ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxi.

An Act for repairing and amending the Road from the Town of *Market Harborough* in the County of *Leicester* to the City of *Coventry*.

[23d *May* 1823.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Town of* Market Harborough *in the County of* Leicester, *through the Town of* Lutterworth *in the said County, to the City of* Coventry: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King* George *the Second, for repairing and widening the Road from the Town of* Market Harborough *in the County of* Leicester, *through the Town of* Lutterworth *in the said County, to the City of* Coventry: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts of the Twenty-eighth Year of King* George *the Second and the Nineteenth Year of His present Majesty, for repairing the Road from* Market Harborough *in the County of* Leicester *to the City of* Coventry: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed at Interest several considerable Sums of Money on the Credit of the Tolls authorized to be collected on

28 G. 2. c. 40.

19 G. 3. c. 82.

44 G. 3. c. 66.

the said Road, and which Money still remains due and owing, and the said Road cannot be effectually amended and kept in Repair, nor can the Money so borrowed be repaid, unless the Terms and Powers of the said Acts are enlarged and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled 3 G. 4. c. 126. *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas it is desirable that the said Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and in the Nineteenth and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, should be repealed, and that such further Powers and Provisions as are herein-after mentioned should be granted and made for the better Repair and Management of the said Road: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the Twenty-eighth Year of the Reign of King *George* the Second, and in the Nineteenth and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall, on the First Day of *September* next after the passing of this Act, be and the same are hereby severally repealed, and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, widening, altering, improving, and keeping in Repair the present Turnpike Road from *Market Harborough* through *Lubbenham*, *Theddingworth*, *Husband's Bosworth*, by *North Kilworth*, through *Walcott*, and through the Town of *Lutterworth* to the Wood Bridge in the Parish of *Lutterworth* in the County of *Leicester*, and by the *Cross and Hand* through *Pailton*, *Stretton-under-Foss*, *Brinclow*, *Comb Lordship* and *Binley* in the County of *Warwick*, and *Stoke* in the County of the City of *Coventry*, to the End of a Causeway near or adjoining to a certain House called the *Bowling-green House*, known by the Name of *Gosford Green Causeway*, belonging to the City of *Coventry*; and this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized by the said Acts hereby repealed, or any of them, to be taken on the said Road, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due on the Credit of this Act or of the Tolls hereby authorized to be collected.

28 G. 2. and 19 and 44 G. 3. repealed.

3 G. 4. to extend to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Leicester* and *Warwick* respectively, and also *Poyntz Owsley Adams*, *Frederick Adcock*, *Thomas Arnold*, *Richard Arnold*, *John Arthur Arnold*, *John Banks* Clerk, *George Bosworth*, *Jeremiah*

miah Brierley, Henry Bullivant, Francis Burges, Thomas Burnaby Clerk, *Marston Buszard, Robert Otway Cave, Thomas Otway Cave, Hughes Chamberlain* Clerk, *John Clarke, John Compton, John Cooke, Cooper, Thomas Edward Dicey, James Ley Douglass, John Driver,* the Honourable *Henry Fielding,* the Honourable *Everard Fielding, Thomas Footman, Jacob Henry Franks, John Goodacre* the elder, *John Goodacre* the younger, *William Graham* Clerk, *Henry Grimes, Henry Hungerford Holditch, John Benjamin Humfrey, Charles Jervis, John Lucas, Thomas Lucas, William Lucas, William French Maior, Edmund Maior, Robert Marriott* Clerk, *John Marriott, James Morpott* the elder, *James Pickering Ord, William Paddy, Thomas Parsons, George Payne, William Perkins, James Powell* Clerk, *Edward Power, Henry Shuttleworth,* Sir *Grey Skipwith* Baronet, *Richard Chettle Smith, Thomas Smith, Francis Paul Stratford, John Tebbs, George Turvill, Joseph Warden, George Wartnaby, John Wartnaby, James Blick Woodhouse, Thomas Worthington, Richard Worthington, Thomas Wright,* and their Successors, shall be and they are hereby appointed Trustees for repairing, widening, altering, improving, and keeping in Repair the said Road and for otherwise putting this Act in Execution.

Trustees to take an Oath.

