ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 24.

An Act for amending and widening the Road, commencing at or near the Side Gate on the *Hinckley* and *Lutterworth* Turnpike Road, in the Parish of *Burbage*, in the County of *Leicester*, to the *Leicester* Turnpike Road, in or near to the Village of *Narborough*, in the said County. [4th *May* 1814.]

WHEREAS the Road commencing at or near the Side Gate, on the Left of the *Hinckley* and *Lutterworth* Turnpike Road, leading from *Hinckley* to *Burbage*, in the said Parish of *Burbage*, in the said County of *Leicester*, and from the said Side Gate along the Public Highway, into and through the Village of *Sapcote*, in the said County of *Leicester*, and along the Public Highway from the Village of *Sapcote* aforesaid, into the Public Highway or Road called *The Foss Road*, and along the said *Foss Road* into the Road leading from *Huncote* to *Narborough*, both in the said County of *Leicester*, and then along the said Road to the Village of *Narborough* aforesaid, and through the said Village of *Narborough* as far as and to the Turnpike Road leading from *Narborough* aforesaid to *Leicester*, and passing in, to, or through the several Parishes, Townships, Hamlets, Liberties, or Places of *Burbage*, *Aston Flamville*, *Sapcote*, *Stoney Stanton*, *Broughton Astley*, *Sutton-in-the-Elms*, *Croft*, *Cosby*, and *Narborough*, all in the said County of *Leicester*, is in a bad Condition, and unfit for Carriages and Passengers passing thereon, and cannot be effectually repaired and kept in good Condition by the ordinary Methods prescribed 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 *Gerrard Andrews*, Dean of *Canterbury*, *John Frewin Turner*, Sir *Edmund Craddock Hartopp* Baronet, *Edmund Hartopp*, *George Anthony Legh Keck*, *Charles Loraine Smith*, *Loraine Loraine Smith* Clerk, *George Pochin*, *Joſhua Grundy*, *William Grundy*, *Thomas Babington*, *Thomas Giſborne Babington*, *Matthew Drake Babington*, *Thomas Freer*, *Thomas Sanſome*, *Dudley Baxter*, *Richard Arkwright*, the Reverend *Thomas Adnutt*, the Reverend *John Fiſher*, the Reverend *George Mettam*, the Reverend *Jerome Dyke*, the Reverend *James Eyre Harington*, the Reverend *Thomas Noel*, the Reverend *James Powell*, the Reverend *George Winſtanley*, the Reverend *John Cooper*, the Reverend *Matthew Brown*, the Reverend *Joſeph Wilton Pawſey*, the Reverend *John Lynes*, *Samuel Cotterell*, *John Hill*, *Robert Cheſsher*, *John Green*, *Francis Critchley*, *John Ward*, *Jonathan Ward*, *Robert Jeſſon*, *Daniel Lee*, *Samuel Bonner* the younger, *John Blakeſley*, *Thomas Bray*, *Thomas Needham* the elder, *Thomas Needham* the younger, *John Caldecott*, *Caleb Lowdham*, *George Greenway*, *Samuel Miles*, *James Cooper*, *Henry Townſend*, *Thomas Clarke* the elder, *Thomas Clarke* the younger, *John Miller*, *John Crafts*, *John Palmer*, *Joſhua Clarke*, *Thomas Pares*, *John Pares*, *Clement Winſtanley*, *John King*, *John King* the younger, *Ralph Winterton*, *Charles Smith*, *John Goodacre* the younger, *Marſton Buſzard*, *Richard Watſon*, *Thomas Footman*, *Thomas Franks*, *Thomas Webſter*, *William Harrold*, *Thomas Hudſon*, *Thomas Oldacres*, *Thomas Fulſhaw*, *Richard Worthington*, *William Aſtle Simpkin*, *Thomas Allen*, *Nathan Cooper*, *John Adams*, *George Allen*, *John Heyrick*, *William Heyrick*, *John Mansfield*, *Joſeph Smith*, *John Wood*, *Abraham Nurſe*, *Thomas Cheattle*, *Richard Warner*, *William Johnſon*, *William Spencer*, *Benjamin Perkins*, *William Nurſe*, *Michael Norton*, *William Armſton*, *Richard Fowke*, *John Aſhmore*, *Thomas Biſhop*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for repairing, widening, altering, and maintaining the ſaid Road, and for otherwiſe putting this Act into Execution.

Truſtees.

Appointment of new Truſtees.

II. And be it further enacted, That in caſe any of the Truſtees named in, or to be appointed by virtue of this Act, ſhall die, or by Writing under his Hand, delivered to the Clerk of the ſaid Truſtees, refuſe or decline to act, it ſhall be lawful for any Five or more of the ſurviving Truſtees, by Writing under their Hands, at any Meeting (whereof at leaſt Ten Days Notice ſhall be given upon all the Toll Gates erected or to be erected on the ſaid Roads), to nominate and appoint ſome other Perſon to be a Truſtee in the room of ſuch Perſon ſo dying or refuſing to act as aforeſaid; and every Perſon ſo nominated and appointed (being qualified as herein mentioned) ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act, as the Perſon in whoſe Stead he ſhall be appointed was veſted with.

Electing an additional Number of Truſtees.

III. 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, and they are hereby empowered, at any Time or Times (after ſuch Notice as herein-before mentioned), to nominate and appoint any Number of additional Truſtees, not exceeding Ten in the Whole, who ſhall have the ſame Power and Authority for executing this Act, as if they had been hereby nominated and appointed.

IV. And

Qualification of Truſtees.

IV. 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, or Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having an Eſtate of the clear yearly Value of Two hundred Pounds, or be poſſeſſed of, or entitled to the Perſonal Eſtate alone, or Real and Perſonal together of the Amount or Value of One thouſand Pounds, nor except in adminiſtering the Oath following, until he (not being ſuch Heir Apparent) ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; that is to ſay,

'I DO ſwear, That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*] in the actual Poſſeſſion and Enjoyment [*or*, Receipt of the Rents and Profits] of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or poſſeſſed of, or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds.

'So help me GOD.'

