



ANNO QUADRAGESIMO QUINTO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 49.

An Act for more effectually repairing and improving the Road from *Melton Mowbray*, in the County of *Leicester*, to the Guide Post in *Saint Margaret's Field, Leicester*, and another Road therein mentioned. [5th June 1805.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty King *George the Third*, intituled, *An Act for repairing and widening the Roads from Melton Mowbray, in the County of Leicester, to the Guide Post in Saint Margaret's Field, Leicester; and from the Town of Leicester to the Town of Lutterworth in the said County, and other Roads therein mentioned; whereby the said Roads were divided into Two Districts, and separate Trustees appointed for the Care of each; and the Road (as therein described) from Melton Mowbray aforesaid to the Guide Post in Saint Margaret's Field, Leicester, near the Turnpike Road there leading from Leicester to Loughborough, and the Road from the said Road at or near a certain Place in the Lordship of Barkby, in the said County of Leicester, called the Round Hill, to the Town of Barkby, were directed to be and be called The First District: And whereas the Term and Powers of the said Act were enlarged* 4 G. 3. c. 84.

[Loc. & Per.] 10 K by

25 G. 3. c. 113. by an Act passed in the Twenty-fifth Year of the Reign of His said Majesty, intituled, *An Act for enlarging the Term and Powers of an Act passed in the Fourth Year of His present Majesty's Reign, for repairing and widening the Roads from Melton Mowbray, in the County of Leicester, to the Guide Post in Saint Margaret's Field, Leicester; and from the Town of Leicester to the Town of Lutterworth in the said County, and other Roads therein mentioned*: And whereas the Trustees appointed in or by virtue of the said Acts, for the Care of the said First District of Roads, have proceeded in the Execution of the Powers and Authorities vested in them by the said Acts, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on that District which still remain due and owing: And whereas the Money so due cannot be paid off, and the Roads within the said First District be kept in Repair and properly improved, unless the Term of the said Acts with respect to that District, is continued; and the Powers and Provisions of the said Acts having been found in many Respects defective and insufficient, it is expedient that the said Acts, so far as the same relate to the said District of Roads should be repealed, and further and other Powers granted instead thereof; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts of the Fourth and Twenty-fifth Years of His present Majesty's Reign, so far as they relate to or concern the said First District of Roads therein mentioned, shall be, and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, or either of them, on the said First District of Roads, and of all Interest due and to grow due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed, or become due and owing on the Credit or on Account of this Act.

Former Acts repealed as to the First District, and this Act to take place instead thereof.

Trustees.

II. And be it further enacted, That *John Adams, Thomas Allsop, Francis Allsop, Charles Allsop, John Anderson Clerk, Thomas Arnold Doctor of Physick, William Withering Doctor of Physick, Richard Arkwright, Richard Arkwright the Younger, Thomas Babington, Thomas Babington the Younger, William Babington Clerk, James Bankart, Samuel Bankart, Thomas Bankart, John Bankart, John Barratt, John Barratt the Younger, Thomas Barratt, Thomas Beasley, John Beaumont, Henry Wade Bickley, William Bishop, James Blakeley, Thomas Black, William Blower, Joseph Boulbee, Joseph Boulbee the Younger, Thomas Boulbee, John Breeden, Robert Brewin, John Brewin, Edward Bright, John Bright, John Suffield Brown, William Brown Clerk, Henry Brecone Clerk, Joseph Burbage, Francis Burgefs, Robert Burnaby Clerk, Thomas Beaumont Burnaby Clerk, Thomas Burnaby Clerk, Edwin Andrew Burnaby, John Dick Burnaby, Paul Belcher Clerk, Joseph Chambers, Joseph Spencer Cardale, Samuel Caldwell, Anthony Carr, George Carr, Andrew Carpendale, John Edward Carter, Henry Carter, William Cassin Clerk, Joseph Chamberlin, Hamlett Clark, Robert Clarke, Robert Clarke the Younger, William Cooper, Richard Cooke, Henry Coleman, Thomas Coleman, Thomas William Dabbs, Samuel Day,*

