ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 77.

An Act for more effectually repairing, widening, and improving the Road from the Borough of *Leicester* to the Town of *Lutterworth*, in the County of *Leicester*. [27th *June* 1805.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Roads from* Melton Mowbray, *in the County of* Leicester, *to the Guide Post in* Saint Margaret's Field, Leicester, *and from the Town of* Leicester *to the Town of* Lutterworth, *in the said County, and other Roads therein mentioned*, whereby the said Roads are divided into Two Districts, and separate Trustees appointed for the Care of each District; and the Road from the Town of *Leicester* to the Town of *Lutterworth* was thereby declared to be the Second District: And whereas an Act was passed in the Twenty-fifth Year of the Reign of His said Majesty, intituled, *An Act for enlarging the Term and Powers of an Act passed in the Fourth Year of His present Majesty's Reign, for repairing and widening the Roads from* Melton Mowbray, *in the County of* Leicester, *to the Guide Post in* Saint Margaret's Field, Leicester, *and from the Town of* Leicester *to the Town of* Lutterworth, *in the said County, and*

4 G. 3. c. 84.

25 G. 3. c. 113.

and other Roads therein mentioned: And whereas the Truſtees appointed in or by virtue of the ſaid Acts for the ſaid Second Diſtrict, have proceeded in the Execution of the Powers thereby veſted in them, and have from Time to Time for that Purpoſe borrowed ſeveral Sums of Money on the Credit of the Tolls authorized to be taken on that Diſtrict; which ſtill remain due and owing: And whereas the Money ſo due cannot be paid off, nor the ſaid Diſtrict of Road be properly amended, widened, improved, and kept in Repair unleſs the Term of the ſaid Acts with reſpect to the ſaid Diſtrict is continued; and the Powers and Proviſions of the ſaid Acts being found in many Reſpects defective, it would be more convenient to the Truſtees, and beneficial to the ſaid Diſtrict of Roads, if the ſaid Acts, ſo far as the ſame relate thereto, were repealed, and further and other Powers granted inſtead thereof; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt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, upon the Second *Monday* next after the paſſing of this Act, the ſaid Act of the Fourth Year of His preſent Majeſty, ſo far as the ſame relates to the ſaid Diſtrict of Road from *Leiceſter* to *Lutterworth*, and the ſaid Act of the Twenty-fifth Year of His ſaid Majeſty, ſhall be and the ſame are hereby declared to be repealed, and that on the ſame Day this Act ſhall commence and take Effect inſtead thereof, and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of repairing, widening, and improving the Road from the Borough of *Leiceſter* to the Town of *Lutterworth*; and this Act, and the Tolls hereby granted ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid Acts on the ſaid Diſtrict of Road from *Leiceſter* to *Lutterworth*, by virtue of the ſaid Acts or either of them, and of all Intereſt due and to grow thereon reſpectively, as fully and effectually, to all Intents and Purpoſes, as if ſuch Monies had been borrowed, or become due and owing on the Credit or on Account of this Act.

Former Acts repealed, and this Act to take place inſtead thereof.

Truſtees.