And if any Perſon, not being qualified as aforeſaid, ſhall act as a Truſtee in the Execution of this 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*, or elſewhere, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed, and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon has acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted during the Time in which he ſhall hold any Place or Profit under this Act, or in any Caſe where he ſhall be perſonally intereſted: Provided nevertheleſs, that all Acts, which ſhall have been done by any ſuch Perſon touching the Execution of this Act previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Victuallers not to act as Truſtees or Officers.

V. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe, or other Houſe of Public Entertainment, or who ſhall ſell any Wine, Cider, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable, and to be collected on the ſaid Roads, during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Ale Houſe, or other Houſe of Public Entertainment, or ſhall ſell any Wine, Cider, Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming or renting ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

VI. And

Truſtees being Juſtices may act.

VI. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and that any Mortgagee or Aſſignee of any Mortgage or other Security, upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee.

Truſtees may ſue in the Name of their Treaſurer or Clerk.

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit, to be brought or commenced by the Direction of or againſt the ſaid Truſtees, by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, or by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them, at a Meeting held in purſuance of this Act, but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees, ſhall be deemed to be the Plaintiff or Defendant (as the Caſe may be) in every ſuch Action: Provided always, that every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences as, by the Event, or in conſequence of any ſuch Action or Proceedings, he ſhall pay, bear, expend, or be put unto, or become chargeable with, or by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Truſtees Firſt Meeting.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Bull's Head Inn* in *Hinckley*, in the ſaid County of *Leiceſter*, on the Second *Monday* after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as ſoon after as convenient, and ſhall then and there proceed in the Execution of this Act, and adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place on or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and appoint, as often as it ſhall be neceſſary for putting this Act into Execution: Provided always, that Three Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at any Time and Place appointed for a Meeting of the Truſtees, for putting this Act into Execution, either then to act or to adjourn to another Time; or in caſe the Truſtees, at any Time aſſembled, ſhall omit or neglect to adjourn themſelves, then, and in either of the ſaid Caſes, it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing, to be fixed on the Toll Gates upon the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the County of *Leiceſter*, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held, or was to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding One Calendar Month after the Day on which ſuch laſt-mentioned Meeting was held, or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving

Power to adjourn.

Notice

Notice as aforeſaid, it ſhall be lawful for any Two of the Truſtees (although not aſſembled at a Meeting), at any Time or Times after ſuch Refuſal, Neglect or Prevention reſpectively as aforeſaid, to cauſe a Notice in Writing, to be ſigned by their Clerk for the Time being, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſuch Time and Place, upon or near the ſaid Road, as they ſhall think proper, not exceeding Twenty-one Days nor being leſs than Six Days from the Time of affixing or inſerting ſuch laſt-mentioned Notice.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall be thought neceſſary that they ſhould meet at an earlier Time than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by Five or more of them, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof, in the Manner before directed, and of the Time and Place which ſhall be mentioned in ſuch Order (ſuch Time not being leſs than Three Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held for the Purpoſe only for which ſuch Meeting ſhall have been called; and all the Proceedings of the Truſtees, at all ſuch Meetings as aforeſaid, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and the Truſtees ſhall at all Meetings defray their own Charges; and all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except in ſuch Caſes as are hereby otherwiſe particularly mentioned), and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein.

How Orders of Truſtees to be revoked.

X. Provided always, and be it further enacted, That no Order made by any Five or more of the ſaid Truſtees ſhall be revoked or altered unleſs Seven Truſtees at leaſt ſhall be then preſent, and Five or more of them ſhall concur therein.

Proceedings to be entered in a Book.

XI. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or the major Part of them, or by their Clerk, by their Order, which ſaid Book or Books, and alſo the Books hereinafter mentioned and directed to be kept for regiſtering the Mortgages and Aſſignments of Tolls hereby intended to be granted, or Tranſcripts thereof, ſigned by the Clerk to the ſaid Truſtees, ſhall and may be read in Evidence in all Caſes of Appeal, and in all Suits or Actions touching any Thing done or to be done in purſuance of this Act.

Appointing Officers.

XII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at their firſt or any ſubſequent Meeting, as Occaſion ſhall require, ſhall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of ſuch Money as ſhall be due and payable by virtue of this Act, and take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his and their Office or Offices, as the ſaid Truſtees or any Five or more of them ſhall think fit, and alſo a Surveyor or Surveyors, and

all ſuch other Officers as they the ſaid Truſtees or any Five or more of them ſhall think neceſſary or proper to be employed in the Execution of this Act; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees or any Five or more of them ſhall ſee Occaſion; and the ſaid Truſtees or any Five or more of them ſhall and may, out of the Money to be raiſed by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers ſo appointed or continued, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees or any Five or more of them ſhall ſeem proper; and all ſuch Officers and Perſons ſhall, from Time to Time, when thereunto required by the ſaid Truſtees or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall for that Purpoſe appoint, a true and perfect Account in Writing, under their reſpective Hands, of all Monies which ſhall have been by them reſpectively paid, collected, or received, and how, and to whom, and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Accounts upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, (which Oath any one of the ſaid Truſtees, being a Juſtice of the Peace, is hereby empowered to adminiſter); and alſo ſuch Officers and Perſons ſhall, and are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands to ſuch Perſon or Perſons as the ſaid Truſtees or any Five or more of them ſhall appoint to receive the ſame; and if the ſaid Officers or Perſons, or any of them, ſhall refuſe or neglect to render and give ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, or any Five or more of them, or by ſuch other Perſon or Perſons, all Books, Papers, or Writing in their Cuſtody or Power relating to the Execution of this Act, then and in every ſuch Caſe, Complaint being made by the ſaid Truſtees or any Five or more of them, or by any Perſon or Perſons on their Behalf, of any ſuch Neglect or Refuſal, to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may, and he is hereby authorized and required, by any Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his and their appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers,

Perſon

Perſon or Perſons, ſuch Juſtice may, and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame, or if ſuch Officer or Officers, Perſon or Perſons ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or, if appearing, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, and of the Articles thereof, on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, then and in any or either of the Caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons to the Gaol or Houſe of Correction of the County or Place where he or they ſhall live or reſide, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that Reſpect have been made, or until he or they have compounded with the ſaid Truſtees or any Five or more of them for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (which ſaid Compoſition the ſaid Truſtees or any Five or more of them are hereby empowered to make), and until he or they ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of a ſufficient Diſtreſs, ſhall be detained in Priſon by virtue of this Act for any longer Time than Three Calendar Months.

