ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 78.

An Act for more effectually repairing, widening, and improving the Road from *Welford Bridge*, in the County of *Northampton*, to *Milſton Lane*, in the Town of *Leiceſter*. [27th *June* 1805.]

WHEREAS an Act was paſſed in the Fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for repairing, widening, and keeping in Repair, the Road from* Welford Bridge, *in the County of* Northampton, *through* Huſbands Boſworth *and* Great Wigſton *to* Milſton Lane, *in the Town of* Leiceſter: 5 Geo. 3. c. 78.
And whereas an Act was paſſed in the Twenty-ſixth Year of the Reign of His ſaid Majeſty, intituled, *An Act for enlarging the Term and Powers of an Act, paſſed in the Fifth Year of His preſent Majeſty's Reign, for repairing, widening, and keeping in Repair, the Road from* Welford Bridge, *in the County of* Northampton, *through* Huſbands Boſworth *and* Great Wigſton *to* Milſton Lane, *in the Town of* Leiceſter: 26 Geo. 3. c. 168.
And whereas the Truſtees appointed in or by virtue of the ſaid Acts, have proceeded in the Execution of the Powers thereby veſted in them, and have from Time to Time for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls authorized to be taken on the ſaid Road, which ſtill remain due and owing: And whereas the Money ſo due cannot be repaid, nor the ſaid Road be properly amended, improved, and kept in Repair, unleſs

the Term of the ſaid Acts 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Reſpects defective, it would be more convenient to the Truſtees, and beneficial to the ſaid Road, if the ſaid Acts were repealed, and further and other Powers granted inſtead thereof; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt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ſaid Acts of the Fifth and Twenty-ſixth Years of His preſent Majeſty ſhall be and the ſame are hereby declared to be repealed, and that on the ſame Day this Act ſhall commence and take effect inſtead thereof, and be put in Execution for and during the Term herein-after mentioned, for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 *Welford Bridge*, in the ſaid County of *Northampton*, through *Huſbands Boſworth* and *Great Wigſton* to *Milſton Lane*, in the Town of *Leiceſter*, and this Act and the Toll 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 Road, by virtue of the ſaid Acts or either of them, and of all Intereſt due and to grow due 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.

II. And be it further enacted, That *Richard Arkwright*, *Thomas Arnold* Doctor of Phyſick, *William Withering Arnold* Doctor of Phyſick, *Gerrard Andrews* Clerk, *John Anderſon* Clerk, *Thomas Arnutt* Clerk, *Samuel Aſton*, *Poyntz Oweſly Adams*, *Joſeph Burbidge*, *Joſeph Burbidge* the younger, *Thomas Burbidge*, *James Burbidge*, *John Bankart*, *Thomas Babington*, *William Babington* Clerk, *Robert Burnaby* Clerk, *Thomas Burnaby* Clerk, *Beaumont Burnaby*, *Thomas Bankart*, *John Barratt*, *Thomas Barratt*, *James Blakeſley*, *Henry Browne* Clerk, *Henry Bickley*, *Thomas Boultbee*, *Robert Brewin*, *Richard Coulton* Clerk, *Henry Coleman*, *John Edward Carter*, *John Clarke*, *Joſeph Spencer Cardale*, *Henry Carter*, *Samuel Clarke*, *Richard Cooke*, *Charles Chambers* Clerk, *James P Chambers* Clerk, *John Coltman*, *Samuel Coltman*, *Robert Clarke*, *John Caldecott*, *Henry Dalby*, *Joſeph Dalby*, *Thomas William Dabbs*, *John Eames*, *Joſeph Farmer*, *George Freer*, *Jonathan Foſter*, *George Iliff Foſter*, *Edward Broughton Foſter*, *John Fox*, *Thomas Freer*, *John Freer*, *James Fiude*, *Thomas Greaves* Clerk, *Benjamin Gregory*, *John Gregory*, *Mansfield Gregory*, *William Gregory*, *John Liptrott Greaves*, Sir *Edmund Cradock Hartopp* Baronet, *George Harry William Hartopp*, *John Heyrick*, *William Heyrick*, *David Harris*, *George Bracebridge Hodges*, *William Hartſhorn*, *William Harding*, *John Inge*, *Thomas Jeffcutt*, *John Jackſon*, *George Anthony Legh Keck*, *John King*, *Charles King*, *Henry King*, *Peter Auguſtus Laſargue*, *Thomas Lockwood*, *Caleb Lowdham*, *Thomas Leach*, *Lambton Loraine*, *John Loſby*, *Thomas Lucas*, *George Lockwood*, *Iſaac Lovell*, *Joſeph Cook Lovell*, *John Lawton*, *Thomas Lomas* the Mayor and Aldermen of the Borough of *Leiceſter* for the Time being, *John Mansfield*, *Thomas Miller*, *Samuel Miles*, *Edward Marſton*, *William French Major*, *Edmund Major*, *William Maſon*, *George Miles*, *John Miles* Clerk, *Charles Meredith*, *John Nichols*, *George Nichols*, *John Nichols* the younger, *Thomas Stanaley Nedham*,