II. And be it further enacted, That *Richard Arkwright*, *William Withering Arnold* Doctor of Phyſick, *Thomas Admutt* Clerk, *John Anderſon* Clerk, *Samuel Alſton*, *Poyntz Owſley Adams*, *Thomas Babington*, *Robert Burnaby* Clerk, *William Babington* Clerk, *Thomas Burnaby* Clerk, *Joſeph Burbidge*, *Beaumont Burnaby*, *John Bankart*, *Thomas Burbidge*, *James Burbidge*, *Joſeph Burbidge* the younger, *Thomas Bankart*, *John Barratt*, *Henry Browne* Clerk, *James Blakeſley*, *Thomas Boultbee*, *Thomas Barratt*, *Robert Brewin*, *Henry Coleman*, *John Cox* Clerk, *John Clarke*, *John Edward Carter*, *Richard Coulton* Clerk, *William Chamberlain*, *John Cooper*, *Samuel Clarke*, *Joſeph Spencer Cardale*, *Henry Carter*, *Richard Cooke*, *Charles Chambers* Clerk, *James P. Chambers* Clerk, *Robert Clarke*, *John Caldecott*, *Henry Dalby*, *Thomas William Dabbs*, *John Eames*, *Jonathan Foſter*, *George Iliff Foſter*, *Edward Broughton Foſter*, *George Freer*, *John Freer*, *George Freer* the younger, *Joſeph Farmer*, *John Fox*, *Thomas Freer*, *Thomas Greaves* Clerk, *John Liptroff Greaves*, *Benjamin Gregory*, *John Gregory*, *Mansfield Gregory*, *John Goodacre* the younger, Sir *Edmund Cradock Hartopp* Baronet, *George Harry William Hartopp*, *John Heyrick*, *William*

William Heyrick, *David Harris*, *George B. Hodges*, *William Harding*, *Charles Jervis*, *Thomas Jeffcutt*, *John Jackson*, *George Anthony Legh Keck*, *John King*, *Charles King*, *Henry King*, *Caleb Lowdham*, *Peter Auguſtus Lafargue*, *John Loſeby*, *John Lawton*, the Mayor and Aldermen of the Borough of *Leiceſter* for the Time being, *William French Major*, *Edmund Major*, *John Mansfield*, *Samuel Miles*, *Samuel George Noble* Clerk, *Robert Murſton*, *Thomas Miller*, *William Maſon*, *Charles Meredith*, *John Nichols*, *George Nichols*, *John Nichols* the younger, *Thomas Standley Nedham*, *George Noble*, *Thomas Noel* Clerk, *Henry Otway*, *James Ord* Clerk, *John Baſs Oliver*, *George Payne*, *Thomas Pares*, *John Pares*, *William Pares* Clerk, *William Parſons*, *James Pigott* Clerk, *Edward Price*, *John Price*, *George Peake*, *Thomas Pagett*, *Robert Peach*, *Walter Ruding*, *Thomas Reynolds* Clerk, *John Ragg*, *John Ragg* the younger, ——— *Rider* Clerk, *Thomas Read*, *Charles Loraine Smith*, *Loraine Loraine Smith*, *William Simpkin*, *Samuel Stone*, *Benjamin Sutton*, *John Stephens*, *Richard Stephens*, *Francis Forteſcue Turville*, *Henry Vaughan* Doctor of Phyſick, *Richard Watſon*, ——— *Worthington*, *Clement Winſtanley*, *James Winſtanley*, *Thomas Wright*, *Thomas Willows* Clerk, *George Wartnaby*, *Henry Ruſhworth Wooley* Clerk, *Richard Walker* Clerk, *Henry Watchorn*, *Henry Wood*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution.

Power to chuſe new Truſtees.

III. And be it further enacted, That in caſe any of the Truſtees named in or appointed by virtue of this Act, ſhall die or refuſe to act, it ſhall be lawful for any Seven or more of the ſurviving or remaining Truſtees, by Writing under their Hands (at any Meeting, whereof at leaſt Seven Days Notice ſhall have been given upon all the Toll Gates erected on the ſaid Road, or in ſome Newſpaper, if any, publiſhed in the Town of *Leiceſter*, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting) to nominate and appoint ſome other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo dying or refuſing to act as aforeſaid; and every Perſon ſo nominated and appointed (being qualified as by this Act is required) ſhall have the like Power and Authority to act as a Truſtee under this Act, as the Perſon had in whoſe Stead he ſhall be appointed.

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 One hundred Pounds, or ſhall be Heir Apparent to ſome Perſon having ſuch Eſtate of the clear Yearly Value of Two hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate to 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 *A. B.*

Oath.

'I *A. B.* 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 or Enjoyment [*or*, Receipt of the Rents and Profits] of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds, *or*, poſſeſſed of or entitled to a Perſonal Eſtate of the Amount or Value of One thouſand Pounds.