Truſtees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf; and in ſuch Caſe, and alſo in caſe any ſuch Collector or Receiver ſhall die, ſuch Truſtees ſhall and may nominate and appoint a proper Perſon to be Collector of the ſaid Tolls, to continue until the next Meeting of the Truſtees, in the Stead of ſuch Collector or Receiver as ſhall die, or be diſcharged; and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had or would have been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Family, or other Repreſentative or Repreſentatives of any

Collector

Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building erected on the ſaid Road, for the Space of Two 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 their Clerks, or Treaſurer or Treaſurers for the Time being, then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the County in which ſuch Toll Houſe, Building, and Appurtenances ſhall be ſituated, by Warrant under his and their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, 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 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.

Power to continue and erect Toll Gates, Side Gates, and Toll Houſes.

XIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, as they ſhall think proper, erect and ſet up, or cauſe to be erected and ſet up, any Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Roads by this Act directed to be made and repaired, and upon the Sides thereof, and alſo acroſs any Lane, Common, or Way leading into or out of the ſame, and may alſo erect and provide a Toll Houſe, with ſuitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or diſcontinue the Toll Gates or Toll Houſes, or any of them, as they the ſaid Truſtees, or any Seven or more of them, ſhall think expedient; and may alſo take in and incloſe from the ſaid Road, or any Part thereof, convenient Garden Spots for each of the ſaid Toll Houſes, not exceeding One-eighth Part of an Acre, as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint; and that the reſpective Tolls following ſhall be demanded and taken at each and every ſuch Toll Gates, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time authorize and appoint for that Purpoſe, before any Horſe, Beaſt, Cattle, or Carriage ſhall be permitted to paſs through the ſame; that is to ſay,

Tolls.

For every Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Barouche, Chaiſe Marine, Calaſh, Curricle, Chair, Gig, Whiſkey, Caravan, Hearſe, Litter or other ſuch like Carriage, drawn by more than Four Horſes, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Three Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe, or other Beaſt of Draught, the Sum of Sixpence:

For every Four-wheeled Carriage, fixed to any Waggon, Wain, Dray, Cart or other Carriage, the Sum of Nine-pence:

For every Two-wheeled Carriage the Sum of Sixpence:

For every Dray, ſo conſtructed as that the Diſtance between the Axle-trees thereof ſhall be more than Nine Feet, and laden otherwiſe than with a ſingle Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence over and above the Toll payable for each of the Horſes or Beaſts of Draught drawing the ſame:

For every Horſe, Mare, Gelding, Mule, Aſs, Ox or Bullock, drawing any Waggon, Wain, Dray, Cart, or other ſuch like Carriage, the Sum of Four-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, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any leſs Number; and for every Drove of Calves, Swine, Sheep or Lambs, the Sum of Sixpence *per* Score, and ſo in Proportion for any leſs Number.

Double Tolls to be taken on Sunday.

XV. And that on every *Sunday* during the Continuance of this Act, there ſhall (under the Proviſions and Reſtrictions aforeſaid,) be demanded and taken at the ſaid Toll Gates reſpectively, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, before any Horſe, Cattle or Carriage ſhall be permitted to paſs through the ſame, double the ſaid reſpective Tolls, except ſuch Horſes or Beaſts as ſhall be employed ſolely for the Purpoſe of carrying or conveying Milk.

Exempting from Toll Inhabitants of Narborough, Huncote, &c.

XVI. And whereas the Inhabitants and Owners and Occupiers of Lands or Hereditaments, within the ſeveral Pariſhes, Townſhips or Hamlets of *Narborough*, *Huncote*, *Potter's Marſton* and *Croft*, in the ſaid County of *Leiceſter*, might be greatly injured by being liable to the Payment of Toll for paſſing only between Eight hundred and Nine hundred Yards on the ſaid Road, unleſs Proviſion is made for Exemption therefrom as hereinafter mentioned; be it therefore further enacted, That no Toll ſhall be payable, demanded or taken of or from any ſuch Inhabitant, Owner or Occupier, or any Agent or Servant of, or other Perſon employed by any ſuch Inhabitant, Owner or Occupier for or in reſpect of any Horſe, Beaſt, Cattle, Carriage or Thing paſſing or repaſſing ſolely upon or along the Part of the ſaid Road by this Act intended to be repaired, lying between its entering as aforeſaid into the ſaid Road leading from *Huncote* to *Narborough*, and the ſaid Turnpike Road from *Narborough* to *Leiceſter*, and not paſſing or repaſſing on the ſame Day upon any other Part of the ſaid Road, nor of or from any Inhabitant, or any Owner or Occupier of any Lands or Hereditaments within the ſaid Pariſh of *Narborough*, for or in reſpect of any Horſe, Beaſt, Cattle, Carriage or other Thing paſſing or repaſſing, ſolely upon any Part of the ſaid Road lying within that Pariſh, and not paſſing or repaſſing on the ſame Day upon any other Part of the ſaid Road, any Thing herein contained to the contrary notwithſtanding.

No Toll to be taken, or Toll Gate to be erected acroſs the Leiceſter Foreſt Lane.

XVII. And be it further enacted, That no Toll ſhall be taken nor any Toll Gate be erected by virtue of this Act acroſs or upon the ſaid Road between the Lane or Road branching out of the ſame, in the ſaid Village of *Narborough*, towards *Leiceſter* Foreſt, called The *Foreſt Lane*, and the ſaid Turnpike Road from *Narborough* to *Leiceſter*.

Manner of Recovery.

XVIII. And be it further enacted, That the ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein after is directed; and if any Perſon, ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons authorized and appointed as aforeſaid, to collect ſuch Tolls by

by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhould think neceſſary to ſeize or diſtrain any Horſe, Beaſt or other Cattle upon which any ſuch Toll is by this Act impoſed, together with their Saddles, Gears, Harneſs or Accoutrements, (except the Bridle or Reins of any ſuch Horſe or other Beaſt, ſeparate from ſuch Horſe or other Beaſt,) or any Carriage, in reſpect of the Horſes or Beaſts drawing, on which Carriage ſuch Toll is by this Act impoſed; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Two Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, may ſell the Horſes, Beaſts, Cattle, Carriages or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale, ſhall be deducted.

