon ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees or any Five or more of them; but no Officer or other Perſon who ſhall be committed for any of the Offences aforeſaid, ſhall be detained in Priſon any greater length of Time than Six Calendar Months.

Collectors refuſing to deliver up Toll Houſes.

V. And be it further enacted, That if any Collector or Receiver of Tolls who ſhall be diſcharged from his Office by virtue of the ſaid recited Acts or this Act, or the Wife or Widow or any of the Children, Family, or other Repreſentative of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon or Perſons, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of the ſaid recited Acts or this Act, for the Space of Ten Days after Demand thereof made, and Notice in Writing given for that Purpoſe, by any Five or more of the ſaid Truſtees (although not aſſembled at any Meeting), or by their Clerk or Clerks, Treaſurer or Treaſurers, then and in any or either of the ſaid Caſes, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County, City, Town or Place wherein ſuch Toll Houſe or Building ſhall be ſituate, by Warrant under his Hand and Seal or their Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, City, Town or Place, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her or their Goods out of the ſame, and to put the ſaid Truſtees or any Five or more of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion thereof.

Juſtices empowered to grant Warrants, and Conſtables to enter and remove ſuch Collectors.

Penalty on obſtructing Surveyors &c. and the Collectors &c.

VI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder or diſturb any Collector of the Tolls in the Execution of this Act and the ſaid recited Acts, or any Surveyor or Surveyors, or other Perſon or Perſons by them or any of them, or by the ſaid Truſtees or any Five or more of them employed in the Execution of this or the ſaid recited Acts, every Perſon or Perſons ſo offending

offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

The Trustees enabled to let or farm the Tolls payable for Overweight.

VII. And whereas under or by virtue of an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, the Trustees for the Care of particular Turnpike Roads (to whom no Powers were by the particular Acts expressly given for that Purpose) are enabled and authorized to let or farm out the Tolls arising upon such Roads, having due Regard to the several Directions contained in the same Act for letting or farming out such Tolls, but no Power or Authority is thereby given or delegated to such Trustees so as to enable them to let or farm out the several Tolls or Duties granted and made payable by virtue of another Act passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for explaining and altering an Act made in the Thirteenth Year of His present Majesty, intituled, 'An Act to explain, amend and reduce into one Act of Parliament the 'general Laws now in being for regulating the Turnpike Roads in that Part 'of* Great Britain *called* England, *and for other Purposes, so far as the same 'relates to the Payment of additional Tolls at Weighing Engines, and the Number 'of Horses to be used in Carriages drawn on Turnpike Roads, and for allowing certain Exemptions with respect to Weight and Payment of Toll in particular 'Cases;'* be it therefore enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, at any Meeting to be held in pursuance of the Power contained in the said Act of the Thirteenth Year of the Reign of His present Majesty, (having first observed in all Respects the Directions contained in the said last-mentioned Act, and having given or caused to be given the Notice thereby required), to let to Farm either with or without the Tolls by the said recited Acts or this Act authorized to be taken, the additional Tolls or Duties granted and made payable by virtue of the said Act passed in the Fourteenth Year of the Reign of His present Majesty for every One hundred Weight (the same to consist of One hundred and twelve Pounds) which any Waggon, Cart or Carriage, together with the Loading thereof, shall weigh at any of the Weighing Engines now or hereafter to be erected on the several Roads over and above the Weight allowed by Law; Provided that the said additional Tolls for such Over-weight as aforesaid, be let in the same Manner and subject to the like Notice and Directions as the Tolls arising at the several Toll Houses or Toll Gates already erected or hereafter to be erected on the said Roads or on the Sides thereof, are by the said recited Act of the Thirteenth Year of the Reign of His present Majesty directed or prescribed to be let.

Trustees enabled to take Possession of Toll-Houses when let to Farm.