Truſtees.

Lam, George Noble, Thomas Noel Clerk, *Henry Otway, John Baſs Oliver, Peter Oliver, James Ord* Clerk, *John Baſs Oliver* the younger, *Thomas Weſley Oldham, George Oliver* Clerk, *George Payne, Thomas Pares, John Pares, William Pares* Clerk, *George Peake, Thomas Paget, William Parſons, Thomas Peach, Robert Peach, James Pigott* Clerk, —— *Pearce* Clerk, *Edward Price, John Price, John Ragg. John Ragg* the younger, *Matthew Reid, Walter Ruding, Thomas Read. Charles Loraine Smith, Samuel Stone, John Spencer, Benjamin Sutton, William Sultzer, John Stephens, Richard Stephens, Francis Forteſcue Turville, Henry Vaughan* Doctor of Phyſick, *John Vaughan* Serjeant at Law, *Clement Winſtanley, James Winſtanley, Daniel Woodland, Thomas Willows* Clerk, *Henry Watchorn. Richard Walker* Clerk, *Thomas Wright, Henry Wood, George Wartnaby, Richard Watſon, Thomas Wood,* and *Henry Wood* the younger, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act into Execution.

Power to chooſe 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, and 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, and Penalty on acting if not qualified.

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

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.'

Penalty on acting if not qualified.

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

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 he 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: Provided nevertheleſs, 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.

Validating Acts of unqualified Truſtees before Conviction.

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

V. 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, Power to adjourn, and Meetings on Emergencies.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Three Crowns Inn* in *Leiceſter*, or at ſuch other Place as they ſhall appoint, 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 as ſoon after as conveniently may be, and ſhall then and there proceed to the Execution of this Act, and adjourn themſelves from Time to Time, and afterward 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 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 in 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

ſhall be lawful for the Clerk to the ſaid Truſtees for the Time being, by a Notice in Writing 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 ſaid 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 Fourteen Days after the Date of ſuch laſt-mentioned Notice; and all Orders and Determinations of the Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein-mentioned); 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.

VII. 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 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.

No Order to be revoked unleſs Seven Truſtees be preſent.

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

Proceedings to be entered in a Book.

IX. 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.

X. 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 Accounts upon Oath, if thereunto required by the said Trustees or any Five or more of them (which Oath any One of the said Trustees is hereby empowered to administer) and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or their Hands, when thereunto required, in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or 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

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 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 (and 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 ſuch Books, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of a ſufficient Diſtreſs, ſhall be detained in Priſon 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.

XI. 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.

XII. And

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

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall grosly 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.

XIII. 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 Street, 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 also may 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

Tolls to be taken.

Cattle or Carriages shall be permitted to pass through the same on any of the Days of the Week (except *Sunday*); that is to say,

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

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

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.

Double Tolls to be taken on Sundays.

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.

Manner of Recovery.