'So help me GOD.'

And if any Perſon hereby deemed incapable to act, ſhall preſume to act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, wherein no Eſſoign Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; 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 of Profit under this Act, or in any Caſe where he ſhall be perſonally intereſted.

V. Provided always, and be it further enacted, That all Acts and Proceedings which ſhall have been done and performed 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.

Truſtees may ſue, &c. in the Name of the Treaſurer.

VI. 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 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, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer, nor by the Act of ſuch Treaſurer, 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 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 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, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer to be reimburſed Expences.

Truſtees Firſt Meetings.

VII. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall meet at the *Three Crowns* Inn, or ſome other Houſe in *Leiceſter*, on the Second *Monday* next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or

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 in Execution: Provided always, that Two 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 any other 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 to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Toll Gates upon the ſaid Road, or inſerted in ſome Newſpaper publiſhed in the Town 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 Meeting was held or was to have been held as aforeſaid; and in caſe ſuch Clerk ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Five of the Truſtees, (although not aſſembled at a Meeting,) at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe on or near the ſaid Road, upon ſome Day within Twenty-one Days after the Date of ſuch laſt-mentioned Notice.

Power to adjourn Meetings on Emergencies.

VIII. 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 accordingly; 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 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; and that no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices in the Execution of this Act notwithſtanding their being Truſtees (except only in ſuch Caſes where they ſhall be perſonally intereſted).

Meetings on Emergencies.

IX. 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.

No Order to be revoked unless Truſtees be preſent.

Proceedings to be entered in a Book.

X. And be it further enacted, That all Orders and Proceedings of the 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 herein after mentioned and directed to be kept for regiſtering the Mortgages and Aſſignments of the 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.

Truſtees to appoint Officers, who are to account under certain Penalties.

XI. 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, or continue 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 or 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 proper; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Collectors, Receivers, 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, or 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 had, collected, or received, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Account upon Oath, if thereunto required by the ſaid Truſtees or any Five or more of them (which Oath any One of the ſaid Truſtees 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 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

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deliver up to the ſaid Truſtees or any Five or more of them, 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 Writings 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 Warrant or Warrants, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his or 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 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 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 upon 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 any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (which Compoſition the ſaid Truſtees or any Five or more of them are hereby empowered to make) or until he or they ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof,

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 for any longer Time than Three Calendar Months.

Perſons who have received Tolls by virtue of former Acts, to account with Truſtees in like Manner.

XII. Provided always, and be it further enacted, That all Perſons who ſhall have been employed or who ſhall have received any Tolls or other Monies by virtue or on Account of the ſaid former Acts, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or other Things relating to the ſaid Road, ſhall account for the ſame and every Part thereof to the ſaid Truſtees, in the like Manner and under the like Penalties as the ſeveral other Officers and Perſons are hereinbefore directed to account.

Truſtees may appoint new Collectors in the Place of any Miſbehaving.

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 a Collector or Receiver 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 Children, Family, or other Repreſentative or Repreſentatives of any 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 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 Peace for the County of *Leiceſter*, by Warrant under his or 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, her, or their Goods out of the ſame, and to put the ſaid Truſtees or any Five or more of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion thereof.

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

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, as they think proper, continue or remove all or any of the Toll Gates erected by virtue of the ſaid former Acts, and may erect and ſet up any other Toll Gate or Toll Gates, Bar

or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Road by this Act directed to be repaired, and upon the Sides thereof, and alſo acroſs any Lane, Common, or Way, leading into or out of the ſame; and may alſo continue, erect, or provide a Toll Houſe, with ſuitable Outbuildings and Conveniencies 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 Five 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 of ſuch Toll Gates of the Perſon or Perſons attending any Cattle or Carriages, by ſuch Perſon or Perſons as the ſaid Truſtees or any Five or more of them, ſhall from Time to Time authorize or appoint for that Purpoſe, before any ſuch Cattle or Carriages ſhall be permitted to paſs through the ſame, on any Day of the Week (except *Sunday*); that is to ſay, Tolls may be taken.