Day, Thomas Deakin, John Dudley Clerk, Edward Farnham, William  
 Firmidge, Henry Cooper Fisher Clerk, John Fisher Clerk, Robert Fisher,  
 Thomas Ford Doctor of Laws, Jonathan Foster, Frederick Gustavus Fowke,  
 Thomas Freer, the Right Honourable George Harry Grey, commonly called  
 Lord Grey, the Honourable John Grey, the Honourable William Booth  
 Grey, the Honourable Anchtell Grey, Joseph Gill Clerk, William Graham,  
 Benjamin Gregory, John Gregory Grocer, John Gregory Printer, Mansfield  
 Gregory, William Gregory, Thomas Goffrey, John Goud, Sir Edmund Cra-  
 dock Hartopp Baronet, George Harry William Hartopp, Edmund Hartopp,  
 William Edmund Hartopp, Edward Hartopp the Younger, William Evans  
 Hartopp, Samuel Hartopp Clerk, John Hall, David Harris, William Har-  
 rison, George Henton, Thomas Henton, Thomas Henton the Younger, John  
 Herick, Samuel Heyrick Clerk, William Heyrick, William Hill, Seth Hose,  
 Sir Charles Grave Hudson Baronet, Charles Thomas Hudson, John Samuel  
 Hudson, John Peach Hungersford, Thomas Jeffcutt, Joseph Johnson, Robert  
 Johnson, Sir Francis Burdett Baronet, George Anthony Legh Keck, Anthony  
 Kloy, John King, Henry King, William King, Charles Latham, Williams  
 Latham, John Lawton, the Mayor, Recorder, and Aldermen of the Bo-  
 rough of Leicester for the Time being, Thomas Lewin, Thomas Lockwood,  
 George Lockwood, Thomas Lomas, Edward Loveden Loveden, Lambton Lo-  
 raine Clerk, Lambton Loraine the Younger, John Loseby, Calb Lowd-  
 ham, Thomas Ludiam Clerk, the Right Honourable Charles Manners,  
 commonly called Lord Charles Manners, the Right Honourable Robert  
 Manners, commonly called Lord Robert Manners, Sir William Manners  
 Baronet, John Manners, Edward Manners, John Mansfield, George Mar-  
 riott, Thomas Marriott, John Miles Clerk, Samuel Miles, George Miles,  
 Thomas Miller, Thomas Moore, John Moore, Edward Morgan Clerk,  
 Campbell Murris, John Morres Clerk, Joseph Neale, John Needham, Thomas  
 Stanley Needham, John Needham, John Nichols, John Nichols the Younger,  
 George Nichols, John Noble Clerk, George Noble, Richard Norman, William  
 Oldham, Thomas Westley Oldham, Peter Oliver, John Bass Oliver, John  
 Bass Oliver the Younger, Thomas Barfoot Oliver, George Bass Oliver  
 Clerk, Welles Orton, Charles James Packe, Charles James Packe the  
 Younger, Thomas Paget, Thomas Paget the Younger, Thomas Paget Sur-  
 geon, Sir John Palmer Baronet, Thomas Palmer, John Palmer, Thomas  
 Pares, Thomas Pares the Younger, John Pares, William Pares Clerk,  
 James Parke, Thomas Parkinson, William Parsons, Michael Payne, Thomas  
 Peach, George Peake, James Phelps, Edward Tuston Phelps, John Price,  
 Charles William Pochin, George Pochin, George Pywell, William Reeve,  
 Thomas Robinson Clerk, Thomas Read, Matthew Reid, Richard Riley,  
 Richard Roberts, Samuel Roberts, John Dawes Ross Clerk, Walter Ruding,  
 Walter Ruding the Younger, Rogers Ruding, William Ruding, Richard  
 Seaman, William Shepherd, William Parker Sibson, Nicholas Simons Clerk,  
 Edward Simons, John Finch Simpson, Sir William Charles Farrell Skeffington  
 Baronet, Lumley Saint George Skeffington, Charles Loraine Smith, Loraine  
 Loraine Smith, John Stephens, Richard Stephens, John Stephens the  
 Younger, Edward Stokes, the Right Honourable Shirley com-  
 monly called Lord Viscount Tamworth, Robert Throsby Clerk, Samuel Town-  
 end, John Fretwen Turner, John Vaughan Serjeant at Law, Henry Vaughan  
 Doctor of Physick, Charles Richard Vaughan, Edward Thomas Vaughan  
 Clerk, James Vann, William Walker, Henry Watchorn, Thomas Watchorn,  
 Edward Hartopp Wigley, Edmund Wigley, Henry Wigley, Edward Wigley  
 Clerk, George Williamson, Christopher Williamson, George Williamson the  
 Younger,