VIII. And be it further enacted, That in case the Tolls arising from all or any of the Toll Gates erected or to be erected on the said Roads or on the Sides of the same, shall at any Time or Times during the Continuance of this Act be demised or let to Farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers,

shall

ſhall be in Arrear by the Space of Ten Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for letting the ſame, then and in either of thoſe Caſes the ſaid Truſtees or any Five or more of them, or their Clerk or Treaſurer, Clerks or Treaſurers for the Time being, or other Perſon authorized by Writing under the Hands of any Five or more of them, ſhall be at Liberty and they are hereby authorized to enter into and upon the Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates and Appurtenances thereto belonging ſo demiſed or let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers from the Poſſeſſion thereof, and from the Collection of the Tolls there payable; and that thereupon it ſhall be lawful for the ſaid Truſtees or any Five or more of them (if they ſhall think fit), to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave only as to the Covenants and Agreements for Payment of the Rent or Rents thereby reſerved), as if ſuch Demiſe or Agreement had never been made or entered into, and it ſhall and may be lawful for the ſaid Truſtees or any Five or more of them in every ſuch Caſe to demiſe or let to Farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may ſue and be ſued in their own Name, or in the Names of their Clerks or Treaſurers.

IX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Matter or Thing to be done under or by virtue of the ſaid recited Acts and this Act, either in the Names of ſuch of the Truſtees who may happen to be Parties to any Deed or Inſtrument in Writing, or to any Tranſaction upon which any Action or Suit ſhall or may be brought or commenced, or in the Name of their Clerk or Clerks, Treaſurer or Treaſurers for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees in their own Names, or in the Name of their Clerk or Clerks, or Treaſurer or Treaſurers, ſhall abate or be diſcontinued by reaſon of the Death, Incapacity or Removal of any Truſtee or Truſtees, or Clerk or Clerks, or Treaſurer or Treaſurers, or by the Act of ſuch Clerk or Clerks, or Treaſurer or Treaſurers, without the Conſent of the ſaid Truſtees or any Five or more of them; but that the Clerk or Clerks, Treaſurer or Treaſurers for the Time being to the ſaid Truſtees, in caſe ſuch Action ſhall be brought or commenced by or againſt, or be defended in the Name of ſuch Clerk or Clerks, or Treaſurer or Treaſurers, ſhall be deemed to be Plaintiff or Defendant, Plaintiffs or Defendants (as the Caſe may happen to be) in every ſuch Action: Provided always, that ſuch Truſtees, or Clerk or Clerks, or Treaſurer or Treaſurers for the Time being, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted or defended in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe or be collected by virtue of the ſaid Acts and this Acts, all ſuch Coſts, Charges, Damages and Expences as they or he ſhall eventually or in conſequence of any ſuch Action or Suit pay, bear, ſuſtain, expend or be put into, or become liable unto or chargeable with, by reaſon or on account of their or his being ſo made Plaintiffs or Defendants, Plaintiff or Defendant as aforeſaid.

The Truſtees, their Clerks or Treaſurers, to be reimburſed their Expences.

X. And

Farmers for the Tolls or Collectors declared not to be incompetent to give Evidence.

X. And be it further enacted, That in case any Dispute, Suit or Litigation shall happen to arise, touching or in anywise relating to the Tolls to be collected on the said several Roads, or the Recovery of such Tolls, the Person or Persons who shall or may happen to be the Farmer or Farmers, or Renter or Renters of the said Tolls, or his, her or their Servant or Servants for the Time being, who shall or may be appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees in the Collection of the said Tolls, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, (relative to the Collection or Recovery of such Tolls, whether the Payment of such Tolls shall or may happen to be enforced by Distress and Sale or by way of Information and Conviction, or by any other Ways and Means,) by reason of their, his or her being Farmers or Renters, Farmer or Renter of the said Tolls or being appointed to collect the same, or acting under the Authority of the said Trustees as aforesaid.

General Exemptions from Toll.