XIV. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person, subject to the Payment of any of the said Tolls, shall, after Demand made thereof, 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, or taking such Assistance as he or they shall think necessary, to seize and 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 its or their respective Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage with or without its Loading, 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.

XV. 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 (where-

of 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 Newſpaper publiſhed in the 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 or Duties hereby authorized to be taken on any Part or Parts thereof, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions, as they ſhall think fit, ſo that the reſpective Tolls ſo varied or altered 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 entitled 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 or Duties 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.

XVI. Provided always, and be it further enacted, That in all Caſes where any Waggon, Wain, Drug, Cart, or other Carriage 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 or Duty 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.

Only Two full Tolls to be taken.

XVII. Provided alſo, 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, ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in 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.

XVIII. 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 Perſon ſhall (upon producing a Note or Ticket denoting the Payment thereof on that Day at the ſame Toll Gate, which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis*, on Demand, to every Perſon paying the ſame) be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, or Carriage, through the ſame Toll Gate, at any Time 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 Night.

Diſpute concerning Toll to be ſettled

XIX. Provided always and be it further enacted, That if any Diſpute ſhall happen about the Amount of Tolls due or the Charges of keeping any

any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, for the Money ariſing from the Sale thereof (as the Caſe may 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 Collector or other Perſon, before he ſhall be obliged to return the Diſtreſs or Overplus after the Sale thereof or of any Part thereof. by a Juſtice of the Peace.

XX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in any wiſe 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. Collectors of Tolls competent Witneſſes.

XXI. 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, to be affixed upon all the Toll Gates then erected on the ſaid Road, and 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, or 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 Times, 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. Tolls may be let.

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

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.

Tolls may be compounded for.

XXIII. 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 inſtantly paid to the ſaid Truſtees, or to ſuch Perſon or Perſons, as they, or any Five or more of them, ſhall appoint.

General Exemptions.

XXIV. 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 Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Leiceſter*, or 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, Hamler, 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 in 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, and 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 of Tolls.

XXV. 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 Merchandizes, 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 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 Cariage, 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 by Law, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of the 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.

XXVI. 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 herein-after-mentioned.

Toll Gates &c. vested in the Trustees.

XXVII. 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 building 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 Tolls.

XXVIII. 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 Newspaper published in the 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 Seven or more of them, upon the Credit of such

Tolls,

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 to the said Trustees in Hand paid, do grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the Whole of the Monies owing and secured on the Credit thereof; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the Sum of with Interest at the Rate of *per Centum per Annum* shall be sooner paid and satisfied. Given under our Hands and Seals, this Day of

Mortgages to be entered in a Book.

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 One 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 One thousand eight hundred and

'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 Numbers, 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 such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*;

quoties; and it shall not be in the Power of any Person or Persons (except the 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.

XXIX. 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.

XXX. And it is hereby 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 former Acts or either of them, and give and execute another Mortgage or other Mortgages, instead or in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

Application of the Money.

XXXI. 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 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.

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

XXXII. And be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, 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 off 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 or 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 dug, 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 Session or at the Second General Quarter Session at the farthest, to be holden for the said County of *Leicester*, on Eight Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payment and Damages; and the 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.

XXXIII. *Provided nevertheless*, and be it further enacted, That it shall not be lawful for any Surveyor or 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 Road, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Land Owner or his known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at such Occupier's usual Place of Residence, to appear before 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 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 or Justices respectively shall be final and conclusive to all Parties.

Penalty on taking away Materials got by the Surveyors.

XXXIV. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been digged, 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.

XXXV. 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 Cauſeways or Footpaths in or along the Side of any Part or Parts of the ſaid Road, and to cut or cauſe to be cut any Watercourſes, 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 of any Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe, as a publick Highway, whilſt the old and 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 and Occupiers of ſuch Lands or 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.

XXXVI. Provided always, 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 Reſervoirs for Water, until all and every ſuch Pond and 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 and 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.

Surveyors may remove Annoyances.