For every Horſe or Beaſt of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Chaiſe, Calaſh, Marine, Curricle, Chair, Gigg, Whiſkey, Caravan, Hearſe, Litter, Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Four-pence Halfpenny: Tolls.

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

For every Two-wheeled Carriage ſo fixed, the Sum of Six-pence:

For every Drug ſo conſtructed, as that the Diſtance between the Axletrees 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 or Duty payable for the Horſes drawing the ſame:

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 Ten-pence *per* Score, and ſo in Proportion for any leſs Number: And,

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any leſs Number.

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 Tolls before directed to be taken on any other Day in the Week; except that Horſes or Beaſts employed ſolely for the Purpoſe of carrying or conveying Milk, ſhall not be liable to more or other Tolls than they would be on any ſuch other Day. Double Tolls to be taken on Sundays.

XV. 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 Manner of Recovery.

shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter 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 himself or themselves, taking such Assistance as he or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, or other Thing or Things upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage, in respect of the Horses or Beasts drawing 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, Carriage, 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 vary the Tolls.

XVI. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting to be holden for that Purpose whereof at least Twenty-one Days Notice shall be given in Writing, affixed on all the Toll Gates erected on the said Road and inserted in some One Newspaper published in the said Town of *Leicester*) 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 Proportion, as they shall think fit, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted or varied be never lessened until the Money borrowed on the Credit thereof, together with the Interest, be repaid, except the Person or Persons entided to Four-fifths or more of such Money consent thereto; and such Tolls so varied, 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 on Waggons with Wheels of Six Inches Breadth or upwards, but of less than Nine Inches, and drawn by Horses in Pairs.

XVII. Provided also, and be it further enacted, That in all Cases where any Waggon, Wain, Drug, Cart, or other Carriages of the like Kind, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, but of less Breadth than Nine Inches, shall be drawn upon the said Road by Horses or other Beasts of Draught in Pairs, the same Toll shall be payable and paid for every such Horse or Beast of Draught, as shall for the Time being be payable under or by virtue of this Act, and the General Act of the Thirteenth Year of His present Majesty's Reign, relating to Turnpike Roads, for any Horse or other Beast of Draught drawing any such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Six Inches; any Thing in the said last-mentioned Act contained to the contrary notwithstanding.

XVIII. Pro-

Only Two full Tolls to be taken.

XVIII. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to empower the ſaid Truſtees or any Five or more of them, to cauſe more than Two full Tolls to be demanded or taken for the Paſſage of the ſame Cattle, Carriages, or Beaſts, through all the Toll Gates erected or to be erected on the ſaid Road, on the ſame Day, the Day to be computed from Twelve of the Clock at Night to Twelve of the Clock the next Night; nor to erect or cauſe to be erected any Toll Gate acroſs or at the End of any Road now being a Turnpike Road, leading into or acroſs the ſaid Road hereby directed to be repaired.

Tolls to be paid but once a Day.

XIX. 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 Toll Gate continued or erected by virtue of this Act, the ſame Perſons 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 or Times during the ſame Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next ſucceeding Night.

Diſpute concerning Toll to be ſettled by a Juſtice of the Peace.

XX. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of the 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 happen) until the Amount of the Tolls due, and Charges of ſeizing, diſtraining, keeping, and ſelling, (as the Caſe ſhall happen) 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 Collector's Attendance for that Purpoſe, on the ſaid Juſtice or Juſtices; all which 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 of any Part thereof.

Collectors of Tolls competent Witneſſes.

XXI. 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.

XXII. And

Trustees may let the Tolls.

XXII. 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 on the said Road, or inserted in some Newspaper (if any) published in the Town of *Leicester*, from Time to Time, by Writing under their Hands, to let and demise, and agree 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 publick 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; any Thing in any Law or Statute to the contrary thereof notwithstanding.

