ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxiii.

An Act for repairing and widening the Road from *Rugby*, in the County of *Warwick*, to the Turnpike Road from *Lutterworth* to *Market Harborough*, in the Counties of *Leicester* and *Northampton*. [23d *May* 1823.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the Town* of Rugby, *in the County of* Warwick, *to join the Turnpike Road leading from* Lutterworth *to* Market Harborough, *in the Counties of* Leicester *and* Northampton: And whereas the Trustees appointed by or in pursuance of the said Act have proceeded to put the same in Execution, and a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls authorized to be taken on the said Road, which Money cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless some of the Powers of the said Act be altered and enlarged, and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; 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

41 G. 3.

3 G. 4. c. 126.

Act repealed, and this Act to be put in force.

present Parliament assembled, and by the Authority of the same, That from and after the Second Day of *June* One thousand eight hundred and twenty-three, the said Act, passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, shall be and the same is hereby declared to be repealed, and instead thereof this Act shall be put into Execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the Turnpike Road hereinafter described.

Powers of 3 G. 4. c. 126. extended 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.

New Term and Tolls liable to Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act 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 and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees of the said Road, either in their own Names or in the Name of their Treasurer, or any of them, according to the Provisions and Directions of the said recited Act, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed, on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said Road, or their Treasurer on their Behalf as aforesaid, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Warwick* and *Leicester* respectively, together with *Richard Rouse Bloxam*, *John Sleath* and *William Pearson*, Doctors in Divinity; *Robert Marriott*, *John Marriott*, *John Thomas Parker*, *Robert Beresford Podmore*, *John Wise*, *Henry Wise*, *William Birch*, *Philip Homer*, *George Leggin*, *Edward Evans*, *James Hoare*, *Christopher Moore*, *Thomas Smith*, *Thomas Hughes Chamberlain*, *Thomas Belgrave*, *John Lindsay*, *Charles Alleyne Anstey*, and *John Venour*, Clerks;

Clerks; Sir *Theophilus Biddulph* and Sir *Trevor Wheler*, Baronets; *William Chambers*, *Henry Grimes*, *Abraham Hume*, *George Wharton Marriott*, *John Shuckburgh*, *Edward Vernon*, *John Caldecott*, *Abraham Caldecott*, *Richard Tawney*, *Thomas Walker*, *William Butlin*, *George Wall*, *Thomas Wall*, *George Henry Arnold*, *Robert Otway Cane*, *John Goodacre*, *Marston Buszard*, *Abraham Turner*, *William Luck*, *John Compton*, *Charles Bucknill*, *Samuel Bucknill*, *William Sutton*, *Joseph Smith*, *Thomas Sutton*, *Philip Williams*, *Thomas Voile*, *John Drayson*, *John Floyd*, *Thomas Clarke*, and *John Townsend*, and their Successors, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road from the Town of *Rugby*, in the County of *Warwick*, through the Parishes of *Rugby* and *Clifton-upon-Dunmore*, in the County of *Warwick*, and through the Parishes or Lordships of *Catthorp*, *Swinford*, *Stanford-upon-Avon*, *Westrill*, *South Kilworth*, and *North Kilworth*, in the County of *Leicester*, to the Turnpike Road between *Lutterworth* and *Market Harborough*, in the Counties of *Leicester* and *Northampton*; and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act,

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purpose thereof, Fourteen Days Notice shall be given, as is directed by the said last recited Act respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Five, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been named and appointed by this Act.

Trustees to be sworn.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed, and unless being so qualified he shall, before he shall act as a Trustee, (except in administering the Oath or Affirmation mentioned in the said last mentioned Act, and the Oath or Affirmation hereinafter mentioned), take and subscribe, before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath or Affirmation following; that is to say,

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do affirm,] That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and also an Act passed in the Third Year of the Reign of His said Majesty, intituled [*here set forth the Title of the General Turnpike Act.*]

'So help me GOD.'

And

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, 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 in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty, or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath or Affirmation by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath or Affirmation previously to his having acted as such Trustee as aforesaid.

Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet at some Place in the Town of *Rugby* and County of *Warwick*, on the Second Day of *June* One thousand eight hundred and twenty-three, and proceed to put the said last recited Act and this Act into Execution.

Appointing Officers, Salaries, &c.

VIII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint such Collector or Collectors of the Tolls arising on the said Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable.

Former Officers to continue.

IX. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk

Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

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

XI. 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, or who have or shall have in their Custody or Possession, any Money, Books, Accounts, Papers, Writings, or other Things relating to the Road by this Act directed to be improved and repaired, shall account for and 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 and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of this Act are by the said recited Act passed in the Third Year of the Reign of His present Majesty, and this Act, required to pay or account for the same.