IV. And be it further enacted, That no Person hereby appointed or who shall hereafter be chosen or appointed a Trustee shall be qualified or capable of becoming and acting as a Trustee in the Execution of this Act, until he shall have taken and subscribed the Oath, or (being one of the People called *Quakers*) the Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same in the Words following; (that is to say),

'I do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act of Parliament passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act.*] So help me GOD.'

[*Or being a Quaker, omit the Words* 'So help me GOD.']

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees or any Three or more of them, at any of their Meetings to be held pursuant to the Directions of the said recited Act passed in the Third Year of the Reign of His present Majesty, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Five, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed.

For appointing Officers.

VI. And be it further enacted, That the said Trustees assembled at their first or any subsequent Meeting may, by Writing under their Hands, subject to the Restrictions contained in the said recited Act passed in the Third Year of the Reign of His present Majesty, appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Surveyor or Surveyors, and such other Officers as they the said Trustees shall think necessary, and may from Time to Time remove any such Officer or Officers respectively, and on the Death, Resignation, or Removal of any such Officer or Officers, may appoint another or others in his or their stead; and the said Trustees shall and may and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and

and make such Allowances to such Officers, and also to any other Persons employed or who shall assist in the Execution of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Present Officers to continue until new ones elected.

VII. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer (other than the Treasurer or Treasurers) appointed under and by virtue of the said former Acts or any of them, for or in respect of the said Road hereby directed to be repaired and maintained, shall hold and enjoy such their several and respective Offices and Employments, until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Treasurers, &c. to give Security.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other such Officers to be appointed for the Purposes of this Act for the faithful Execution of their respective Offices, and no Treasurer, Receiver, Collector, or other such Officer, shall be permitted to enter upon and continue in such their Offices respectively unless they shall have given such Security.

Books, &c. relative to former Acts to be delivered to the Trustees.

IX. And be it further enacted, That all Persons who are or have been employed or who have received any Tolls or other Money on account of the said Road by virtue of the said Acts, or who have or shall have in their Custody or Possesion any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for, pay, and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors or other Persons receiving any Money by virtue of this Act may be required to pay or account for the same.

Arrears and Property belonging to former Trustees vested in the Trustees named in this Act.

X. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts of the Twenty-eighth Year of the Reign of King *George* the Second, and the Nineteenth and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, or any of them, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, or of the said recited Act passed in the Third Year of the Reign of His present Majesty, who shall be and they are hereby enabled to receive and take possession of the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act, or of the said Act passed

passed in the Third Year of the Reign of His present Majesty; or such Arrears of Tolls or Rents or other Monies so due to the Trustees under the said recited Acts hereby repealed as aforesaid by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the Trustees named in or to be appointed by virtue of this Act, or of the said Act passed in the Third Year of the Reign of His present Majesty; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Former Books to be Evidence, and Mortgages, &c. under old Acts to be valid.

XI. And be it further enacted, That all and every the Books and Book of Proceedings which may have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and also the Book or Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and also that all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Acts or any of them, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said recited Acts had remained unrepealed.

Power to continue and erect Toll Gates.

XII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in and upon or across the said Road, or on the Sides thereof, except as hereinafter mentioned, and also, subject to the Regulations contained in the said Act passed in the Third Year of the Reign of His present Majesty, to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road hereby directed to be maintained, repaired, and amended, or any Part thereof, or upon or across the Entrance to any Road, Lane, or Way leading into the same or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars or Gates, Chain or Chains, and also one or more Toll House or Toll Houses, with Outbuildings and Conveniences suitable thereto, at or near each Toll Gate, and to take in and inclose on the Sides of the said Road suitable Garden Spots to such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper and direct or appoint.

Power to remove Toll Gates.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time, when and as often as they shall think proper, subject to

the Regulations and Restrictions in this Act and in the said Act passed in the Third Year of the Reign of His present Majesty respectively contained, to cause any of the Toll Gates or Toll Bars or Chains already erected, or which shall be continued or erected in or upon or across or on the Side or Sides of any Part of the said Road by virtue of this Act, to be removed to and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Road as the said Trustees assembled at a general or adjourned Meeting shall from Time to Time order and direct.

Spittal Side Gate to be discontinued.