Power to lower the Tolls.

XIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at their Firſt Meeting, or at any ſubſequent Meeting to be holden for that Purpoſe, of which ſubſequent Meeting at leaſt Twenty-one Days Notice ſhall be given in Writing, affixed on all the Toll Gates erected on the ſaid Road may, and they are hereby authorized and empowered, from Time to Time, in caſe it ſhall appear requiſite or expedient, to leſſen and reduce, and again to raiſe and advance the Tolls hereby authorized to be taken, or any Part or Parts thereof, and to order the ſame to be taken in ſuch Manner, Parts and Proportions as they ſhall think fit, ſo that the reſpective Tolls ſo advanced never exceed the Tolls by this Act authorized to be taken, and ſo that the Tolls ſo granted be never leſſened, until the Money borrowed on the Credit thereof, together with the Intereſt, be repaid, except the Perſon or Perſons entitled to Five Sixth Parts of ſuch Money conſent thereto; and ſuch Tolls ſo reduced, and every of them, ſhall be collected, recovered and applied in the ſame Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered and applied.

Tolls to be paid but once a Day.

XX. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authorized to be taken for the paſſing of any Horſe, Cattle, Beaſt or Carriage through any of the ſaid Toll Gates to be erected by virtue of this Act, ſuch Perſon ſhall, upon producing a Note or Ticket, denoting the Payment thereof on that Day at the ſame Toll Gate, (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis* on Demand to every Perſon paying the ſame,) be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt or Carriage through the ſame Toll Gate at any Time during the ſame Day, to be computed as aforeſaid.

Only Two Tolls to be taken.

XXI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to empower the ſaid Truſtees to cauſe more than Two Tolls to be demanded or taken for the paſſing or repaſſing of the ſame Horſe, Beaſt, Cattle, Carriage or other Thing through all the Toll Gates erected or to be erected on the ſaid Road on the ſame Day, (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night).

XXII. Provided

No Toll to be paid within Five Miles of the Gate at which Toll ſhall have been paid.

XXII. Provided alſo, and be it further enacted, That in caſe any of the ſaid Tolls ſhall have been paid at any Toll Bar or Gate, for or in reſpect of any Horſe, Beaſt, Cattle or Carriage, then and in ſuch Caſe no Toll ſhall be demanded or taken for or in reſpect of the ſame Horſe, Beaſt, Cattle or Carriage, on the ſame Day (to be computed as aforeſaid,) at any Toll Bar or Gate erected or to be erected within the Diſtance of Five Miles of the Toll Bar or Gate at which ſuch Toll ſhall have been paid.

Juſtices to ſettle Diſputes about Tolls.

XXIII. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collectors, or Perſons diſtraining, to retain the ſame or the Money ariſing from the Sale thereof, (as the Caſe ſhall be,) until the Amount of the Tolls due, and Charges of ſeizing, diſtraining, keeping and ſelling, (as the Caſe ſhall be), ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace having Juriſdiction in the Place where the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping and Sale, and alſo of the Collectors' Attendance for that Purpoſe on the Juſtice or Juſtices; all which ſaid Sums, ſo determined or aſſeſſed, ſhall be paid to the ſaid Collectors or other Perſons, before he ſhall be obliged to return the Diſtreſs or Overplus after the Sale thereof, or any Part thereof.

Collectors of Tolls not to be incompetent Witneſſes.

XXIV. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit or Litigation, by reaſon of his, her or their being appointed to collect ſuch Tolls, or by reaſon of his, her or their acting under the Authority of the ſaid Truſtees.

Truſtees may let the Tolls.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting whereof Twenty-one Days Notice ſhall have been given in Writing, affixed upon all the Toll Gates then erected upon or acroſs the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the County of *Leiceſter*, from Time to Time, by Writing under their Hands, to let and demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time and to ſuch Perſon or Perſons and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Truſtees may take Poſſeſſion of Toll Houſes when let to farm.

XXVI. 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 Road ſhall, at any Time or Times during the Continuance of this Act, be demiſed

miſed 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 be in Arrear by the Space of Twenty-one 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, Treaſurer or Surveyor, or other Perſon authorized in Writing under the Hands of any Five or more of them, ſhall be at Liberty, and they are hereby authorized to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove or 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 as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful to and 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 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 compound.

XXVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them may, and they are hereby authorized and empowered to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons, (common Carriers and the Proprietors of Stage Coaches only excepted,) for any Sum or Sums of Money which the ſaid Truſtees ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls, which Compoſition ſhall be immediately paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, and be applied in the ſame Manner as the Tolls ſo compounded for would have been applicable.

General Exemptions.

XXVIII. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or paid, at any of the Toll Gates erected or to be erected, or continued upon the ſaid Road, for any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails or Letters and Expreſſes under the Authority of His Majeſty's Poſt Maſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March, or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor from any Rector, Vicar, or Curate going to or returning from

from his own Pariſh Church or Chapel, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in the Pariſh, Hamlet, or Place, through which any Part of the ſaid Road hereby intended to be repaired lies; nor for any Horſes, Beaſt, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Leiceſter*, or any Surveyor or Surveyors of the ſaid Road, when attending his or their Duty on the ſaid Road, or for carrying or conveying Vagrants ſent by legal Paſſes, or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or ſtacked up in any Barn or Yard, held or uſed by the Occupier of the Land whereon the ſame grew, and being within the ſame Pariſh, nor going or returning empty when ſo employed, or for carrying or conveying any Dung, Soil, Mould, or Compoſt, to be uſed for the manuring or improving of any Land, nor going or returning empty when ſo employed; nor for any Horſes, Beaſts, or Cattle paſſing in order to be uſed or employed only upon or for the Occupation of Land in the ſame Pariſh, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Huſbandry, in order to be ſo uſed or employed (unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Tolls); nor for any Horſe, Beaſt, or Cattle, paſſing to or from Paſture upon any ſuch Land as laſt mentioned, or to or from Water, or for either of thoſe Purpoſes of Paſture or Water, going or paſſing only from one Pariſh into the next adjoining Pariſh; nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried; nor for any Horſe, Beaſt, or Cattle, uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing of any Highway or Public Road, within any ſuch Pariſh, Hamlet, or Place as aforeſaid, nor going or returning empty when ſo employed; nor for any Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Road only, or ſhall not paſs more than One hundred Yards thereon; 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 them in going to or returning from any Place of Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Horſes employed on Land in the ſame Pariſhes through which the ſaid Road goes.