Younger, *Thomas Willows* Clerk, *William Willows*, *Clement Winstanley*, *Clement Winstanley* the Younger, *James Winstanley*, *Thomas Wright*, *Henry Wood*, *Henry Wood* the Younger, *Thomas Wood*, *Richard Warner Wood*, *Daniel Woodland*, *Henry Woodcock* Clerk, *John William Woodcock*, and *Vincent Wing*, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for repairing, widening, improving, and keeping in Repair the said Road from *Melton Mowbray* to the said Guide Post in *Saint Margaret's Field*, *Leicester*, and the said Road-branching from that Road at or near the said Place, in the said Lordship of *Barkby*, called *The Round Hill*, to the Town of *Barkby*, and for otherwise putting this Act in Execution.

Power to  
choose new  
Trustees.

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

Qualification  
of Trustees.

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

Oath.

‘ I *A. B.* do swear, That I truly and *bonâ fide* am in my own Right [or  
‘ in the Right of my Wife, *as the Case may be*] in the actual Possession  
‘ or Enjoyment [or Receipt of the Rents and Profits] of Lands, Tene-  
‘ ments, or Hereditaments of the clear yearly Value of Fifty Pounds [or  
‘ possessed of or entitled to a Personal Estate of the Amount or Value of  
‘ One thousand Pounds].

‘ So help me GOD.’

Penalty on  
acting if not  
qualified.

And if any Person hereby deemed incapable to act shall presume to act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt, or on the Case, wherein no *Elloign*, Protection, or Wager of Law, or more than One Imparlance, shall

shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

No interested Trustee to act, nor any Victualler or menial Servant of a Trustee hold Place of Profit.

V. 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.

Validating Acts of unqualified Trustees before Conviction.

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of such Treasurer, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act; but that the Treasurer for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences; as by the Event or in consequence of any such Action or Proceedings he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

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

Treasurer to be reimbursed Expences.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Three Crowns Inn*, or some other House in *Leicester* aforesaid, on the Second *Monday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there or at any other Place on or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases, it shall be lawful for the Clerk or Treasurer to the said Trustees

Trustees First Meeting.

Power to adjourn.

for the Time being; by a Notice in Writing to be affixed on all the Turnpikes or Toll Gates erected upon the said Roads, or inserted in some Newspaper published in the Town of *Leicester*, at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held or was to have been held, on such future Day as shall be specified in such Notice, not exceeding five Weeks after the Day on which such last 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 Five of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed or inserted in Manner aforesaid, to appoint the Trustees to meet at some House on or near to the said Roads, upon some Day within Three Weeks next after the Date of such last-mentioned Notice.

Meetings on  
Emergencies

VIII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, in that Case the Clerk to the 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 Seven Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings as aforesaid, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein mentioned); and no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees being  
Justices may  
act as such.

How Orders  
of Trustees to  
be revoked.

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

Proceedings  
to be entered  
in a Book.

X. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, or by their Clerk by their Order, which said Book or Books, and also the Books herein-after mentioned and directed to be kept for registering Mortgages and Assignments of Tolls, or Transcripts thereof, signed by the Clerk to the said Trustees, shall and may be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

XI. And

XI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, may, by Writing, under their Hands, elect and appoint, or continue, a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act (and take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit), and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary or proper to be employed in the Execution of this Act, and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, and 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, 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 every Officer and Person who shall be appointed or continued as aforesaid, shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, by Writing under their Hands, make out and 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 his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Account upon Oath if thereunto required by the said Trustees, or any Five or more of them (which Oath any One of the said Trustees is hereby empowered to administer); and every such Officer and Person shall and is hereby required to pay all such Monies, as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver 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 thereof when thereunto required in Manner aforesaid; or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Ten 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, and Writings in his or her 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 in their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the

Trustees to  
appoint Offi-  
cers.

Officers to  
account,

or be punish-  
ed.

the said Account, 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 Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witnesses or Witnessess, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of, or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant 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 Person 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 Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid, if so required by the said Justice, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain, without Bail or Mainprize, until he or she shall have delivered in and settled such Account as aforesaid, 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 the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) and shall have delivered up as aforesaid such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of a sufficient Distress, shall be detained in Prison for any longer Time than Three Calendar Months.