XIV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to continue the Side Gate called the *Spittal Gate*, now standing across a Lane in the Road leading from *Banbury* to *Lutterworth*, or to erect any other Side Gate, Bar, or Chain across the said Lane in lieu thereof, or to erect or cause to be erected any Toll Gate, Bar, or Chain across any Part of the said Road hereby directed to be repaired, lying between the said Side Gate and the Town of *Lutterworth*, being a Distance of about Five hundred Yards.

Lamps to be lighted at Toll Houses.

XV. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to order and direct one or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees or Farmers, Lessee or Farmer, of the Tolls authorized by this Act to be taken and collected, and all and every Persons and Person appointed by any such Lessees or Farmers, Lessee or Farmer, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

Power to sell the present Toll Houses.

XVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said Road by virtue of the said Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Apputenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application

of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Person or Persons whose Land may adjoin any such Toll Houses, as is by the said recited Act passed in the Third Year of the Reign of His present Majesty directed to be given where any Piece or Pieces of Overplus Land or Old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold or disposed of.

Power to take Tolls.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors by virtue of this Act or of the said recited Act passed in the Third Year of the Reign of His present Majesty, to demand and take the several Tolls following (subject to the Restrictions in this Act and the last-mentioned Act contained) at each and every or any of the Toll Gates erected or to be erected upon the said Road or on the Sides thereof, or on the Side of any Street, Road, or Way leading into or out of the said Road, once a Day and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

Tolls.

For every Horse, Mule, Ass, or other Beast of Draught drawing any Chaise Marine, Coach, Landau, Landaulet, Berlin, Barouche, Barouchet, Sociable, Chariot, Calash, Hearse, Break, Chaise, Curricle, Gig, or other such like Carriage, where the same shall be drawn by more than One Horse or other Beast of Draught, the Sum of Four-pence Halfpenny:

For a single Horse, Mule, Ass, or other Beast of Draught drawing any Carriage of the Description aforesaid, or any Chair, Taxed Cart, Market Cart, or other Cart for Conveyance of Passengers, the Sum of Sixpence:

For every Four-wheeled Carriage fixed in any Manner to any other Carriage, the Sum of Sixpence; and for every Two-wheeled Carriage so fixed, the Sum of Four-pence:

For every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches and upwards at the Bottom or Soles thereof, the Sum of Five-pence:

For every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and an Half and less than Six Inches at the Bottom or Soles thereof, the Sum of Sixpence Farthing:

For every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon, Wain, Cart or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and an Half at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny:

For every Drug so constructed as that the Distance between the Axletrees thereof, measured at the Ends, is more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, over and above the Toll payable for the Horses or Beasts drawing the same, the Sum of One Shilling and Sixpence:

For

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Halfpenny:

For every Sheep, Lamb, or Swine, the Sum of One Farthing:

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

Tolls to be paid before Cattle pass the Gate.

And the said respective Tolls shall, subject to the Restrictions in this Act and in the said recited Act passed in the Third Year of the Reign of His present Majesty contained, be demanded and taken before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Sheep or Lambs, be permitted to pass through any Toll Gate erected or to be erected or continued on the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Bye-way leading into the same.

Limiting the Number of Tolls.

XVIII. Provided also, and be it further enacted, That no more than Four full Tolls on the whole Line of Road shall be demanded or taken of or from any Person or Persons for or in respect of the same Horse or Horses or other Beast or Cattle, or Carriage or Carriages as aforesaid, in any One Day, such Day to be computed as aforesaid, for passing and repassing through any of the said Toll Gates or Toll Bars erected or continued or to be erected or continued on the said Road.

Stage Coaches and Post Chaises.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach for every Time of passing and repassing along the said Road on the same Day; and the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught drawing any Post Chaise, or other such like Carriage let out to Hire, for every Time of passing along the said Road whenever any new Hiring thereof shall be made.

Application of the Tolls and Money to be borrowed.

XX. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts or any of them and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls, Mortgages, or otherwise by virtue of this Act, the said Trustees shall first pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; secondly, the Costs and Expences of keeping in repair the said Road; thirdly, the Interest of the Principal Monies already borrowed by virtue of the said former Acts or any of them, or which by virtue of and under the Powers of this Act, or of the said recited Act passed in the Third Year of the Reign of His present Majesty, may be borrowed on the Credit of the Tolls hereby granted and made payable; fourthly, the Costs and Expences of widening, varying, altering, turning, improving, and rendering commodious the said Road, and otherwise putting this Act and the said recited Act passed in the Third Year of the Reign of His present Majesty in Execution; and lastly, the Principal Monies already borrowed by virtue of the said Acts hereby repealed, or to be borrowed by virtue of this Act or of the said Act passed in the Third Year of the Reign of His present Majesty.