XXIX. 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 Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any

Carriages conveying Military Stores not to be ſubject to Penalties for Over-weight.

any Penalty or Forfeiture for Over-weight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight therein, 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 Act contained, to the contrary notwithſtanding.

Puniſhing Perſons evading Tolls.

XXX. And be it further enacted, That if any Perſon or Perſons ſhall go or paſs with, or ride or drive any Horſe or Beaſt, or ride in any Carriage through or over any Land, Ground, or Place, in order to avoid the ſaid Tolls, or any of them, lying by the Side of or near to any Part of the ſaid Road (the ſame not being a Public Highway), not being the Owner or Owners, Occupier or Occupiers thereof; or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place, ſhall knowingly or willingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Cattle or Carriage through or over ſuch Land, Ground, or Place, in order thereby to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby, or by Means whereof any Evaſion ſhall take place or be effected; or if any Perſon ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons any Note or Ticket, with Intent to avoid the Payment of all or of any Part of the ſaid Tolls, or if any Perſon or Perſons ſhall unload or cauſe to be unloaden any Goods or Merchandize, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, and draw therewith upon any Part of the ſaid Road, ſo as to increaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage, after the ſame ſhall have paſſed through the ſaid Toll Gates, in order to avoid the Payment of any of the ſaid Tolls, ſuch Perſon or Perſons, and every of them, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Penalties on Collectors taking greater or leſs Toll than allowed.

XXXI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls ſhall demand or take, or cauſe to be demanded and taken, from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer, Renter, or Collector, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned.

Toll Gates, &c. veſted in Truſtees.

XXXII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be erected or made by virtue of this Act, and the Materials for building and repairing the

the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring, or cauſe to be brought, any Action or Actions, or to prefer, or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage any ſuch Toll Gates, Toll Houſes, Conveniences, or Appurtenances, Materials, Articles, or Things, or diſturb them, or their Agents or Servants, in the Poſſeſſion thereof.

For borrowing Money and aſſigning the Tolls.

XXXIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held for that Purpoſe, whereof Twenty-one Days Notice ſhall be given in Writing, affixed upon all the Toll Gates then erected upon the ſaid Road, or inſerted in ſome one Newſpaper publiſhed or circulated in the ſaid County of *Leiceſter*, may, and they are hereby empowered from Time to Time to borrow and take up at Intereſt ſuch Sum and Sums of Money as they ſhall think needful, and they are hereby alſo empowered, either at ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals, to aſſign over, or mortgage all or any Part of the Tolls to be collected and levied at the ſaid Toll Gates (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to any Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame, which Mortgage ſhall be made in the following Form, or any other Form of Words to the like Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], We Seven of the Truſtees for putting this ſaid Act into Execution, in Conſideration of the Sum of to the Treaſurer of the ſaid Road in hand paid, do grant, bargain, ſell, and demiſe unto his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the Sum of doth or ſhall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from the Day of for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of .'

Mortgages or Aſſignments ſhall be entered in a Book or Books.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books, to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees, and all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Aſſignment or Aſſignments of Tolls may have been made under this Act, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, or any Part thereof,

to any Perſon or Perſons whomſoever, by ſigning any Inſtrument to be annexed to, or by indorſing on ſuch Security, before a credible Witneſs, the following Words, or Words to the like Effect; (that is to ſay),

'I do transfer this Mortgage or Security [*or*, a certain Mortgage or Security, *ſhortly ſtating it, as the Caſe may be*], with all my Right and Title to the Principal Money thereby ſecured, and all the Intereſt now due thereon, unto his Executors, Adminiſtrators, or Aſſigns. Dated this Day of

Witneſs .'

Which Transfer ſhall be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, and Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk ſhall be paid the Sum of Six Shillings and Eight-pence, and no more, and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignees may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, to whom the ſame ſhall be laſt transferred, to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

No Priority of Mortgages.

XXXIV. Provided always, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons advancing any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of advancing any ſuch Sum or Sums of Money; but all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls in equal Degree one with another.

Compelling Payment of Subſcriptions.

XXXV. And be it further enacted, That if any Perſon or Perſons, who hath or have already ſubſcribed any Money towards the Expence of obtaining and paſſing this Act, and carrying the ſame into Execution, or of repairing, widening, altering, and maintaining the ſaid Roads, or any Part thereof, or any other Perſon or Perſons who ſhall hereafter become, or agree to become a Subſcriber or Subſcribers for the Purpoſe aforeſaid, or any of them, ſhall, after Twenty Days previous Notice, in Writing, under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe, given to him, her or them, or left at his, her or their Dwelling Houſe or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her or them ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees or any Five or more of them, to bring or cauſe to be brought, in the Name of their Treaſurer or Clerk, an Action of Debt or on the Caſe, Bill, Plaint or Suit, againſt ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her or their Heirs, Executors or Adminiſtrators in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection or Wager of Law, nor more than One Imparlance ſhall be allowed, and after Proof of ſuch Perſon or Perſons, his, her or their Heirs, Executors or Adminiſtrators ſhall be compelled to pay the Sum or Sums of Money ſo by him, her or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, together with full Coſts of Suit.

XXXVI. And

Application of Money.

XXXVI. And be it further enacted, That out of the Monies which ſhall be raiſed by virtue of this Act, the ſaid Truſtees or any Five or more of them, ſhall, in the firſt Place, pay and diſcharge all the Coſts and Expences relative to procuring or paſſing this Act, and the Remainder of ſuch Monies ſhall, from Time to Time, be applied in putting this Act into Execution, and in repaying the principal Money by this Act charged or to be borrowed, and the Intereſt due and to grow due thereon, and in repairing, improving, and rendering commodious the ſaid Road, and putting this Act in Execution in all other Reſpects.

Surveyors may dig for Gravel in Waſtes, without paying for it.

