ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

*Cap.*82.

An Act for repairing and widening the Road from *Rugby Bridge*, in the County of *Warwick*, to the Town of *Hinckley*, in the County of *Leiceſter*.

[5th *May* 1812.]

WHEREAS the Roads leading from the Bridge acroſs the *Avon* at *Rugby*, in the County of *Warwick*, through the Pariſhes of *Newbold* upon *Avon*, *Little Harborough*, and *Great Harborough*, and through the Hamlet of *Pailton*, in the Pariſh of *Monks Kirby*, to the Turnpike Road, leading from *Market Harborough* through *Lutterworth*, in the ſaid County of *Leiceſter*, to the City of *Coventry*; and from the ſaid Turnpike Road, at or near the Place called the *Strettalion Gate*, through the ſaid Pariſh of *Monks Kirby*, and the Pariſhes of *Withybrook*, *Wolvey*, and *Little Burton*, all in the County of *Warwick*; and from thence acroſs the *Watling Street Road*, and through the Hamlet of *Sketchley*, in the Pariſh of *Barbage*, to the Turnpike Road in the Town of *Hinckley*, leading from the ſaid Town of *Hinckley* to the Town of *Nuneaton*; and alſo the Road leading from the ſaid Village of *Newbold-upon-Avon*, through the ſaid Pariſh of *Newbold*, to the Angle on the Turnpike Road, leading from *Rugby* to *Lutterworth* aforeſaid, are in a bad Condition, and unfit for Carriages and Paſſengers paſſing thereon, and cannot be effectually repaired and kept in good Condition by the ordinary Methods preſcribed by Law: May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent

present Parliament assembled, and by the Authority of the same, that the Right Honourable *John Charles Spencer*, commonly called Lord Viscount *Althorp*, Sir *Gray Skipwith* Baronet, Sir *Egerton Leigh* Baronet, the Reverend *John Wool* Doctor in Divinity, the Reverend *Richard Rouse Bloxam* Doctor in Divinity, the Reverend *Robert Marriott*, the Reverend *John Marriott*, the Reverend *William Hanbury*, the Reverend *John Parker* the Elder, the Reverend *John Parker* the Younger, the Reverend *William Podmore*, the Reverend *William Birch*, the Reverend *Philip Homer*, the Reverend *George Loggen*, the Reverend *John Sleath*, the Reverend *William Chambers*, *Abraham Caldecott*, *Cadwalledar Adams*, *Charles Thomas Hudson*, *Abraham Grimes*, *George Henry Arnold*, *William Chambers*, *Abraham Hume*, *Richard Tawney*, *George Wharton Marriott*, *John Caldecott*, *George Greenway*, *Charles Jervis*, *Robert Cheshire*, *Thomas Sansome*, *John Blakesley*, *Ralph Winterton*, *Thomas Winterton*, *William Winterton*, *Richard Arnold*, *George Harris*, *Thomas Walker*, *John Compton*, *John Tibbetts*, *John Worth*, *John Norman*, *Thomas Norman*, *William Norman*, *George Abell*, *Thomas Benn*, *William Butlin*, *Thomas Voile*, *William Sutton*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, and maintaining the said Roads, and for otherwise putting this Act in Execution.

Trustees.

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

Power for chooſing new Trustees.

III. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession, or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be Heir Apparent of some Person having an Estate of the clear yearly Value of Two hundred Pounds, or be possessed of or entitled to the Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds, nor except in administering the Oath following, until he (not being such Heir Apparent) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same: (that is to say)

Qualification of Trustees.

Oath.

'I do swear that I truly and *bona fide* am in my own Right, [or in the 'Right of my Wife, as the Case may be] in the actual Possession and 'Enjoyment [or Receipt of the Rents and Profits] of Lands, Tenements, 'or Hereditaments, of the clear yearly Value of Fifty Pounds, or pos-

'sessed

'seſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal 'Eſtate together, of the Amount or Value of One thouſand Pounds.