XXI. And

Where old Securities are lost, new ones may be executed.

XXI. And whereas divers Creditors on the said Road may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees for securing to him, her, or them the Principal Money lent on the Credit of the said Acts hereby repealed or the Tolls thereby granted with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved to the Satisfaction of the Trustees that any Person is truly and *bonâ fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Acts or any of them, although they cannot produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Repayment of the Money now due on the said Mortgage Security of the said Acts or the Tolls thereby granted; be it therefore further enacted, That it shall and may be lawful for the Trustees for executing this Act, in any Case where it shall appear, by the Books kept by the Clerk or Treasurer to the said Trustees, or by any other satisfactory Evidence adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on the Tolls granted by the said Acts hereby repealed or any of them, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, in every such Case to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every such Assignment to be executed by the said Trustees or any Three or more of them shall be valid and effectual for the Purposes thereby intended.

Trustees to fence the Road.

XXII. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Road, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Road, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Road, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post and Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Seven Years from the Time that such Fences shall have been made or set up, unless the Owner or Proprietor for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from any earlier Period.

For removing Encroachments.

XXIII. And be it further enacted, That if any Person has made or caused to be made, or shall make or cause to be made, any Building, or any Hedge or other Fence on or at the Sides of the said Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall have made or caused to be made any Building, or any Hedge or other Fence on any Common or Waste Land on the Side or Sides of the said Road, or shall have made or caused to be made, or shall make or cause to be made, any

other Encroachment on the said Road, every Person so offending shall forfeit for every such Offence Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the said Trustees to cause such Building, Hedge, Ditch, or Fence, or other Encroachment, to be taken down or filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down or filling up such Building, Hedges, Ditches, or other Encroachments as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner on Demand.

As to present Leases of Tolls.

XXIV. And be it further enacted, That all Demises or Leases of the Tolls arising on the said Road by this Act authorized to be repaired, and all Bonds or other Securities which shall have been given for Payment of the Rents reserved by such Leases respectively, and for the Performance of the Covenants and Agreements in such Leases contained on the respective Lessee's Part, shall respectively continue in force until the respective monthly Days on which the Rents therein respectively reserved shall become payable, and happening next after the Commencement of this Act, on which respective Days the said respective Leases, Bonds, or other Securities aforesaid shall cease and determine, in the same Manner as if such Leases, Bonds, or other Securities had expired by Effluxion of Time (save as to the Obligations, Covenants, or Agreements for Payment of Rent and Performance of Covenants in such Leases, Bonds, or Securities, on the respective Lessee's or Obligor's Part to be observed and performed during the Continuance of such Leases, Bonds, or Securities, by virtue of this Act); and until such Determination of such Leases respectively, the respective Lessees thereof shall be entitled to collect and receive, from the Commencement of this Act, the respective Tolls by this Act granted and made payable.

Differences in vacating Leases how to be settled.

XXV. And be it further enacted, That in case any of the Lessees of the said Tolls shall claim to be entitled to any Compensation or Satisfaction for or on account of such Continuance or Determination of his or their Lease or Leases as aforesaid, then if the said Trustees and such Lessee or Lessees cannot agree as to the Amount of such Compensation or Satisfaction, such Lessee or Lessees may sue for and recover the same by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Directing how Costs and Damages are to be recovered.

XXVI. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of the said recited Act passed in the Third Year of the Reign of His present Majesty, or of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties

entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justices, from any Clerk to the said Trustees or their Treasurer, in pursuance of the Directions or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty or of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be, and such Treasurer shall and he is hereby authorized to retain, out of the first Monies which shall come to his Hands by virtue of this Act, the Amount of such Costs and Expences so paid by him as aforesaid.