XI. And be it further enacted, That from and after the passing of this Act, no Toll shall be demanded or received for any Horse, Mare, Mule or other Cattle drawing any Carriage, going for or returning laden or unladen, having been laden only with Stones, Gravel or other Materials for repairing the said Roads or any of the Roads in the Parishes or Places in which the Roads by the said recited Acts and this Act directed to be repaired or any Part thereof do or doth lie, or any Dung, Mould, Soil or Compost of any kind (except Lime), for the manuring of any Garden or other Land or Ground; nor shall any Toll be demanded or received for any Carriage or Cattle going for the Purpose of, or returning from, ploughing, sowing, tilling or cultivating any Land or Ground, or going for or returning unladen, or only laden with Hay, Straw, Corn in the Straw, or Wood not sold or disposed of, but to be laid up in the Houses, Outhouses, Yards, or on the Premises of the Owner or Owners thereof; nor for any Plough, Harrow, Dray or other Implement of Husbandry, nor for any Horse or other Beast or Cattle drawing or carrying the same, in order for the repairing thereof or using the same in Husbandry; nor for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shoed or farried; nor for any Horses, Cattle or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding the same, or in returning back from conveying the same; nor for the Horses of Soldiers on their March or on Duty, or Carriages, Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; nor for any Carriage, Horse or other Beast employed in the Conveyance of

of Vagrants travelling with legal Paſſes; nor ſhall any Toll be demanded or taken from any Inhabitant of any Pariſh in which any Part of the ſaid Roads doth lie, who ſhall paſs through any of the ſaid Turnpikes to or from his, her or their reſpective Pariſh Church, Chapel or other Place of religious Worſhip tolerated by Law, on *Sundays* or on *Chriſtmas-day*, *Good Friday*, or any other Day on which Divine Service is or ſhall be ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſons dying and to be buried in any of the ſaid Pariſhes; nor from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty, on a *Sunday*, *Chriſtmas-day* or *Good Friday*, or on any other Day on which Divine Service is or ſhall be ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Berlin, Chariot, Calaſh or Chair going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Leiceſter* and *Warwick*, or a Citizen or Citizens to ſerve in Parliament for the City of *Coventry*, on the Day or Days of ſuch Election, or on the Day before or the Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the ſaid Exemptions, not being entitled to the ſame, or ſhall make uſe of any Fraud whatſoever whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, whereof one Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied for the Purpoſes of this and the ſaid recited Acts.

Carriages employed in the publick Service not ſubject to Penalties for Overweight, or for an additional number of Horſes,

XII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart or other Carriage to put any number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the ſaid recited Acts contained to the contrary notwithſtanding.

Directing the Application of the Money paid for Compenſation for Lands, &c. when amounting to or exceeding 200l.

XIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken or uſed by virtue of the Powers of the ſaid Acts or any or either of them and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt recited Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court Chancery, to be placed to his Account, *ex parte* the Truſtees for executing ſo much of the ſaid Acts as relates to the ſaid

ſaid laſt-mentioned Roads and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments which ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands and Hereditaments, which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 20l.

XIV. Provided always and be it further enacted, That if any Money ſo agreed and awarded to be paid for Lands or Hereditaments purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and to be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

XV. Pro-

When less than 20l.

XV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons, who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments, ſo purchaſed, taken or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy or Lunacy then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid in to the Bank,

ſubject to the Order of the Court of Chancery on Motion or Petition.

XVI. And be it further enacted, That in caſe the Perſon or Perſons, to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements or Hereditaments to be purchaſed by virtue of the ſaid Acts and this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments, [*deſcribing them*] ſubject to the Order, Controul and Diſpoſition of the ſaid Court of Chancery which ſaid Court, on the Application of any Perſon or Perſons, making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof or Payment of the Dividends thereof according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what, and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums of Money into the Bank as aforeſaid.

Upon any Queſtion of Title to the Money ſo to be paid, Perſons then in Poſſeſſion to be deemed entitled to the Money.

XVII. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid Acts, or any or either of them or this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with ſuch Monies, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of the Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed

and

and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interests of such Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Tenements or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XVIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity, of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased by the said Trustees, under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time, to be made in pursuance of this or the said Acts, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons chargeable to Statute Work to continue so.