'So help me GOD.'

Penalty on Perſons 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 Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon 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.

No intereſted Truſtee to act.

Validating Acts of unqualified Truſtees, before Conviction.

IV. Provided always, and be it further enacted, That all Acts which ſhall have been done by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before-mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Victuallers incapable of acting.

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

Truſtees may act as Juſtices, except where intereſted.

Mortgagee or Aſſignee may act as Truſtee.

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

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

VII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the

Direction

Direction of, or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them, at a Meeting held in purſuance of this Act, but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees, ſhall be deemed to be the Plaintiff or Defendant, (as the Caſe may be) in every ſuch Action: Provided always, that every ſuch Treaſurer or Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Proceedings he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer to reimburſe Expences.

Truſtees Firſt Meeting.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Spread Eagle* Inn, in *Rugby*, in the ſaid County of *Warwick*, on the Second *Tueſday* 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 convenient, and ſhall then and there proceed in the Execution of this Act, and adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place on or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and appoint, as often as it ſhall be neceſſary for putting this Act into Execution: Provided always, that Three Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at any Time and Place appointed for a Meeting of the Truſtees for putting this Act into Execution, either then to act or to adjourn to another Time; or in caſe the Truſtees, at any Time aſſembled, ſhall omit or neglect to adjourn themſelves, then, and in either of the ſaid Caſes, it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing, to be fixed on all the Toll Gates upon the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the County of *Warwick*, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held, or was to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding One Calendar Month after the Day on which ſuch laſt-mentioned Meeting was held, or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Two of the Truſtees (although not aſſembled at a Meeting), at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively, as aforeſaid, to cauſe a Notice in Writing to be ſigned by their Clerk for the Time being, to be affixed or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſuch Time and Place upon or near the ſaid Road, as they ſhall think proper, not exceeding Twenty-one Days, nor being leſs than Six Days from the Time of affixing or inſerting ſuch laſt-mentioned Notice.

Power to adjourn.

Meeting on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall be thought neceſſary that they ſhould meet at an earlier

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

How Orders of Trustees to be revoked.

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

Proceedings to be entered in a Book.

XI. And be it further enacted, That all Orders and Proceedings of the 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 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.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, and take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his and their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary or proper to be employed in the Execution of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, 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 paid, collected, or received, and how, and to whom, and for what Purpoſe, the ſame and every Part thereof hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Account upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter); and alſo ſuch Officers and Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies, as upon the Balance of ſuch Account or Accounts, ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if the ſaid Officers or Perſons, or any of them, ſhall refuſe or neglect to render and give ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, or any Five or more of them, or by ſuch other Perſon or Perſons, all Books, Papers, or 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 any Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his and their appearing or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authoriſed 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

Officers to account.

Or to be puniſhed.

Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then, and in any or either of the Cases aforesaid, the said Justice may, and is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Gaol or House of Correction, of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in, and settled his or their Accounts, and have verified the same 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 to such Person or Persons as they shall appoint to receive the same (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), and until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them; provided always, that no Person who shall be committed for want of a sufficient Distress, shall be detained in Prison for any longer Time than Three Calendar Months.

Trustees may appoint temporary Collectors.

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

his and their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his or their Goods out of the ſame, and to put the ſaid Truſtees, or any Five or more of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion thereof.

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

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

Tolls.

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

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

For every Two-wheeled Carriage, the Sum of Sixpence:

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

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, or Bullock, drawing any Waggon, Wain, Dray, Cart, or other ſuch like Carriage, the Sum of Four-pence:

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

For

For every Drove of Oxen, or neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any less Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score; and so in Proportion for any less Number:

Double Tolls to be taken on 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 said respective Tolls, except such Horses or Beasts as shall be employed solely for the Purpose of carrying or conveying Milk.

Manner of Recovery.