Statute Labour how to be regulated and enforced

XXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road by this Act authorized to be repaired, or any Part or Parts thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the respective Counties of *Leicester* and *Warwick* within their respective Jurisdictions, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done and performed upon the said Road by the Inhabitants of the respective Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Tithing, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers, Surveyor or Surveyors; and in order thereunto the Surveyor or Surveyors of the Highways for every such Parish, Township, Tithing, Hamlet, District, Division, or Place, shall, on an Order in Writing made by the said Justices on an Application to them by the said Trustees or any Three or more of them, or by their Clerk or Surveyor, and respectively delivered to such Surveyor or Surveyors of the Highways, or left at his or their last or usual Place of Abode, bring and deliver within Ten Days afterwards to the said Turnpike Surveyor, or to his Place of Abode, true and perfect Lists in Writing of the Names of the several Persons who, within such Parish, Township, Tithing, Hamlet, District,

District, Division, or Place, are by Law subject and liable to do and perform Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and the said Turnpike Surveyor having received such Lists shall, within Five Days afterwards, give a Notice to the Surveyor or Surveyors of the Highways of the Time when such Lists will be laid before the said Justices in order to apportion the said Statute Duty; and at the Time appointed in and by such Notice the said Lists shall be laid before the Justices by the said Turnpike Surveyor, in the Presence of the said Surveyor of the Highways, if he shall attend; and out of such Lists the said Justices respectively shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest), and on such Part or Parts of the said Road, as the said Trustees or their Surveyor or Surveyors for the Time being shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of every such Parish, Township, Tithing, Hamlet, District, Division, or Place for the Time being, to pay over to the said Trustees or their Treasurer or Treasurers, Surveyor or Surveyors, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do and perform such Statute Work or Duty as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by any Surveyor or Surveyors to the said Trustees, shall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, or by any Person employed by him, such Surveyor or other Person is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person so coming to work or sending such Labourer as aforesaid shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come or send a Labourer, or such Team or Draught, Horse or Beast, had not been sent to work on any Part of the said Road; and in case the said Surveyor or Surveyors of the Highways, for any of the said Parishes, Townships, Tithings, Hamlets, Districts, Divisions, or Places in which the said Road lies, shall refuse or wilfully

wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the Counties of *Leicester* and *Warwick* or either of them, on Complaint made to such Justices by the Surveyor of the said Trustees.

Repeal of 19 G. 3. not to affect Lord Leigh's Exchange.

XXVIII. And whereas in the said Act, passed in the Nineteenth Year of the Reign of His said late Majesty King *George* the Third, hereby repealed, it is recited, that the Trustees for putting in Execution the Act passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second had, for the Accommodation of the Public, changed the Course of the said Road, and carried the same across a Close called *Woodhill Close* in the Parish of *Brincklow*, the Property of *Edward* Lord *Leigh* a Lunatic, whereby a small Part of the said Close, containing One Acre One Rood and Twenty-eight Perches, was separated from his other Lands, and was become of little Value to the Occupier thereof, and reciting that *William* Lord *Craven*, who was one of the Committees of the Person and Estate of the said *Edward* Lord *Leigh*, had agreed to give a certain Parcel of Ground of equal Value, containing One Acre Three Roods and Twenty-four Perches, Part of a Field called *Nether Field* within the Liberties of *Combe Abbey*, the Property of the said Lord *Craven*, and adjoining to other Lands belonging to the said Lord *Leigh*, in exchange for the said Piece of Ground so separated as aforesaid from the said *Woodhill Close*, which Exchange would be for the Benefit of the said Lord *Leigh*; and the Honourable *Mary Leigh*, the other of the Committees of the Person and Estate of the said Lord *Leigh*, had consented thereto; it was therefore enacted, that from and after the passing of the said Act the said Piece of Ground, containing One Acre Three Roods and Twenty-four Perches, should be and was thereby vested in and should for ever remain the Property of the said *Edward* Lord *Leigh*, his Heirs and Assigns; and that the said Piece of Ground, containing One Acre One Rood and Twenty-eight Perches, should be and was thereby vested in and should for ever be and remain the Property of the said *William* Lord *Craven*, his Heirs and Assigns; be it therefore further enacted, That nothing herein contained shall extend or be construed to extend to affect the Exchange so made as aforesaid, but the same shall be as valid and effectual to all Intents and Purposes as if the said Act passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third had not been hereby repealed.

Public Act.

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

Commencement and Continuance of this Act.

XXX. And be it further enacted, That this Act shall commence on the First Day of *September* next after the passing of this Act, and shall continue and be in force 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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