Persons who have received Tolls, &c. under the former Acts, to account.

XII. Provided always, and be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies by virtue or on account of the said former Acts, or shall have in his or her Custody or Possession, any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired, shall account for and deliver the same, and every Part thereof, to the said Trustees, or any Five or more of them, in the like Manner and under the like Penalties as any other Officer or Person is herein-before directed to account and deliver.

Trustees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any

Five



Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, may 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, the said Trustees, or any Five or more of them; shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the Trustees, in the Stead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, 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 Treasurer for the Time being, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County of *Leicester*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-Time, and to remove the Person or Persons who shall be found therein or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any of them, or such new appointed Collector or Receiver, into the Possession of such Toll House, Appurtenances, and Gate.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall or may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said former Acts, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Roads by this Act intended to be repaired, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same; and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniencies, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and also may take in and inclose from the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One-eighth Part of an Acre, to each Toll House; and that the respective Sums following shall (under the Provisions and Restrictions herein-after contained) be demanded and taken at each and every of such Toll Gates, from the Owner or Owners of, or Person or Persons using or attending any Horse, Beast, Cattle, or Carriage, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize or appoint for that Purpose, before any such Horse, Beast, Cattle, or Carriage shall

Power to continue and erect Toll Gates, &c.

Tolls to be taken.

[Loc. & Per.]

10 M

be

be permitted to pass through the same on any Day of the Week (except *Sunday*) ; that is to say,

Tolls.

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

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

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

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score ; and so in proportion for any less Number :

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

Double Tolls 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 the Person or Persons to be authorized as aforesaid, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same, Double the Sums before directed to be taken on any other Day in the Week, except that Horses or Beasts employed solely for the Purpose of carrying or conveying Milk shall not be liable to more or other Tolls than they would be on any such other Day.

Manner of Recovery of Tolls.

XV. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of, or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed ; and if any Person, subject or liable to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Cattle or other Thing, upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage in respect of the Horses or Cattle drawing which Carriage such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing ; and if the Toll, or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain  
unfold,

unfold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

XVI. 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 Collector or Person distraining to retain the same, or the Money arising from the Sale thereof (as the Case may happen) until the Amount of Toll due, and Charges of seizing, distraining, keeping, and selling (as the Case shall happen) shall be ascertained by One or more Justice or Justices of the Peace for the County of *Leicester*, 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 Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed, shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress or Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls how to be settled.

XVII. 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.

Collectors of Tolls competent Witnesses.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them (at any Meeting whereof Ten Days Notice shall have been given in Writing, to be affixed upon all the Toll Gates then erected on the said Roads, and inserted in some Newspaper (if any) published in the Town of *Leicester*) from Time to Time, by Writing under their Hands, to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years, upon publick Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied; any Thing in any Law or Statute to the contrary thereof notwithstanding.

Trustees may let the Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose (whereof Ten Days Notice at the least shall be given in Writing, to be affixed on all the Toll Gates erected on the said Road) 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 of them, and to order the same to be taken in such Manner, Parts, and Proportions as they shall think fit, so that the respective

Power to vary the Tolls.

Tolls

Tolls so varied or altered never exceed the Tolls by this Act authorized to be taken, and so that the Tolls so granted or varied be never lessened until the Money borrowed or secured on the Credit thereof, together with the Interest for the same, be repaid (except the Person or Persons entitled to Four-fifth Parts of such Money consent thereto); and such Tolls or Duties so varied, and every of them, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

Regulation as to Waggon, &c. with Six-Inch Wheels.

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

No Toll Gate to be erected between Melton and Kerby.

XXI. And be it further enacted, That no Toll Gate shall be erected, by virtue of this Act, across the said Road (from *Melton Mowbray* to the said Guide-Post) between the Town of *Melton Mowbray* and the Lordship of *Kerby Bellars*; and that no Occupier of Land within that Part of *Thurmaston* lying within the Parish of *Belgrave*, shall be liable to the Payment of any Toll at any Toll Gate to be continued or erected upon the said Road, between the Town of *Thurmaston* and the said Guide-Post, for the Passage of any Horse, Beast, or Cattle drawing any Carriage or Implement, to be used or employed on such Land only, or drawing any Carriage solely laden with or carrying the Produce of such Land, or any such Implement.