XV. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be, and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorised and appointed as aforesaid, to collect such Tolls by himself or themselves, or taking such Assistance as he or they should think necessary, to seize or distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, together with their Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast,) or any Carriage in respect of the Horses or Beasts drawing, on which Carriage such Toll is by this Act imposed, and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Two Days after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horses, Beasts, Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale, (if any) and what shall remain unsold upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Power to lower the Tolls.

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

Only Two full Tolls to be taken.

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

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 of the ſaid Toll Gates to be erected by virtue of this Act, ſuch Perſon ſhall, upon producing a Note or Ticket denoting the Payment thereof on that Day at the ſame Toll Gate, (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver *gratis* on Demand, to every Perſon paying the ſame) be permitted to paſs Toll Free with the ſame Horſe, Cattle, Beaſt, or Carriage through the ſame Toll Gate, at any Time during the ſame Day, to be computed as aforeſaid.

Diſpute concerning Tolls to be ſettled by a Juſtice of Peace.

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

Collectors of Tolls not to be deemed incompetent Witneſſes.

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

Truſtees may let the Tolls.

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, affixed upon all the Toll Gates then erected upon or acroſs the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the County of *Warwick*, from Time to Time, by Writing under their Hands, to let and demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder,

and

and for the beſt Price that can be gotten for the ſame, payable at ſuch Time, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

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

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, authoriſed by Writing under the Hands of any Five or more of them, ſhall be at Liberty, and they are hereby authoriſed to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates, and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove 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 Perſon or Perſons, or cauſe them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may compound for Tolls.

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 or Perſons, (Common Carriers and the Proprietors of Stage Coaches only excepted) for any Sum or Sums of Money, which the ſaid Truſtees ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls, which Compoſition ſhall be immediately paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, and be applied in the ſame Manner as the Tolls ſo compounded for would have been applicable.

General Exemptions from Toll.

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 Poſt-Maſter General, either when employed

Mails.

in

in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March, or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or Chapel, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his or their Parochial Church, Chapel, or other usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in the Parish, Hamlet, or Place through which any Part of the said Road hereby intended to be repaired lies; nor for any Horses, 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 Counties of *Warwick* or *Leicester*; or any Surveyor or Surveyors of the said Road, when attending his or their Duty on the said Road; or for carrying or conveying Vagrants sent by legal Passes; or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or stacked up in any Barn or Yard held or used by the Occupier of the Land whereon the same grew, and being within the same Parish, nor going or returning empty when so employed; or for carrying or conveying any Dung, Soil, Mould, or Compost to be used for the manuring and improving of any Land, nor going or returning empty when so employed; nor for any Horses, Beasts, or Cattle passing, in order to be used or employed only upon or for the Occupation of Land in the same Parish, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry, in order to be so used or employed, or to be repaired, or returning after having been so employed, (unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Tolls;) nor for any Horse, Beast, or Cattle passing to or from Pasture upon any such Land as last mentioned, or to or from Water, or for either of those Purposes of Pasture or Water, going or passing only from one Parish into the next adjoining Parish; nor for any Horse, Beast, or other Cattle, when going to or returning from being shod or farried; nor for any Horse, Beast, or Cattle, used or employed for the Purpose only of carrying or conveying Materials for the making or repairing of any Highway or Public Road, within any such Parish, Hamlet, or Place, as aforesaid, nor going or returning empty when so employed; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from any Place of Exercise, Inspection, or Review; provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim

Soldiers.

Church Funerals, &c.

Electors.

Vagrants, Hay, &c.

Manure, &c.

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

Horses, &c.

Water.

Materials for repairing Roads.

Crossing the Road.

Volunteer Cavalry.

claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Carriages conveying Military Stores, not to be ſubject to Penalties for Overweight.

XXV. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight therein, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage; to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Penalty on Evaſion of Tolls.

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

as the other Penalties and Forfeitures are hereinafter directed to be applied.

Penalties on Collectors takinggreater or leſs Tolls than allowed.

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

Toll Gates, &c. veſted in Truſtees.