Enabling the Trustees to take Possession of Toll Houses when let to farm.

XXIII. 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 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 by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter into and upon the Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances thereto belonging, so let as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save 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 for the said Trustees or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Trustees may compound for Tolls.

XXIV. 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 using to travel on the said Road (Common Carriers, and the Proprietors of Stage Coaches, only excepted) for any Sum or Sums of Money which the said Trustees or any Five or more of them 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 Exemption from Tolls.

XXV. 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 of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter 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 ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor from any Rector, Vicar, or Curate, going to or returning 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 any Pariſh, Hamlet, or Place through which any Part of the ſaid Road hereby intended to be repaired lies; nor for any Horſes, Beaſts, Cattle, or Carriage 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 a Burgeſs or Burgeſſes to ſerve in Parliament for the Borough of *Leiceſter*; or of carrying or conveying Vagrants ſent by legal Paſſes; or of 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, or of carrying or conveying any Muck, Mould, Lime, or Compoſt to be uſed only for manuring of Land lying in any ſuch Pariſh, Hamlet, or Place as aforeſaid; nor for any Horſes, Beaſts, or Cattle paſſing in order to be uſed or employed only upon or for the Occupation of Land in any ſuch Pariſh, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Huſbandry, in order to be ſo uſed or employed, or to be repaired, 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 Toll; nor for any Horſe, Beaſt, or Cattle, paſſing to or from Paſture upon any ſuch Land as laſt-mentioned, or to or from Water, and for either of thoſe Purpoſes going or paſſing only from one Pariſh into the next adjoining Pariſh, and not travelling more than Two Miles along the ſaid Road; 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 any Highway or publick Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid; nor for any

Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Road only, or ſhall not paſs more than Two 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 him 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 Regulation 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 nor leſs than Forty Shillings; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

To prevent evading the Tolls.

XXVI. 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 or drive any Carriage through or over any Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Road, or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place (the ſame not being a publick Highway) ſhall knowingly or wilfully 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 or with Intent thereby to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby or by means whereof any ſuch 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 any Part of the ſaid Tolls; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded 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, with Intent to avoid the Payment of any Tolls; or if any Perſon or Perſons ſhall do any other Act, in order or with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof, ſuch Perſons and every of them ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, over and beſides ſuch Damages and Puniſhments as they ſhall otherwiſe be liable to be by Law, and 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 Tolls than allowed.

XXVII. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls, ſhall demand and 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 or Renter 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 hereinafter mentioned.

Toll Gates, &c. vested in Trustees.

XXVIII. And be it further enacted, That the Right and Property in all the Toll Gates and Toll Houses which are already erected on the said Road, or which shall be erected by virtue of this Act, and in the Materials for Buildings and repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things collected to be made use of for the same, shall be vested in the said Trustees, and they or any Five or more of them are hereby authorized and empowered to 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 any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage any such Toll Gates, Toll Houses, or Materials, Articles, or Things, or disturb them, or their Agents or Servants, in the Possession thereof.

For borrowing Money and assigning the Tolls.

XXIX. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden 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, and inserted in some one Newspaper published in the said Town 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, or any Five or more of them, upon the Credit of such Tolls, to such 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 of Words or in any other Form of Words to the like Effect; that is to say,

Form of Mortgage.

'BY virtue of an Act, passed in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act*] We, Seven of the Trustees for putting the said Act in 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 this 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 last past, 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 One thousand eight hundred and .'

And

Mortgages to be entered.

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 of Tolls may have been made under the said recited Acts or either of them, 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 an 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,

Form of Transfer.

"I *A. B.* 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 hereby secured, and all the Interest now due thereon, unto *C. D.* his Executors, Administrators, and Assigns. Dated this Day of

Witness *E. F.* *A. B.*"

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 Number, Dates, 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.