Not more than Two full Tolls to be taken on the whole Length of Road;

XXII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Trustees to cause to be demanded or taken more than Two full Tolls for the Passage of the same Horse, Beast, Cattle, Carriage, or Thing on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock the next Night) through all the Toll Gates erected or to be erected upon the whole Length of the said Roads hereby intended to be repaired, or more than One full Toll for the like Passage through all the Toll Gates erected or to be erected between *Melton Mowbray* and the Town of *Rearsby*; or more than One full Toll for the like Passage through all the Toll Gates erected or to be erected between the said Town of *Rearsby* and the said Guide-Post; and that if any Person shall have paid the Toll for the Passage of any Horse, Beast, Cattle, Carriage, or Thing, through any of the said Gates, the same Person shall (upon producing a Note or Ticket denoting the Payment thereof on that Day, which Note or Ticket the Collector or Collectors of the Tolls is and are hereby required to deliver gratis on Demand, to any Person or Persons paying the same) be permitted to pass Toll-free through the same Gate at any Time or Times during the same Day (to be

nor more than once a Day.

be computed as aforesaid) with the same Horse, Beast, Cattle, Carriage, or Thing.

XXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to farm to any Person or Persons in any Manner whatsoever, 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 Ten Days next after any of the Days on which the same ought to be paid; pursuant to the Agreement for demising or letting thereof, then and in either of those Cases the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls; 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 demising 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, or other unperformed or broken Covenants or Agreements on the Lessees Part) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Seven or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, as if no former Demise, Contract, or Agreement had been made relative thereto.

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

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with any Person (Common Carriers and the Proprietors of Stage Coaches only excepted) for any Sum or Sums of Money the said Trustees, or any Five or more of them, shall think fit, for and in lieu of Payment of any of the said Tolls; which Composition shall be immediately paid to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and be applied in the same Manner as the Tolls so compounded for would have been applicable.

Trustees may compound for Tolls.

XXV. And be it further enacted, That none of the Tolls hereby authorized to be taken, shall be demanded, taken, or paid at any of the Toll Gates erected or to be erected or continued upon the said Roads, for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty, nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers

General Exemptions from Tolls.

Mails.

Soldiers.

Church, Funerals, &c.

Electors.

Vagrants, Hay, &c.

Dung, Lime, &c.

Horses, &c. to be employed on Land in any Parish through which the Roads go.

Horses, &c. to and from Pasture or Water.

Materials for repairing Roads.

Crossing the Roads.

Penalty on Evasion of Tolls.

or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners, nor from any Person or Persons going to or returning from his or their Parochial Church, Chapel, or other usual Place of religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place through which any Part of the said Roads hereby intended to be repaired lies; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Leicester*, or a Burgeis or Burgeis to serve in Parliament for the Borough of *Leicester*; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or stacked up in any Barn or Yard held or used by the Occupier of the Land whereon the same grew, or of carrying or conveying any Muck, Mould, Lime, or Compost to be used only for manuring of Land lying in any such Parish, Hamlet, or Place as aforesaid; nor for any Horses, Beasts, or Cattle passing in order to be used or employed only upon or for the Occupation of Land in any such Parish, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry in order to be so used or employed, or to be repaired, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast, or Cattle passing to or from Pasture upon any such Land as last mentioned, or to or from Water, and for either of those Purposes going or passing only from One Parish into the next adjoining Parish, or not travelling more than Two Miles along the said Roads; 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 any Highway or publick Road within any such Parish, Hamlet, or Place as aforesaid; nor for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads 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 him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulation appointed for such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XXVI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Roads, or if any Person or Persons owning or occupying any

any Land, Ground, or Place situated as aforesaid (the same not being a publick Highway, or a Road to or from some Mill) shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof, or whereby or by Means whereof any such Person shall take place or be effected; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person any Note or Ticket, with Intent to avoid or evade the Payment of the said Tolls or any Part thereof; or shall unload or cause to be unloaded any Person, Goods, or other Thing, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, with Intent to avoid or evade 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 or evade the Payment of the said Tolls or any Part thereof, all and every such Person and Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings (over and besides such Damages and Punishments as he, she, or they shall otherwise be liable to by Law) to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer to the said Trustees, to be applied to the Purposes of this Act.