XXVIII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which are already erected upon or on the Sides of the ſaid Road, or which ſhall be erected or made 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, which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring, or cauſe to be brought, any Action or Actions, or to prefer, or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment, againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage any ſuch Toll Gates, Toll Houſes, Conveniences, or Appurtenances, Materials, Articles, or Things, or diſturb them or their Agents or Servants in the Poſſeſſion thereof.

For borrowing Money, and aſſigning Tolls.

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

'Act into Execution, in Consideration of the Sum of
' to the Treasurer of the said Road in hand paid, do grant,
'bargain, sell, and demise unto his
'Executors, Administrators, and Assigns, such Proportion of the Tolls
'arising by virtue of the said Act, and of the Toll Gates and Toll
'Houses for collecting the same, as the Sum of
'doth or shall bear to the whole Sum due and owing on the Credit
'thereof; to be had and holden from the Day of
' for and during the Continuance of the said Act, unless the said
'Sum of with Interest at the Rate of
' *per Centum per Annum*, shall be sooner repaid and satisfied.
'Given under our Hands and Seals this Day of
' One thousand eight hundred and .'

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

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Assignment or Assignments of Tolls may have been made under the said recited Act, may, from Time to Time, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on such Security, before a credible Witness, the following Words, or Words to the like effect; (that is to say)

Form of Transfer.

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

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

No Priority of Mortgages.

XXX. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of

advancing

advancing any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Compelling Payment of Subscriptions.

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

Application of the Money.

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

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

XXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, and carry away any Materials for completing or repairing the said Road, out of any Waste or Common River or Brook, in or near which any Part of the said Road lies, without paying any Thing for such Materials; they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Person or Cattle, and paying for the Damages done by going through and over any Lands or Grounds,

Grounds, for and with ſuch Materials, (ſuch Damages to be aſcertained as hereinafter 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 the Ground whereon any Houſes or Buildings ſtand, or a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted or ſet apart as a Nurſery for Trees,) making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of ſuch Grounds, where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Road ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons, appointed and employed as aforeſaid, and the Owners and Occupiers of Private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace at their next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden for the ſaid Counties of *Warwick* and *Leiceſter*, or one of them, as the Caſe ſhall happen to be, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

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

Power to ſearch for Materials, without giving Notice.

XXXVI. Provided always, and be it further enacted, That nothing hereinbefore contained ſhall hinder or prevent any ſuch Surveyor as aforeſaid, from boring or digging in any incloſed Lands, for the Purpoſe of ſearching for ſuch Materials as aforeſaid, (not being a Garden, Orchard, Yard,

Yard, Paddock, Planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Plantation or Nurſery for Trees,) without giving any ſuch Notice as aforeſaid, ſuch Surveyor doing thereby as little Damage as may be, and making full Satisfaction and Compenſation for any ſuch Damage, to be aſcertained in Manner aforeſaid.

Penalties on taking away Materials got by the Surveyors.

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

Power to make Cauſeways.

XXXVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, or any Perſon or Perſons, by them or either of them appointed or employed, may and is, and are hereby authorized and empowered to make, or cauſe to be made any Cauſeway or Footpath in or along the Side of any Part or Parts of the ſaid Road, and to cut, or cauſe to be cut any Watercourſe in, through, or acroſs any Lands or Grounds, in order to drain or prevent the ſaid Road, or any Part or Parts thereof from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes if neceſſary; and alſo to make or cauſe to be made a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the ſaid Road, hereby intended to be repaired, (not being the Scite of or Ground whereon any Houſe or Houſes ſtand, or any Planted Walk, Garden, Orchard, Yard, Park, Paddock, or Avenue to any Houſe,) to be made uſe of by all Paſſengers with Carriages and Cattle, or otherwiſe as a Public Highway, whilſt the old ruinous Road is undergoing Repair; and till ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds for the Damage 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.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to give Power to the ſaid Truſtees, or any of their Surveyors, Servants, Workmen, or Agents, to ſtop, divert, or diſpoſe of any Water or Watercourſe, either in or through any Public or Private Ground, that ſhall contribute towards filling or ſupplying any Public or Private Pond or Ponds, Baſons, Canals, or Reſervoirs for Water, until all and every ſuch Pond or Ponds, Baſons, Canals, or Reſervoirs ſhall be ſufficiently ſupplied and filled, and the Water run waſte; and that whenever a ſupply of Water ſhall and may be needful or convenient to any ſuch Pond or Ponds, Baſons, Canals, and Reſervoirs, or any of them, it ſhall be lawful for the Owners or Occupiers thereof,