XXXVII. And be it further enacted, That it ſhall and may 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 or 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, her, 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 Forty Shillings.

Owners of Watercourses to scour the same.

XXXVIII. 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 Nonpayment 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, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after all Charges paid.

Trustees may contract for purchasing Land.

XXXIX. 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, widen or divert, turn, shorten, vary or alter the Course or Path of any Part or Parts of the said Road; and that any Variation of Roads 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 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 and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Lots or Damage

Damage ſuch Owners or Perſons may ſuſtain by widening, diverting, turning, ſhortening, varying, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands or 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 ſeiſed or poſſeſſed in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to exchange with, ſell, and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for any the Purpoſes aforeſaid; and all Contracts, Exchanges, Sales, and 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 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, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, 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.

XL. And be it further enacted, That if any ſuch Bodies Politick, Corporate, Eccleſiaſtical, or Civil, Corporations 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 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 enquired 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 Ways and Means as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of

Money

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 ſaid Verdict or Inquiſition, and Judgement, 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, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, Eccleſiaſtical, or Civil, Corporations 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 for 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 can 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 no ſuch Fine be more than Five Pounds or leſs than Forty Shillings, on any one Perſon for one Offence.

How Expences of Jury ſhall be paid.

XLI. 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 to 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, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences

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 for 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 Sati-faction 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 for 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 to 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.

XLII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or 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 Roads 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.

Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever, ſhall be diveſted of all 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, 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 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 Building, 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 Owner or Proprietor thereof reſpectively, in Writing firſt had and obtained.

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

XLIII. 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 ſeiſed of ſome Piece or Pieces of old Road or other Ground, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of old Road 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.

XLIV. 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 re-ſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or re-purchaſe the ſame reſpectively, 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

Perſons whoſe Lands adjoin to have the Preference.

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 repurchaſing 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 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 when exceeding 200*l.*

XLV. 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 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, 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 Acountant Genaral of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, or any Five or more of them, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Parchaſe of Three Pounds *per Centum*

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 or Profits of the Lands and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

XLVI. 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 Committeees, 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 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 where the Money is leſs than 20*l.*

XLVII. 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 Title.

XLVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or

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

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 of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery;

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

which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof by Motion or Petition, ſhall be and is hereby empowered in a ſummary way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

XLIX. 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 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

Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

L. 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.

LI. 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 the ſaid recited Act or 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.

LII. 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 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 deli-

vered 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.

LIII. 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,

tees, such Surveyor is hereby empowered to dismiss and discharge the Person who shall be so found idle or negligent as aforesaid; and in 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 Suveyors, and applied to the Purposes of this Act.

Composition Money, etc.

LIV. 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 Parish, Township, 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 for the County or Place where the Defaulter or Defaulters shall reside.

Trustees to compound for Statute Work and other Work.

LV. 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 or 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.

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

Truſtees may erect Mile Stones; and Penalty for defacing them.

LVII. 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 Side 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 ſame, 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 for the loading or unloading thereof) 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

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 on obſtructing the Execution of the Act.

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

LIX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any 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 Seſſion to be holden within and for the County, Place, or Diſtrict, in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſion, 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 the 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 Seſſion 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.

Penalties how to be recovered and applied.

LX. 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,

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 empowed and required to grant for thoſe Purpoſes) 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 Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Gaol or Houſe of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months unleſs ſuch Penalties, Forfeitures, Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Seſſion of the Peace to be holden for the ſaid County of *Leiceſter*, within Three Calendar Months next 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 to 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 Seſſion; and the ſaid Juſtices at ſuch Seſſion, 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 Seſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes: and the ſaid Juſtices at ſuch Seſſion may alſo by their Order or Warrant, levy ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Gaol or Houſe of Correction of or for the ſaid County of *Leiceſter*, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

LXII. And

Proceedings not to be quashed for Want of Form.

LXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that 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 Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding 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.

LXIII. 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 at 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 County, 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.

LXIV. 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.

Term of the Act.

LXV. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing of this Act, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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