XXVII. And be it further enacted, That if any Farmer, Renter, or Collector of any of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit the Sum of Five Pounds, and also his Contract for renting the Tolls, if the said Trustees, or any Seven or more of them, shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit; any Law or Statute to the contrary notwithstanding.

Penalties on  
Collectors  
taking greater  
or less Tolls  
than allowed.

XXVIII. And be it further enacted, That in order to prevent the said Tolls from being evaded, it shall be lawful for the said Trustees, or any Seven or more of them, to cause the Road leading out of the said Road (from *Melton Mowbray* to the said Guide-Post) at or near the Western Extremity of the Lordship of *Thurmaston*, to a Place called *Calves Water*, and also the Road or Passage heretofore claimed as a Road leading out of the said Road, from *Melton Mowbray* to the said Guide Post, at or near to the present Toll Gate, called *Thurmaston Toll Gate*, over a Close in the Lordship of *Belgrave*, formerly belonging to *John Beaumont Byerley Esquire*,  
and

For stopping  
the Calves  
Water Road,  
&c.

and in the Occupation of *Seampton*, to be severally shut up and discontinued, in such Manner as they the same Trustees shall think proper; and if any Person or Persons shall pull down, displace, carry away, or destroy any Fence, or any Part thereof, or shall fill in or destroy any Ditch set or made for the Purpose of shutting up or fencing off either of the said Roads to be shut up as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Toll Gates,  
&c. vested in  
Trustees.

XXIX. And be it further enacted, That the Right and Property in all the Toll Gates and Toll Houses, and the several Conveniencies and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and in all Materials for building and repairing the same, and for repairing the said Roads, 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 down, or damage any of such Toll Gates, Toll Houses, Conveniencies, Appurtenances, Materials, Articles, or Things, or disturb them, or their Agents or Servants, in the Possession thereof.

For borrow-  
ing Money  
and assigning  
Tolls.

XXX. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose (whereof Ten Days Notice shall be given in Writing, to be affixed upon all the Toll Gates then erected upon the said Roads) 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 necessary; and they are hereby also empowered, either at such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of 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, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance, and lend the same; which Mortgage shall be made in the following Form of Words, or in any other Form of Words to the like Effect; *videlicet*,

Form of  
Mortgage.

BY virtue of an Act, passed in the Forty-fifth Year of the Reign of His Majesty King George the Third, intituled, [*here insert the Title of this Act*] We, Seven of the Trustees for putting the said Act in Execution, in Consideration of the Sum of  
to the Treasurer to the said Trustees in Hand paid, do grant, bargain, sell, and demise, unto *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates and Toll Houses for collecting the same, as the said Sum of  
doth or shall bear  
to the Whole of the Monies owing and secured on the Credit thereof;  
to be had and holden from this Day of \_\_\_\_\_ in



in the Year of our Lord  
 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  
 paid and satisfied. Given under our Hands and Seals this  
 Day of

And Copies of all such Mortgages 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 Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Mortgage or Assignment of Tolls may have been made under the said recited Acts, or either of them, may from Time to Time transfer his 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 before One credible Witness an Instrument in the following Words, or Words to the like Effect; *videlicet*,

Mortgages to be entered in a Book.

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

Form of Transfer.

Which Transfer shall be produced and notified to the said Clerk or Treasurer, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings 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 Assignee 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 (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

XXXI. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts or either of them, in respect of the Priority of advancing, or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

No Priority of Mortgages.

XXXII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages made by virtue of the said recited Acts  
 [Loc. & Per.] 10 O

Old Mortgages may be cancelled, and new ones granted.

Acts or either of them, and give and execute another Mortgage or other Mortgages in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

Application of  
the Money.

XXXIII. And be it further enacted, That out of any Monies already received by virtue of the said recited Acts, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Costs and Expences relative to procuring and passing this Act, and the Remainder of all such Monies shall, from Time to Time, be applied in repaying the Money borrowed or now owing by virtue of the said recited Acts or either of them, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in repairing, improving, and rendering commodious the said Roads hereby intended to be repaired, and putting this Act in Execution in all other Respects.

Surveyors  
may get Ma-  
terials in  
Wastes, &c.  
without pay-  
ing for it.

and in private  
Lands making  
Satisfaction.

XXXIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Materials for repairing the said Roads, out of any Waste or Common in or near which any Part of the said Roads lies, without paying any Thing for such Materials, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for or with such Materials (such Damages to be ascertained as 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, take, and carry away any such Materials, in or out of the Land of any Person (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or any Piece of Ground planted and set apart as a Nurlery for Trees) making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of such Land where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads 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 such Land or any of them, concerning such Payments and Damages as aforesaid, the Justices of the Peace at their next General Quarter Session, or at the Second General Quarter Session at the farthest, to be holden for the said County of Leicester, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payment and Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

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

XXXV. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons, under the Authority of this Act, shall first begin to dig, gather, or carry away any Materials for repairing the said Roads, out of or from any inclosed Land, until Notice in Writing,

Writing, signed by the said Surveyor, shall have been given to the Owner or his known Agent, or to the Occupier of the Land 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 Land shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, the said Trustees or such Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such 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 and upon all Parties.

XXXVI. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for Sale) every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than Forty Shillings.

Penalty on taking away Materials by Surveyors.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, to make or cause to be made Causeways or Footpaths along the Side or Sides of any Part or Parts of the said Roads, and to cut or divert any Watercourse in or through any Land in order to drain or wash the said Roads, or prevent the same from being overflowed, and to erect Bridges over such Drains or Watercourses if necessary, and also to make a Way over the Land adjoining to the said Roads (not being the Site of, or Ground whereon any House or Houses stand, or planted Walk, Yard, Park, Paddock, or Avenue to any House) to be used as a publick Highway, whilst the said Roads, or any Bridge or Work thereon are or is erecting or repairing, making such reasonable Satisfaction to the Owners and Occupiers of such Land for the Damages thereby sustained, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Power to make Causeways, &c.

and temporary Ways.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give Power to stop, divert, or dispose of any Water or Watercourse, either in or through any publick or private Land that shall contribute towards filling or supplying any publick or private Pond or Basin, Canal, or Reservoir for Water, until such Pond, Basin, Canal, or Reservoir shall be sufficiently

Not to divert any Water-courses, &c.

sufficiently supplied and filled, and the Water run waste; and that whenever a Supply of Water shall be needful or convenient to any such Pond, Bason, Canal, or Reservoir, it shall be lawful for the Owners and Occupiers thereof to stop and dam up any such Watercourse as may have been made or diverted by Order of the said Trustees, or any Five or more of them, or their Surveyor, and to bring back the Water to such Pond, Bason, Canal, or Reservoir, until the same be again sufficiently supplied and filled, and the Water runs waste; and so from Time to Time as often as such Owners or Occupiers shall think fit and convenient.

Surveyors may  
remove Annoyances.

XXXIX. 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, to remove all Annoyances on the said Roads, and, at proper Seasons of the Year, to cut down Trees or Bushes growing thereon, or in the Hedges or Banks adjacent thereto, and to cut or plash such Hedges, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances for the Space of Ten Days after Notice given in Writing for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not, upon Demand, pay and reimburse to the said Surveyor or Surveyors, such Charges as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Leicester*, from Time to Time, to levy the said Charges upon such Owners or Occupiers by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Expences attending such Distress and Sale shall be 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 any Justice of the Peace for the said County of *Leicester*, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Owners of  
Watercourses  
neglecting to  
scour the same  
after Notice,

Surveyors may  
cleanse them.

XL. And be it further enacted, That if any Person who of right ought to scour and cleanse any Ditch, Drain, or Watercourse, which shall adjoin to, or lead into or out of the said Roads, shall not in a proper Manner scour and cleanse, or 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 or her respectively, or shall be left at his or her respective Place of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors shall and may cause such Ditches, Drains, and Watercourses, to be scoured and cleansed, and pay for scouring and cleansing the same; and if the said Person shall not repay the Money so paid by such Surveyor or Surveyors, on Demand thereof upon him or her respectively made, either in Person, or by Writing to be left at his or her respective Place of Abode, the said Money, upon Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Non-payment thereof as aforesaid; by the Oath of One or more credible Witnesses or

Witnesses, before any Justice of the Peace of the County or Place where such Person shall live, shall and may, by Warrant under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus (if any be) to the Owner thereof, upon Demand, after all Charges are paid.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time as they shall think proper, to widen or divert, turn, shorten, vary, or alter the Course of any Part or Parts of the said Roads, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Land or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may thereby sustain; and it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time, to contract and agree with the Owners of and Persons interested in any Land or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course of any Part or Parts of the said Roads through such Land or Hereditaments; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Females Covert, who are or shall be seized or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Land or Hereditaments, to contract with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Seven or more of them, any such Land or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contract, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

Trustees may contract or purchase Land.