XXX. 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, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts or either of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Old Mortgages may be called in, and new ones granted.

XXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Acts or either of them, and give and execute another Mortgage or Mortgages in stead or in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

Application of the Money.

XXXII. And be it further enacted, That out of any Monies already received by virtue of the said Acts, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or

more

more of them, ſhall in the firſt place pay and diſcharge all the Coſts and Expences relative to procuring and paſſing this Act, and the Remainder of ſuch Monies ſhall from Time to Time be applied in putting this Act in 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 Road comprized in the ſaid Second Diſtrict, and putting this Act in Execution in all other Reſpects.

Surveyors may dig for Gravel in Waſte without paying for it.

XXXIII. 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 for, dig, gather, and carry away any Materials for completing or repairing the ſaid Road, out of any Waſte or Common in or near which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, they the ſaid Surveyors or Surveyor, 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 ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages 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 Grounds of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and 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 and employed as aforeſaid, and the Owners and Occupiers of private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or at the ſecond General Quarter Seſſions at the fartheſt to be holden for the 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 Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

XXXIV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyors, 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 of the ſaid Roads, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyors, 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 the ſaid Truſtees, or any Five or more of them, or any Two Juſtices of the Peace acting for the County or Place wherein ſuch Premiſes

Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent, or Occupier, ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices 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, the ſaid Truſtees or 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 reſpectively ſhall be final and concluſive to all Parties.

Penalties on taking away Materials got by the Surveyors.

XXXV. 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 or Occupier 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 a Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Surveyors may make Cauſeways.

XXXVI. 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 Foorpath in or along the Side of any Part or Parts of the ſaid Road, and to cut or cauſe to be cut any Watercouſe, 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, Yard, Park, Paddock, or Avenue to any Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a publick Highway, whilſt the old or 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.

Not to divert any Watercourſe, Feeding Ponds, &c.

XXXVII. 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 publick or private Ground that ſhall contribute towards filling or ſupplying any publick or private Pond or Ponds, Baſons, Canals, or

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 or 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.

XXXVIII. 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 the Annoyances on the ſaid Road, and to cut down Trees or Buſhes 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*, 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 Overplus (if any be) to the Owners thereof upon Demand, after all Charges paid; and if after the Removal of any of the ſaid Annoyances any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before Two or more Juſtices of the Peace for the County or Place where the Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds nor leſs than Twenty Shillings.

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

XXXIX. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour and cleanſe any Ditch, Drain, or Watercourſe which ſhall adjoin to, or lead into or out of any Part or Parts of the ſaid 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 the ſaid Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors, on Demand thereof upon him or them reſpectively, either in Perſon or by Writing to be left at his, her, or their reſpective Place or Places of Abode, the ſaid Money and every Part thereof, upon

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

Truſtees may contract for purchaſing Land.

XL. And be it further enacted, That they 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 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 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, Politick, or Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees, and Committees, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Infant Wards, Ceſtuique Truſts, Lunaticks, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert, who are or ſhall be ſeized or intereſted in their own Right, and to and for every Perſon or Perſons whomſoever, who are or ſhall be ſeized or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſteees 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, or any Five or more of them, all or any ſuch Lands or Hereditaments, or any Part thereof, for any 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, Politick, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, who ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

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

XLI. And be it further enacted, That if any ſuch Bodies Politick, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or

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 Politick, 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, for 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 of *Leiceſter*; 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 or any Five or more of them 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 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, Lunaticks, Idiots, or Perſons under any Diſability whatſoever, Bodies Politick, 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 Warrants to the Sheriff of the County of *Leiceſter*, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants 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 or 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 ſhall refuſe to be ſworn or examined or give Evidence, ſo as that no ſuch Fine be more than Five Pounds nor leſs than Forty Shillings on any one Perſon for one Offence.

How Expences of the Jury ſhall be paid.

XLII. 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 their 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 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 or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and 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 and 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 and ſettled as aforeſaid, may be recovered by the Clerk of the Truſtees, by ſuch Ways and Means as are herein-before provided for Recovery of Penalties and Forfeitures.