XIX. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Road hereby directed to be made, widened or repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Leicester* or *Warwick*, or City of *Coventry*, in their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him her or them paid to the said Trustees or their Treasurer, and in order thereunto it shall and may be lawful to and for such Justices from Time to Time, to summon such Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick High-

Justices to determine Differences touching Statute Work.

ways;

ways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint, and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct, and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect, for the Repair of the Publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for the Statute Work.

XX. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements or Hereditaments of and in all or any of the Parishes or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise as the said Trustees shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor

Surveyor or Surveyors of the Highways or other Officer of the Pariſh, or by the Perſon or Perſons ſo compounding, to the Treaſurer or Treaſurers to the ſaid Truſtees in advance, on or before the Firſt Day of *January* in each and every Year, or otherwiſe the Inhabitants or Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Penalty on taking away Materials raiſed by Surveyors.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall take away any Materials which ſhall have been dug, gotten or gathered for the Repair or Uſe of the ſaid Roads, or ſhall raiſe or carry away any Materials out of any Pit or Quarry either upon the Waſte or Incloſed Lands, which ſhall have been made or opened for the Purpoſe of getting Materials for the ſaid Roads, before the Surveyor or Surveyors of the ſaid Truſtees, or his or their Workmen, ſhall have diſcontinued working therein for the Space of Ten Days, except the Owner or Occupier of any private Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe only and not for Sale, ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on taking away Materials, &c. from the Roads.

XXII. And be it further enacted, That in caſe any Perſon or Perſons ſhall at any Time after the paſſing of this Act, ſteal, take, carry away, or otherwiſe remove or cauſe or procure to ſtolen, taken, carried away, or otherwiſe removed from and off the Surface of the ſaid Roads or any Part or Parts of the ſame, or from and off the Sides thereof, any Gravel, Stone, Sand or other Materials whatſoever, uſed or to be uſed in or upon or for the Repairs of the ſaid Roads, or ſhall dig, take or carry away any Soil or Turf from and off the Sides of the ſaid Roads within the Diſtance or Space of Thirty Feet from the Middle or Centre of the ſaid Roads, or ſhall bring, lay or ſpread any Straw, Litter, Dung, Compoſt, Manure, or any other Subſtance of any other Deſcription or Kind whatever upon the ſaid Roads or any Part or Parts of the ſame, or upon the Sides thereof; or in caſe any Perſon or Perſons (ſave only the Surveyor or Surveyors to the ſaid Truſtees, or the Labourers or Workmen employed by the ſaid Truſtees, or their Surveyor or Surveyors for the Time being) ſhall ſweep or ſcrape the ſaid ſeveral Roads or any Part or Parts of the ſame, or the Sides thereof, whereby the Soil or Materials uſed for repairing the ſaid Roads ſhall be gathered or collected together, with a view to carry away the ſame, without the Conſent of the ſaid Truſtees or any Five or more of them, under their Hands in Writing for that Purpoſe firſt had and obtained (the ſweeping or ſcraping of the ſaid Roads or the Sides thereof for the Convenience of Foot Paſſengers only excepted), the Perſon or Perſons offending in all, either or any of the Caſes before mentioned, ſhall, upon his, her or their Conviction of ſuch Offence or Offences before One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence or Offences ſhall have been committed, forfeit and pay for each and every ſuch Offence any Sum not exceeding Forty Shillings.

Surveyors may make Cauſeways or Footpaths.

XXIII. And be it further enacted, That it ſhall be lawful for the Surveyor and Surveyors of the ſaid Truſtees from Time to Time, during the Continuance of this Act, by Order of the ſaid Truſtees or any Five or more of them, to make and form, or cauſe to be made and formed, Cauſeways or Foot-paths in or along the Sides of any Parts or Parts of

of

of the ſaid Roads for the Convenience and better Accommodation of the Foot Paſſengers paſſing upon or along the ſame.