Books used under former Act to be Evidence.

XII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Power to continue and erect Toll Gates, Toll Houses, &c.

XIII. And be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Toll Gates, Toll Bars, and Toll Houses which have been erected in, upon, or across any Part of the said Road by virtue of the said Act hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates, Toll Bars, and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Road, and also in, upon, and across such Parts and in such Places of the said Road by this Act directed to be widened, improved, or kept in repair, and also such and so many Toll Gate or Toll Gates, or Toll Bars, on the Sides of the said Road, as they the said Trustees shall think proper and expedient; and also shall or may erect

or provide a Toll House with suitable Buildings, a Garden and other Conveniences, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates or Toll Bars.

Power to sell the present Toll Houses.

XIV. 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 by virtue of the said Act hereby repealed on the said Road to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances 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 to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, 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 Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last recited Act directed to be given, where any Piece or Pieces of Ground or old Road not wanted for the Purposes of any Turnpike Road is authorized to be sold and disposed of.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XV. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House, or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Power to take Tolls.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Gate or Side Bar already erected by virtue of the said Act upon the said Road to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected in, upon, or across any Part of the said Road, and across or on the Side of any Street, Lane, Road, or Way leading into or out of any Part of the said Road, 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, or Ass, drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chair, Gig, Hearse, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, drawing any Waggon, Wain, Dray, Car,

Car, Cart, Sledge, or other such like Carriage, the Sum of Three-pence:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence; and so in proportion for any greater or less Number; and,

For every Score of Sheep, Lambs, or Swine, the Sum of Five-pence; and so in proportion for any greater or less Number.

Tolls to be paid before passing the Gates.

And the said respective Tolls shall (subject to the Restrictions and Exemptions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate or Toll Bar erected or to be erected or continued upon the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Tolls to be vested in Trustees.

XVII. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in Manner directed by the said last mentioned Act and this Act.

Tolls to be paid but once a Day.

XVIII. Provided also, and be it further enacted, That no Person shall be subject or liable to the Payment of Toll more than once for passing and repassing on the same Day (such Day to be computed in manner aforesaid) through all the Turnpikes or Toll Gates to be continued or erected by virtue of this Act, with the same Horses or other Cattle; and such Person producing a Ticket denoting the Payment of such Toll shall be permitted to pass and repass during such Day with the same Horses or other Cattle, Toll-free, through all the Turnpikes or Toll Gates upon the said Road.

Stage Coaches, &c. to pay each Time of passing.

XIX. Provided always, and be it further enacted, That for or in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat, and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Exemption for agricultural Produce.

XX. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Compost or Manure for improving Lands, or any

Ploughs,

Ploughs, Harrows, or Implements of Husbandry, (unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty,) or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering-place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Application of the Money.

XXI. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been raised and produced by virtue of the said Act hereby repealed, for or in respect of the said Road, and by this Act directed to be kept in repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining and passing this Act, and otherwise relative thereto respectively, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in repair, and of altering, raising, widening, repairing, and preserving the said Road, by this Act directed to be kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest due and owing thereupon, which shall have been borrowed and secured in pursuance of and for the Purposes of the said Act hereby repealed, in respect of the said Road, and the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, with the Interest to become due thereupon.

For paying Creditors by Lot.

XXII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, at any Meeting to be holden as aforesaid, (Notice of such intended Meeting and of the Purposes thereof being first given at least Twenty-eight Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said Counties of *Warwick* and *Leicester*,) if they shall think fit, instead

instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors, any thing herein contained to the contrary thereof notwithstanding.

Trustees not personally liable for Mortgages.

XXIII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act, shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security made or to be made by virtue or in pursuance of the said recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees, for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution shall be defrayed out of the Tolls arising on the Turnpike Road hereby directed to be amended and repaired.

In case of Non-payment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods vested in Trustees, or their Treasurer.

XXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or 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 Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction 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 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: Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Warrant as aforesaid.

Regulations as to Performance of Statute Work.

XXV. 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, or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places as have at any Time or Times done Statute Work upon, or contributed towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Warwick* and *Leicester*, 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 upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or 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, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons, either personally, or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers 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 Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the 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 Pains, Penalties, and Forfeitures as any Person or Persons

sons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if such 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, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, 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 Ten Pounds; 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 either of the said Counties of *Warwick* or *Leicester*, (as the Case may be,) on Complaint made to such Justices respectively by the Surveyor to the said Trustees.

Public Act.

XXVI. 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.

XXVII. And be it further enacted, That this Act shall commence on the Second Day of *June* One thousand eight hundred and twenty-three, 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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