XXXVII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to be appointed by the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch, dig for, gather and carry away any Materials for completing or repairing the ſaid Road, out of any Commons or Waſte Grounds, Common, River or Brook in or near which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſon or Cattle, and paying for the Damage done by going through and over any Lands or Grounds for and with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather and carry away any ſuch Materials, in or out of the Ground of any Perſon (not being the Ground whereon any Houſes or Buildings ſtand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks or Avenue to a Houſe, or any Piece of Ground planted or ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of ſuch Grounds, where and from whence the ſame ſhall be digged, gathered and carried away, or over which the ſame or any other Materials for repairing the ſaid Road ſhall be carried, as the ſaid Truſtees or any Five or more of them ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed as aforeſaid, and the Owners and Occupiers of private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two Juſtices of the Peace for the ſaid County of *Leiceſter*, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle and determine the Matter of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Notice to be given to the Occupiers of Land before Materials are to be taken therefrom.

XXXVIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or any other Perſon or Perſons under the Authority of this Act, to dig, gather, get, take or carry away any Materials for making or repairing any Part of the ſaid Road out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Land Owner or his known Agent, or to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before any Two Juſtices of the Peace acting for the County or Place wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials

ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent or Occupier ſhall attend, purſuant to ſuch Notice, ſuch Juſtice ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, take and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to ſuch Juſtices ſhall ſeem proper, and if ſuch Land Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier or his or her Agent had attended; and the Order of ſuch Truſtees or Juſtices reſpectively ſhall be final and concluſive to all Parties.

Power to ſearch for Materials without giving Notice.

XXXIX. Provided always, and be it further enacted, That nothing herein-before contained ſhall hinder or prevent any ſuch Surveyor as aforeſaid from boring or digging in any incloſed Lands, for the Purpoſe of ſearching for ſuch Materials as aforeſaid (not being a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Plantation or Nurſery for Trees), without giving any ſuch Notice as aforeſaid, ſuch Surveyor doing thereby as little Damage as may be, and making full Satisfaction and Compenſation for any ſuch Damage, to be aſcertained in Manner aforeſaid.

Penalties on taking away Materials got by the Surveyors.

XL. 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 Road, or ſhall raiſe or carry away any Materials out of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein, for the Space of One Year, (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner to get Materials for his own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Power to make Cauſeways.

XLI. And be it further enacted, That the ſaid 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 empowered to make or cauſe to be made any Cauſeway or Footpath in or along the Side of any Part or Parts of the ſaid Road, and to cut or cauſe to be cut any Watercourſe in, through or acroſs any Lands or Grounds, in order to drain or prevent the ſaid Road or any Part or Parts thereof from being overflowed, and to 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 Road hereby intended to be repaired, (not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or any planted Walk, Garden, Orchard, Yard, Park, Paddock or Avenue to any Houſe,) to be made uſe of by all Paſſengers, with Carriages and Cattle, or otherwiſe, as a Public Highway, whilſt the old ruinous Road is undergoing Repair, 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 and Grounds, for the Damages thereby

ſuſtained, as to the ſaid Truſtees or any Five or more of them ſhall ſeem reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County or Place where ſuch Lands ſhall be ſituated, at their General Quarter Seſſions of the Peace to be holden next after ſuch Difference ſhall ariſe.

Not to divert any Watercourſes, feeding Ponds, &c.

XLII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give Power to the ſaid Truſtees, or any of their Surveyors, Servants, Workmen or Agents, to ſtop, divert or diſpoſe of any Water or Watercourſe, either in or through any public or private Ground, that ſhall contribute towards filling or ſupplying any public or private Pond or Ponds, Baſons, Canals or Reſervoirs for Water, until all and every ſuch Pond or Ponds, Baſons, Canals or Reſervoirs ſhall be ſufficiently ſupplied and filled, and the Water run waſte; and that whenever a Supply of Water ſhall and may be needful or convenient to any ſuch Pond or Ponds, Baſons, Canals and Reſervoirs, or any of them, it ſhall be lawful for the Owners or Occupiers thereof to ſtop and dam up any ſuch Watercourſe as may have been made in purſuance of this Act, by Order of the ſaid Truſtees, or any Five or more of them, or their Surveyors, and to bring back the Water to ſuch Pond or Ponds, Baſons, Canals and Reſervoirs, until the ſame be again ſufficiently ſupplied and filled and the Water runs waſte, and ſo from Time to Time, as often as ſuch Owners or Occupiers ſhall think fit and convenient.

Surveyor may remove Annoyances.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, at proper Seaſons of the Year, to remove all Annoyances on the ſaid Road, and to cut down Trees or Buſhes (at the proper Seaſon of the Year) growing on the ſaid Road, or in the Hedges or Banks adjacent thereto, and to cut or plaſh ſuch Hedges, the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, 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 reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down ſuch Trees and Buſhes, or to cut or plaſh ſuch Hedges, 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*, as the Caſe may happen to be, from Time to Time, to levy the Charges thereof upon ſuch Owners or Occupiers by Diſtreſs and Sale of his or their Goods and Chattels, rendering the Surplus (if any) to the Owners thereof, upon Demand, after all Charges paid; and if after 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 convicted thereof upon Oath, before Two or more Juſtices of the Peace for the ſaid County of *Leiceſter*, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds.

XLIV. And

Owners of Watercourſes neglecting to ſcour the ſame after Notice given.

XLIV. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour or cleanſe any Ditch, Drain or Watercourſe which ſhall adjoin to or lead into or out of any Part or Parts of the ſaid Road, 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 ſcouring and cleanſing the ſame; and if ſuch Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors on Demand thereof upon him, her or them reſpectively, by Writing to be left at his, her or their reſpective Place or Places of Abode, the ſaid Money, and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains and Watercourſes, and Payment of the ſaid Money, and Demand thereof made, and Non-payment thereof as aforeſaid, by the Oath of One or more Witneſs or Witneſſes before any Juſtice of the Peace for the County of *Leiceſter*, 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 Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any) to the Owner or Owners thereof upon Demand, after all Charges are paid.

Surveyors may cleanſe them.

Road to be made according to Map or Plan.

XLV. And whereas a Map or Plan, deſcribing the Line of the ſaid new Road, and the Lands through which the ſame is to be carried, has been depoſited at the Office of the Clerk of the Peace for the County of *Leiceſter*, be it therefore enacted, That the ſaid Map or Plan ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the end that all Perſons may, at any reaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying to the ſaid Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan; and that the ſaid Truſtees, in making, widening or repairing the ſaid Road, ſhall not deviate more than One hundred Yards from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may contract for purchaſing Lands.

XLVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and are hereby authorized and empowered, from Time to Time, as they ſhall think proper, to widen and divert, turn, ſhorten, vary, or alter the Courſe or Path in Manner herein mentioned of any Part or Parts of the ſaid Road, and that any Variation of Road may be made through any Common or Waſte Ground without making any Satisfaction for the ſame, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof and to the Perſons intereſted therein for the Damages they may ſuſtain thereby; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time aſſembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of or Perſons intereſted in any Lands or Hereditaments, for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain, by widening

and

and diverting, turning, ſhortening, varying, and altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands and Hereditaments; and it ſhall be lawful for all ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Infant Wards, Ceſtuique Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for every Perſon or Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, or Conveyances, which ſhall be made in Writing, and ſealed and delivered by any Five or more of the ſaid Truſtees, in purſuance of any Order or Orders at any Meeting or Meetings to be holden under this Act, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: Provided always, that in widening, turning, or diverting the Courſe of the ſaid Road, or for any other the Purpoſes of this Act, it ſhall not be lawful to or for the ſaid Truſtees to take or make uſe of, 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.

Where Perſons neglect or refuſe to treat, Damages to be ſettled by a Jury.

XLVII. And be it further enacted, That if any ſuch Bodies Politic, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees or Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politic, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is to be diverted, turned, or altered, ſhall, by the Space of Thirty Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage or Recompence to be inquired into and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands ſhall lie; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine, on Oath, any Perſon or Perſons whomſoever, (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and ſuch Truſtees ſhall, by ordering a View, or otherwiſe, uſe all ſuch Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſes, and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damages or Recompence, they, the ſaid Truſtees,

Truſtees, or any Five or more of them, ſhall thereupon, order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners, and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, which Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, or Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant to the Sheriff of the County wherein ſuch Lands ſhall lie, requiring him to impannel, ſummon, and return Twenty-four Perſons, qualified to ſerve on Juries, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby empowered and required to draw, by Ballot, and to ſwear or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured to attend that Service, to make up 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, ſhall have Power from Time to Time to impoſe any reaſonable Fine and Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect 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 ſhall refuſe or neglect to appear, or appearing (having his reaſonable Expences paid or tendered) ſhall refuſe to be ſworn or examined, or give Evidence, ſo as that no ſuch Fine be more than Five Pounds on any One Perſon for One Offence.

How Expences of the Jury ſhall be paid.

XLVIII. And be it further enacted, That in caſe 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 or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed and offered by the ſaid Truſtees, or any Five or more of them, or the Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, and 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

borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money in his Hands to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees 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 determining 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 of the ſaid County, 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 or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, the whole of ſuch Coſts and Expences ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act.

Money agreed upon or aſſeſſed for Lands how to be paid and tendered.

XLIX. **And** be it further enacted, That all and every Sum and Sums of Money, Conſideration, Recompence, and Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or out of the Monies to be raiſed by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or, as the Caſe may require, to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or depoſiting the ſame in the Bank of *England* in Manner by this Act directed, as the Caſe may be, and after Thirty Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn the ſaid Road through or over ſuch Lands or Hereditaments, and to do all and every Act, Matter, and Thing with relation to ſuch Lands or Hereditaments as the ſaid Truſtees or any Five or more of them ſhall think fit; and the ſaid Truſtees ſhall cauſe ſuch Parts of the ſaid Road as ſhall be made, widened, diverted, or turned through any private Grounds to be ditched or otherwiſe fenced from the adjoining Lands, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Road by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a Common Highway, and ſhall be repaired and kept in Repair as ſuch; and from thenceforth all Parties and Perſons whomſoever ſhall be

be divested of the Right and Title to such Lands and Hereditaments; and the Lands constituting any former Roads, in lieu whereof some new Roads shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Road doth 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 Purpose of this Act; and the Money arising by such Sale shall be applied to the Repair of the Road by this Act directed to be repaired; 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 County wherein such Lands or Grounds shall lie, shall be good and effectual in the Law, to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Buildings, or to the taking in of 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 thereof, without the Consent of the Owners or Proprietors thereof respectively, in Writing, first had and obtained.

Former Roads may be sold.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

L. And whereas, by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seised of some Piece or Pieces of old Road or other Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of old Road and other Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons whose Lands adjoin to have the Preference.

LI. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of Overplus Ground purchased by virtue of this Act, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of old Road shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of old Road, or other Ground, stating that such Offer was made by or on the behalf of the said Trustees, and such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they,

they, and the ſaid Truſtees ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, in purſuance of this Act; and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees, of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation, when exceeding 200l.

LII. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements or Hereditaments which ſhall be purchaſed for the Purpoſes of this Act, of any Body Politic, Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, not having the Power to ſell without the Authority of this Act, Feoffees in Truſt, Guardians, Committees or other Truſtees, or from any Feme or Femes Covert or other incapacitated Perſon or Perſons, ſuch Money ſhall, in caſe the ſame 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 of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing this Act, or any Five or more of them, 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, Tenements or Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be ſo laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements 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, Tenements or 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 or capable of taking Effect, and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and 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 or Hereditaments

taments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Application when Money does not amount to 200 l. and ſhall exceed 20l.

LIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any ſuch Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or 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, Tenements 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 be placed to his Account as aforeſaid, in order to be applied in Manner herein-after directed, or 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 any Five or more of the ſaid Truſtees for executing this Act, (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 any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application of Compenſation when leſs than 20l.

LIV. 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 the Sum of 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, Tenements or Hereditaments ſo purchaſed, taken or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in caſe of Infancy or Lunacy, then ſuch Money ſhall be paid to his, her or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſons or Perſon ſo entitled reſpectively.

In caſe of Refuſal to accept Purchaſe Monies, the ſame to be paid into the Bank.

LV. 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 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 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

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 Public 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 thereto, 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 any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon in Poſſeſſion of the Lands, &c. ſhall be entitled thereto.

LVI. Provided always, 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 this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance hereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch 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 taken to have been lawfully entitled to ſuch Lands, Tenements and Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends or Intereſt of the 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 Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LVII. Provided alſo, and be it further enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of 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 Act, or ſo much of ſuch Expences as the ſaid 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, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

LVIII. And

Perſons liable to repair the Roads, to continue ſo.