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 Refervoirs, until the ſame be again ſufficiently ſupplied and filled, and the Water runs waſte, and ſo from Time to Time, as often as ſuch Owners or Occupiers ſhall think fit and convenient.

Surveyor may remove Annoyances.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons, as he or they ſhall appoint at proper Seaſons of the Year, to remove all Annoyances on the ſaid Road, and to cut down Trees or Buſhes (at the proper Seaſon of the Year,) growing on the ſaid Road, or in the Hedges or Banks adjacent thereto, and to cut or plaſh ſuch Hedges, the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances for the Space of Ten Days after Notice given in Writing for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers, neglecting to cut down ſuch Trees and Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not upon Demand pay and reimburſe to the Surveyor or Surveyors, ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors, by Warrant under the Hand and Seal, or Hands and Seals of One or more Juſtice or Juſtices of the Peace, for the ſaid Counties of *Warwick* or *Leiceſter*, as the Caſe may happen to be, from Time to Time, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his or their Goods and Chattels, rendering the Surplus (if any) to the Owners thereof upon Demand, after all Charges paid; and if after 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.

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

Surveyors may cleanſe them.

XLI. And be it further enacted, That if any Perſon or Perſons, who of Right ought to ſcour or cleanſe any Ditch, Drain, or Watercourſe, which ſhall adjoin to or lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice in Writing ſhall for that Purpoſe be given to him, her, or them reſpectively, or ſhall be left at his, her, or their reſpective Place or Places of Abode, by the ſaid Surveyor or Surveyors, then the ſaid Surveyor or Surveyors may cauſe ſuch Ditches, Drains, and Watercourſes, to be ſcoured and cleanſed, and pay for ſcouring and cleanſing the ſame; and if ſuch Perſon or Perſons ſhall not repay the Money paid by ſuch Surveyor or Surveyors on Demand thereof upon him, her, or them reſpectively, by Writing to be left at his, her, or their reſpective Place or Places of Abode, the ſaid Money and every Part thereof, upon Proof of the cleanſing and ſcouring the ſaid Ditches, Drains, and Watercourſes, and Payment of the ſaid

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

Maps to remain with the Clerks of the Peace for Inſpection.

XLII. And whereas Maps or Plans, deſcribing the Line of the ſaid Road, and the Lands through which the ſame is to be carried, and the Lands adjoining the ſame, have been depoſited at the Offices of the Clerks of the Peace for the Counties of *Warwick* and *Leiceſter*; be it therefore enacted, That the ſaid Maps or Plans ſhall remain in the Cuſtody of the ſaid Clerks of the Peace for the ſaid Counties, to the end that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerks of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection; and at the Rate of One Shilling for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Maps or Plans; and that the ſaid Truſtees, in making the ſaid Road, ſhall not deviate more than One hundred Yards from the Line deſcribed in the ſaid Maps or Plans, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

New Road not to deviate more than 100 Yards from the Plan.

Truſtees may contract for purchaſing Lands.

XLIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and are hereby authorized and empowered from Time to Time, as they ſhall think proper, to widen and divert, turn, ſhorten, vary, or alter the Courſe or Path in Manner herein mentioned, of any Part or Parts of the ſaid Road; and that any Variation of Road may be made throughany Common or Waſte Ground, without making any Satisfaction for the ſame; and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and to the Perſons intereſted therein, for the Damages they may ſuſtain thereby; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, aſſembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of, or Perſons intereſted in, any Lands or Hereditaments for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by widening and diverting, turning, ſhortening, varying, and altering the Courſe or Path of any Part or Parts of the ſaid Road, through ſuch Lands and Hereditaments; and it ſhall be lawful for all ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, and Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Infant Wards, *Ceſtuique* Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding; and to and for all Femes Covert who are or ſhall be ſeized or intereſted in their own Right, and to and for every Perſon or Perſons whomſoever who are or ſhall be ſeized or poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract

with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, or Conveyances which ſhall be made in Writing, and ſealed and delivered by any Five or more of the ſaid Truſtees, in purſuance of any Order or Orders at any Meeting or Meetings to be holden under this Act, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Committees, and all other Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act; provided always, that in widening, turning, or diverting the Courſe of the ſaid Road, or for any other the Purpoſes of this Act, it ſhall not be lawful to or for the ſaid Truſtees to take or make uſe of, injure, or damage any Houſe or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto.

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

XLIV. And be it further enacted, That if any ſuch Bodies Politic, Eccleſiaſtical, or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal Officer or Officers of any ſuch Body Politic, Corporate, Eccleſiaſtical, or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is to be diverted, turned, or altered, ſhall, by the Space of Thirty Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage or Recompence to be inquired into, and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands ſhall lie, and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury, and examine on Oath any Perſon or Perſons whomſoever (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all ſuch Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damages or Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, which Verdict or Inquiſition and Judgment, Order or Determination thereupon ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes

Covert, Lunatics, Idiots, or Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporation Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant to the Sheriff of the County wherein ſuch Lands ſhall lie, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers by, or that may be ſpeedily procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine 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, (having his reaſonable Expences paid or tendered) ſhall refuſe to be ſworn or examined, or give Evidence, ſo as that no ſuch Fine be more than Five Pounds on any One Perſon for One Offence.

How Expences of the Jury ſhall be paid.

XLV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by them ſuſtained than what ſhall have been agreed and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury as a Recompence and Satisfaction for any ſuch Right, Intereſt, and Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money in his Hands to ariſe by virtue of this Act, but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury

and

and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace of the ſaid County, not intereſted in the Matter in Queſtion, (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein, to attend him for that Purpoſe,) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating, the whole of ſuch Coſts and Expences ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act.

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

XLVI. And be it further enacted, That all and every Sum and Sums of Money, Conſideration, Recompence, and Satisfaction to be agreed for or aſcertained, or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls, or out of the Monies to be raiſed by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or, as the Caſe may require, to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents, and that upon Payment or Tender thereof to ſuch Perſons, or their Agents, or depoſiting the ſame in the Bank of *England* in Manner by this Act directed, as the Caſe may be, and after Thirty Days Notice thereof given to ſuch Parties or Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to extend, widen, divert or turn the ſaid Road through or over ſuch Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees ſhall cauſe ſuch Parts of the ſaid Road as ſhall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Lands in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Road, by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a Common Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of the Right and Title to ſuch Lands and Hereditaments; and the Lands conſtituting any former Roads, in lieu whereof ſome new Roads ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Road doth not lead

Former Roads may be ſold.

lead, ſhall be veſted in, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, or may be exchanged for other Lands uſed for the Purpoſe of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the Road by this Act directed to be repaired; and all Deeds of Exchange or Conveyance executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein ſuch Lands or Grounds ſhall lie, ſhall be good and effectual in the Law to all Intents and Purpoſes; but this Act ſhall not extend to the taking down of any Dwelling Houſe or other Buildings, or to the taking in of any Land being a Garden or Orchard adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, Planted Walk, incloſed Nurſery for Trees, or Avenue to a Houſe, or any Part thereof, without the Conſent of the Owners or Proprietors thereof reſpectively in Writing firſt had and obtained.

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

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

Perſons whoſe Lands adjoin, to have the Preference.

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

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

Application of Compenſation when exceeding 200l.