For removing Annoyances.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Three or more of them, although not aſſembled at any Meeting, or for their Surveyor or Surveyors of the ſaid Roads, and ſuch Perſons as he or they ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Three or more of them, although not aſſembled at any Meeting), to remove or cauſe to be removed all Annoyances made on any Part of the ſaid Roads by Timber, Stones, Carriages, Saw-pits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw or other Matter or Thing whatſoever, which ſuch Truſtees or any Three or more of them, and ſuch Surveyor or Surveyors, ſhall on their view deem to be a Nuiſance, or to be dangerous to be ſuffered to remain on any Part of the ſaid Roads, with or without Notice to the Perſon or Perſons cauſing or making ſuch Annoyance or Annoyances, and to ſell or diſpoſe of the ſame for the Benefit of the ſaid Road, unleſs the Perſon or Perſons making or cauſing ſuch Annoyance or Annoyances on the ſaid Roads, in Caſes where Timber or other valuable Articles are ſo removed, do within Five Days after Notice in Writing to him or them given, or left at his or their uſual Place of Abode by ſuch Surveyor, redeem the ſame, by paying the Charges and Expences of ſuch Removal, ſuch Charges and Expences to be aſcertained and fixed by the ſaid Truſtees or any Three or more of them; and in all other Caſes of abating and removing ſuch Nuiſances or Annoyances, the Charges and Expences occaſioned by ſuch Abatement or Removal, (ſuch Charges and Expences being aſcertained and fixed by the ſaid Truſtees or any Three or more of them,) ſhall be reimburſed to ſuch Surveyor or Surveyors by the Perſon or Perſons making or cauſing ſuch Nuiſances or Annoyances, and be recovered in ſuch Manner as the Penalties and Forfeitures impoſed by this or the ſaid recited Acts are directed to be recovered.

Riding on Footpaths.

Dragging Timber or Stone.

Suffering Pigs to root up the Roads.

Drivers of Carriages not keeping on the left Side the Road when meeting other Carriages.

Perſons preventing others from paſſing.

Making Bonfires or letting off Fire-works.

XXV. And be it further enacted, That if any Perſon ſhall ride upon any Footway adjoining to the ſaid Road, or ſhall drive any Horſe or other Cattle or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Footway; or if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Road any Tree or Piece of Timber or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon Wheel Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedge-backings or Copſe on either Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart or other Carriage, ſhall not keep his Carriage on the left Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him, her or them upon the ſaid Road or the Coach, Chaiſe, Waggon, Cart or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called Bonfires, or ſhall ſet fire to or let off or throw any Squib,

Leaving Carriages or Timber, &c. on the Road.

Squib, Rocket, Serpent or Firework whatſoever on any Part or Parts of the ſaid Road; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart or other Carraige in upon or on the Side of any Part of the ſaid Road longer than may be neceſſary for loading or unloading the ſame, either with or without any Horſe or Beaſt of draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever on any Part of the ſaid Road or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Recital of Power to purchaſe Lands in the Act of 2 G. 3.

XXVI. And whereas under or by virtue of the firſt recited Act, the Truſtees are empowered 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 ſuch Lands, Grounds or Hereditaments, or for the Loſs or Damage of ſuch Owners, Proprietors, Occupiers and Perſons intereſted, or any of them, ſhall or may any way ſuſtain by ſuch widening, turning or altering any Part of ſuch Roads, and out of the Tolls or Duties 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 Truſtees or any Five or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe; but no Power or Authority is thereby given to the ſaid Truſtees to enable them to exchange any Part or Parts of the ſaid Roads, with the Owner or Owners of the adjoining Lands for the Purpoſes before mentioned; For Remedy whereof, be it therefore further enacted, That from and immediately after the paſſing of this Act, the Powers and Authorities given to the ſaid Truſtees by the ſaid firſt recited Act for enabling them to purchaſe Lands for the Purpoſes therein mentioned ſhall be extended to all Caſes where any Exchange or Exchanges of Land ſhall be made by the ſaid Truſtees and the Perſons intereſted, and alſo for enabling the ſaid Truſtees to exchange Lands for any of the Purpoſes of the ſaid recited Acts or this Act.