LVIII. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who before the paſſing of this Act hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or any other Account or Accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them have or hath heretofore uſually been, or would have been in caſe this Act had not been made.

Statute Work.

LIX. 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 Roads by this Act directed to be made, widened, and 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*, 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, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do 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 every ſuch Juſtice from Time to Time to ſummon the Surveyor or Surveyors of the Highways of 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 Liſts 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 Repair of Public Highways, 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 Roads, 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 ſuch 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

liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do Statute Work as aforeſaid, after Notice in Writing given 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 or 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 Public 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 Roads, 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 as 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the mending of the ſaid Roads; and in caſe the 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 Ten Pounds.

For Recovery of Compenſation of Statute Work.

LX. And be it further enacted, That the Proportion of the Money received, or which ought to be received, by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place as aforeſaid, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, and adjudged and determined by ſuch Juſtices as aforeſaid to be by ſuch Surveyor or Surveyors paid to the ſaid Truſtees, or their Surveyor or Surveyors, ſhall be ſo paid to them or him at ſuch Time or Times as ſuch Juſtices as aforeſaid ſhall direct or appoint; and in Default of Payment thereof, the ſame, together with all reaſonable Coſts and Charges of the Recovery thereof, ſhall and may from Time to Time be levied, on the Application of the ſaid Truſtees or any Five or more of them, or their ſaid Surveyor or Surveyors, by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways of ſuch Pariſh, Townſhip, or Place, by Warrant under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace for the County or Place where the Defaulter or Defaulters ſhall reſide.

Truſtees to compound for Statute Work.

LXI. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree, by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees or Committees of Lands, Tenements, and Hereditaments, who are and ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall and may be lawful for

the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, firſt had at any Veſtry or other Public Meeting of ſuch Inhabitants, to compound and agree for a certain Sum of Money, by the Year or otherwiſe, in lieu of the Statute Work to be done upon any Part or Parts of the ſaid Road; all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in Repair of the ſaid Road; and all ſuch Highway Surveyors ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for the Repair of the Road.

LXII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby empowered, from Time to Time to contract and agree with any Perſon or Perſons, for the repairing, widening, altering, turning, or amending the ſaid Road, or any Part or Parts thereof, or for doing any other Work to be done in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees or any Five or more of them ſhall think proper.

Truſtees may erect Mile-ſtones, etc.

Penalty for defacing them, and on Perſons injuring the Road, or committing Nuiſances thereon.

LXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Fields of the ſaid Road, with Inſcriptions thereon, denoting the Number of Miles, and Diſtance of Places, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction Poſt or Mile Stone erected or fixed, or to be erected or fixed in or near the Side of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Footway or Path adjoining to, or made on the Side of, or upon the ſaid Road, or ſhall drive any Horſe, Cattle, or Swine, or any Carriage thereon, or ſhall cauſe any Damage to be done to any ſuch Footway; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, (otherwiſe than upon wheeled Carriages), or ſhall ſuffer any Part of any Tree or Piece of Timber, or Stone, which ſhall be carried upon wheeled 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 or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Banking, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt to be and remain looſe on the ſaid Road; or if any Perſon driving any Coach, 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 or Near Side of the ſaid Road; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to, or let off, or throw any Squib, Rocket, Serpent,

Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Road (except in caſe of Accident, or other reaſonable Excuſe, to be allowed by the Juſtice or Juſtices of the Peace before whom he, ſhe, or they ſhall be ſummoned, in order to his, her, or their Conviction, and except with regard to ſuch Wain, Cart, or other Carriage, during ſuch reaſonable Time as the ſame ſhall be loading or unloading, and ſtanding as near to the Side of ſuch Road as conveniently may be) 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 any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing the Execution of this Act.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any 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 Act, every ſuch Perſon ſhall for every Offence forfeit any Sum not exceeding Five Pounds.

For ſecuring tranſient Offenders.

LXV. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any other Warrant or Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and to take him, her, or them, before any Juſtice of the Peace for the County or Place where the Offence or Offences ſhall be committed.

LXVI. And be it further enacted, That for the more ſpeedy Conviction of Offenders againſt this Act, all and every the Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect:

Form of Conviction.

‘ County of } BE it remembered, That on the Day of
‘ to wit. } in the Year of His Majeſty's Reign,
is convicted before me One of
‘ His Majeſty's Juſtices of the Peace for the County of *Warwick* [*or*, Lei-
‘ ceſter, *as the Caſe may*], by virtue of an Act of Parliament made in the
‘ Fifty-fourth Year of the Reign of His Majeſty King *George* the Third,
‘ intituled *An Act* [*here ſet forth the Title of this Act, and ſpecify the*
‘ *Offence, and the Time and Place when and where the ſame was committed,*

'*as the Caſe may be*]. Given under my Hand and Seal [*or*, our Hands 'and Seals] the Day and Year aforeſaid.'

Penalties, how to be recovered and levied.

LXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed), ſhall, upon Proof of the Offences reſpectively, before any one Juſtice of the Peace for the County or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of one or more credible Witneſs or Witneſſes, be levied by Diſtreſs or Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant for that Purpoſe), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned on Demand unto the Owner or Owners of ſuch Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwiſe directed to be applied by this Act) ſhall be from Time to Time paid to the Treaſurer to the ſaid Truſtees, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any one Juſtice of the Peace as aforeſaid, and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Gaol or Houſe of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVIII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Leiceſter*, within Four Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Fourteen Days Notice at leaſt in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before a Juſtice of the Peace for ſuch County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs, commit ſuch Perſon

or

or Perſons to the Gaol or Houſe of Correction of and for the ſaid County of *Leiceſter*, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or 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 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 unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Defects, 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 (if any) in any Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made, by or on Behalf of the Plaintiff diſtraining, before ſuch Action brought.

Limitation of Actions.

LXX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until after Thirty Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after ſufficient Satisfaction, or a Tender thereof, has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County of *Leiceſter*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, in any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Thirty Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame, as any Defendant or Defendants have or hath in any Caſe by Law.

Public Act.

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

Commencement and Continuance of this Act.

LXXII. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing thereof, and shall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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