XLIX. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed for the Purpoſes of this Act of any Body Corporate, Eccleſiaſtical, or Civil, Corporation Aggregate or Sole, not having the Power to ſell, without the Authority of this Act, Feoffees in Truſt, Gurdians, Committees, or other Truſtees, or from any Feme or Femes Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, in caſe the ſame amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing this Act, or any Five or more of them, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authoriſe to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands, Tenements, or Hereditaments which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed, as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the Meantime and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant-General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

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

L. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any ſuch Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands be paid into the Bank in the Name and with the Privity of the ſaid Accountant-General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 for executing this Act, 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 Dividend ariſing thereon may be applied in Manner hereinbefore 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 20l.

LI. 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, Tenements, or Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then, and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money,

Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title, or Intereſt of the Perſon or Perſons making Claim 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 mentioned and ſpecified 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.

Reſpecting diſputed Titles.

LIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividend and Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of any ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was and are lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LIV. 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, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, 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 Bodies continue ſo.

LV. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof,

Bodies Politic and Corporate, who before the paſſing of this Act hath or have uſed, or of Right ought by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other account or accounts, to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithſtanding this Act, be ſubject and liable to ſuch Repairs in the ſame Manner as they and every of them have or hath heretofore uſually been, or would have been in caſe this Act had not been made.

Statute Labour.

LVI. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the Roads by this Act directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties of *Warwick* and *Leiceſter* in their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to he ſaid Truſtees, or their Treaſurer, and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices (at ſome Place to be expreſſed in ſuch Summons) within Ten Days after the ſerving of ſuch Summons, of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any ſuch Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the

Payment

ayment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending of the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

For recovery of Compenſation for Statute Work.

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

Truſtees to compound for Statute Work.

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

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

Truſtees may contract for the Repair the Road.

LIX. 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, &c.

Penalty for defacing them, and no Perſon injuring the Road or committingNuiſances thereon.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction Poſt or Mile Stone erected or fixed, or to be erected or fixed in or near the Side of the ſaid Road; or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Footway or Path adjoining to, or made on the Side of, or upon the ſaid Road; or ſhall drive any Horſe, Cattle, or Swine, or any Carriage thereon; or ſhall cauſe any Damage to be done to any ſuch Footway; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone (otherwiſe than upon wheeled Carriages); or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon wheeled Carriages, to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Bankings, 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 or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care;

Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet Fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Road, (longer than may be neceſſary to load or unload the ſame,) either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on obſtructing the Execution of this Act.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe 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.

For ſecuring tranſient Offenders.

LXII. And whereas Offences may be committed againſt this Act, by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any 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 for the County or Place where the Offence or Offences ſhall be committed.

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

Form of Conviction.

'County of } BE it remembered, That on the Day of
'to Wit. } in the Year of His Majeſty's
Reign, is convicted before me One of His Majeſty's
'Juſtices of the Peace for the County of *Warwick*, (or *Leiceſter*, as the
'Caſe may be,) by virtue of an Act of Parliament made in the Fifty-
'ſecond Year of the Reign of His Majeſty King *George* the Third,
'intituled, *An Act*, [*here ſet forth the Title of this Act, and ſpecify the*
'*Offence, and the Time and Place when and where the ſame was committed,*
'*as the Caſe may be.*] Given under my Hand and Seal, [or our Hands
'and Seals,] the Day and Year aforeſaid.'

LXIV. And

Penalties, how to be recovered and levied.

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

Perſons aggrieved may appeal to the Quarter Seſſions.

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

Gaol or Houſe of Correction of and for the ſaid Counties of *Warwick* and *Leiceſter*, as the Caſe may be, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Proceedings not to be quaſhed for want of Form.

LXVI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be demed a Treſpaſſer or Treſpaſſers on account of any Defect or Defects, or want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in any Action upon the Caſe, but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought.

Limitation of Actions.

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

Public Act.

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

Commencement and Continuance of this Act.

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

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