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

XLIII. And be it further enacted, That all and every ſuch Sum or 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 herein-after 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 in caſe of Refuſal to accept the ſame, then upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, 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 ſuch Roads through or over ſuch Lands or Hereditaments, and to do all and every ſuch 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 or any Five or more of them 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 any 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 henceforth all Parties and Perſons whomſoever, ſhall 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 ſaid County of *Leiceſter*, 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 that is 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.

This Act not to extend to the taking down of Houſes, &c.

XLIV. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered to make, by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeized 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 or 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.

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

XLV. Pro-

Perſons whoſe Lands adjoin to have the Preference.

XLV. Provided always, and be it further enacted, That the ſaid Truſtees or any Five or more of them, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Road, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Land ſhall adjoin thereto, and that the ſaid Truſtees, before they ſhall ſell or diſpoſe of the ſaid Piece or Pieces of overplus Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Parcels of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Leiceſter*, 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 or any Five or more of them, and that 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, and the ſaid Truſtees or any Five or more of them, 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 the Premiſes to be purchaſed by the ſaid Truſtees or any Five or more of them, in purſuance of this Act; and the Expence 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 Purpoſe 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, if amounting to 200 l.

XLVI. 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 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 Femes or Feme Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *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 or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of

of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the Lands and Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, 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 said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation if less than 200*l.* and exceeding 20*l.*

XLVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid in order to be applied in Manner herein-before 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 the said Trustees or any Five or more of them, (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 or Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20l.

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

In caſe of not making out Titles;

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

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

XLIX. And be it further enacted, That in caſe any Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands 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 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 ſo awarded, 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, or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt, of the Perſon or Perſons making claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, (mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received), to ſuch Perſon or Perſons as ſhall pay any 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 who ſhall be in Poſſeſſion of the Land, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto.

L. 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 or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands or Hereditaments to be purchaſed in purſuance thereof, 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 or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch

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 or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn, to the Satisfaction of the ſaid Court of Chancery; and the Dividends or 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LI. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands 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 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 Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to repair the Roads to continue ſo.

LII. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who, before the making of this Act, hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Roads, 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 the ſaid Acts or this Act had not been made.

Statute Work.

LIII. And be it further enacted, That the Surveyor or Surveyors of the Highways of the reſpective Pariſhes, Townſhips, or Places, wherein any Part of the ſaid Road hereby intended to be repaired doth lie, ſhall, on an Order in Writing made by any Two or more Juſtices of the Peace for the ſaid County of *Leiceſter*, on Application to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, and delivered to ſuch Surveyor or Surveyors, or left at his, her, or their laſt or uſual Place or reſpective Places of Abode, bring and deliver, within Ten Days afterwards, to the ſaid Turnpike Surveyor or Surveyors, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who, within ſuch Pariſhes, Townſhips, or Places reſpectively, ſhall be 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 by each Perſon, which Liſts ſhall be made

made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in Force and Effect for the Repair of the publick Highways; and the same, when so delivered in as aforesaid, shall be laid before such Two Justices as aforesaid, by the said Turnpike Surveyor or Surveyors; and such Two Justices shall and may adjudge and determine what Part or Proportion of the said Statute Work, not exceeding Three Days in the Whole, shall every Year be done upon the said Road by the Inhabitants of or Occupiers of Lands or Tenements in the said respective Parishes, Townships, or Places, and also what Proportion of the Money received or to be received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for Statute Work, shall be by him, her, or them, paid to the said Trustees, or their Surveyor or Surveyors; and the said Persons named or returned in such Lists, as liable to do Statute Work, shall and are hereby required to do and perform such Proportion as aforesaid thereof on such Parts of the said Road lying within the said Parishes, Townships, or Places respectively, and at such Time (not being Hay-time or Harvest), as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct and appoint; and the Surveyor or Surveyors of the Highways of the said respective Parishes, Townships, and Places, for the Time being, within Ten Days after Notice given to him or them by the said Turnpike Surveyor or Surveyors, of the Time or Times when, and the Place or Places where such Persons respectively are to do such Statute Work, shall summon or give publick Notice thereof to such Persons respectively; and if any Surveyor of the said Highways shall refuse or neglect to do as such Surveyors are hereby required and directed to do, he or she for every such Refusal or Neglect shall forfeit and pay any Sum not exceeding Ten Pounds, together with the Costs and Charges of recovering the same; and the said Forfeitures, Costs, and Charges, shall and may be levied and recovered, by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where such Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby empowered and required to grant upon Confession of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby required and empowered to administer.