How Expences of Jury ſhall be defrayed.

XXVII. And be it further enacted, That in all caſes where any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt or Property of any Perſon or Perſons, in any Lands, Tenements or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Five or more of them, or their Treaſurer or Treaſurers, Clerk or Clerks, Surveyor or Surveyors, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees, out of the Money in his or their Hand or Hands to ariſe by virtue of the ſaid recited Acts or this Act; but if ſuch Jury ſhall give and deliver in a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to have been given and offered by the ſaid Truſtees or any Five

or

or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the Hearing and Determination of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace acting for any one or more of the ſaid Counties of *Leiceſter* or *Warwick*, or County of the City of *Coventry* reſpectively, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, otherwiſe ſuch Coſts and Expences in caſe the ſame be not paid upon Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the Truſtees, by ſuch Ways and Means as are by the ſaid firſt recited Act provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Owner or Owners, or Perſon or Perſons intereſted in ſuch Lands, Tenements or Hereditaments, ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, the whole of ſuch Coſts, Charges and Expences ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees in Manner aforeſaid.

Truſtees enabled to ſell or exchange former Roads.

XXVIII. And be it further enacted, That the Lands conſtituting the ſaid Roads in their former State, or any Part or Parts of the ſame, in lieu whereof ſome new Road or Roads ſhall be made by virtue of this Act, unleſs the ſaid former Roads ſhall lead over ſome Heath, Common, Moor or Waſte Ground, or to ſome Village, Town, Hamlet or Place to which the reſpective new Road doth not or ſhall not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees or any Five or more of them, for the beſt Price that can be gotten for the ſame, or may be exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the ſeveral Roads by this Act and the ſaid recited Acts directed to be repaired, provided that in all Caſes the Preference ſhall be given and offered to the Proprietors of the adjoining Lands if they or either of them chooſe to treat for the ſame, of which Offer an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery (who is hereby empowered to adminiſter an Oath for that Purpoſe) by ſome Perſon or Perſons not intereſted in the Premiſes, ſtating that ſuch Offer was made by or on behalf of the ſaid Truſtees, and was not then and thereupon agreed to or was refuſed, ſhall be ſufficient Evidence in all Courts whatſoever; and in caſe any of ſuch Perſons ſhall be diſſatisfied with the Terms offered by the ſaid Truſtees, the Difference ſhall be adjuſted and determined by Two Perſons, one to be appointed by each Party; and in caſe the ſaid Perſons do not agree in ſuch Determination, then ſuch Difference ſhall be aſcertained by a Jury in Manner directed by the ſaid firſt recited Act, with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees; and the Ex-

pences of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed touching the Expences of such Juries; and that after such Determination it shall be lawful for the said Trustees to sell or exchange the Lands in Question to or with any Person or Persons whomsoever, and all Deeds of Exchange or Conveyance executed by the said Trustees or any Five or more of them, and inrolled with the Clerk of the Peace for the Time being for the said Counties of *Leicester* or *Warwick* or City of *Coventry* respectively, as the Case may require, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Land being a Garden or Orchard adjoining to any Dwelling-house or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part of the same respectively, without the Consent of the respective Owners or Proprietors thereof.

Act not to extend to taking down any Houses, &c.

For paying the Expences of the Act.

XXIX. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining and passing this Act, and all and every Sum and Sums of Money that shall be advanced or lent for Payment of the same, and all Interest to grow due thereon, shall be paid out of the first Monies to arise by virtue of the said Acts or any or either of them, and this Act, in preference to all other Payments whatsoever.

Publick Act.

XXX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Continuance of the Act.

XXXI. And be it further enacted, That the said recited Acts (subject to the Alterations and Amendments herein contained) and this Act, shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Acts; and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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