Penalty on Persons neglecting to do Statute Work.

LIV. And be it further enacted, That every Person liable to do such Statute Work as aforesaid, who shall neglect or refuse to do the same after Notice for that Purpose being given as aforesaid, shall for every Day of his or her 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 or her, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person may be subject or liable to by any Law or Statute then in Force or Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with, or to attend 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 dismiss and discharge the Person who shall be so found idle or negligent as aforesaid; and in that

that Caſe every ſuch Perſon, and the Owner of every ſuch Team or Draught, ſhall reſpectively be ſubject and liable to the reſpective Pains, Penalties, and Forfeitures aforeſaid, in like Manner as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work as aforeſaid; all which Penalties and Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, or their Surveyor or Surveyors, and applied to the Purpoſes of this Act.

Compoſition Money, &c.

LV. 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 Two 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 Two 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 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.

LVI. 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 Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, 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 publick 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 Money 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 Repair of the Road.

LVII. 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,

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.

LVIII. 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 Sides 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, Backings, 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, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left 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 upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires (commonly called *Bonfires*) or ſhall ſet Fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Road (longer than may be neceſſary to load or unload the ſame) either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Twenty Shillings.

Penalty for defacing them.

Penalty on obſtructing the Execution of this Act.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or procure to be aſſaulted, hindered, or

or interrupted, 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 such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

For securing transient Offenders.

LX. 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 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, her, or their Assistance, without any Warrant or other Authority than this Act, to seize, and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Sessions to be holden within or for the County, Place, or District, in which such Offence or Offences have been committed, to answer the said Complaint; and the Justices present at such Petty Sessions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Gaol or House of Correction of the said County or Place, there to remain for any Time not exceeding One Calendar Month, unless he, she, or they shall sooner pay the respective Penalties, by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Form of Conviction.

LXI. And be it further enacted, That, for the more speedy Conviction of Offenders against the said Acts and 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 (as the Case shall happen) or in any other Form of Words to the same Effect:

County of } 'BE it remembered, That on the
to wit. } 'Day of in
'the Year of His Majesty's Reign, *A. B.* is
'convicted before me One of His Majesty's Jus-
'tices of the Peace for the County of [*specifying the Offence, and 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.'

LXII. And

Penalties how to be recovered and applied.

LXII. 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 Witneſs or Witneſſes, be levied by Diſtreſs and 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 upon 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 of 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 Hnnd 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, Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXIII. 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 Juſtice of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Leiceſter*, within Three Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Eight 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 of the ſaid Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before a Juſtice of the Peace for the ſaid 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 the 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 Quarter Seſſions 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 Chatteis of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for want of ſufficient Diſtreſs, to commit ſuch Perſon or

Perſons to the Gaol or Houſe of Correction 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

LXIV. 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 removeable 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 an 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 Party diſtraining before ſuch Action brought.

Limitation of Actions.

LXV. 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 Twenty-one Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction, or a Tender thereof, hath 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 Twenty-one 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 Court, 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 hath or have in any Caſe by Law.

Publick Act.

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

Commencement and Duration of this Act.

LXVII. And be it further enacted, That this Act ſhall commence upon the Second *Monday* next after the paſſing thereof, and ſhall have Continuance from thence 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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