XLII. And be it further enacted, That if such Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Land 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 or Bodies Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads is to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Seven or more of them, shall

Where Persons neglect or refuse to treat,

Damages to  
be settled by a  
Jury.

shall cause such Damage or Recompence to be enquired into and ascertained by a Jury of indifferent Men of the County of *Leicester*; and in order thereto; the said Trustees, or any Seven or more of them, are hereby empowered and required, from Time to Time as Occasion shall be or require; to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence, they the said Trustees, or any Seven 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 Land or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Cover, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees, or any Seven or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Leicester*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven 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 Seven or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be 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 Seven 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 sworn shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be  
more

more than Ten Pounds or less than Forty Shillings on any One Person for One Offence.

XLIII. 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 Land or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained; than what shall have been agreed to and offered by the said Trustees, or any Seven 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, Property, 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 to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in Question, (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

How Expences of Jury shall be paid.

XLIV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for, or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or as the Case may require, to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons; and after Twenty-eight 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 Seven or more of them, their Surveyors, Workmen, or Agents, to extend, widen, divert, or turn

Money agreed upon o. assessed, how to, be paid and tendered.

to such Roads through or over such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Land or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit; and the said Trustees, or any Seven or more of them, shall cause such Parts of the said Roads as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Land, in such Manner as the said Trustees, or any Seven or more of them, shall direct; and all Land and Hereditaments which shall be made a Part or Parts of any Road by virtue of this Act, shall, to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Land and Hereditaments; and the Land constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the Roads by this Act directed to be repaired; and all Conveyances executed by the said Trustees, or any Seven or more of them, and enrolled with the Clerk of the Peace for the said County of *Leicester*, shall be good and effectual in the Law to all Intents and Purposes; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to a House, or any Part thereof, without the Consent of the Owner or Proprietor thereof respectively in Writing first had and obtained.

Former Roads may be sold.

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

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

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

Persons whose Lands adjoin to have the Preference.

XLVI. Provided always, and be it further enacted, That the said Trustees, or any Seven or more of them, before they shall sell and dispose of any Piece or Pieces of old Road, shall first offer the same to the Person or Persons whose Land shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace



Peace for the County of *Leicester*, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on the Behalf of the said Trustees, or any Seven or more of them, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was to 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 repurchasing the same, and he, she, or they, and the said Trustees, or any Seven or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of the Premises to be purchased by the said Trustees, or any Seven or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the 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.

XLVII. 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, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy 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 Seven or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the Meantime and until such Purchase shall be made, the said Money shall, by Order of the

Application of  
Compensation  
when exceed-  
ing 200 l.

[*Loc. & Per.*]

10 2

Court

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

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

XLVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, or any Seven or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l.*

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

In case of not making out Titles;

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

I. 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 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 Seven 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

Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

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

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

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

LII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much

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

much of such Expences as the Court shall deem reasonable, together with the necessary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Seven 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 con-  
tinue ſo.

LIII. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, who, before the making of the ſaid recited Acts or this Act, hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the ſaid Roads, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall, notwithstanding this Act, be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them have or hath heretofore uſually been or would have been, in caſe the ſaid Acts or this Act had not been made.

Statute Work.

LIV. And be it further enacted, That the Surveyor or Surveyors of the Highways of the reſpective Townſhips, Pariſhes, or Places, wherein any Part of the ſaid Roads hereby intended to be repaired doth lie, ſhall, on an Order in Writing made by any Two or more Juſtices of the Peace of the ſaid County of *Leiceſter*, on Application to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, and reſpectively delivered to ſuch Surveyor or Surveyors, or left at his, her, or their laſt or uſual Place or reſpective Places of Abode, bring and deliver, within Ten Days afterwards, to the ſaid Turnpike Surveyor or Surveyors, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who, within ſuch Townſhips, Pariſhes, or Places reſpectively, ſhall be by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid by each Perſon, which Liſts ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be directed by any Law or Statute in Force and Effect for the Repair of the publick Highways; and the ſame, when ſo delivered in as aforeſaid, ſhall be laid before ſuch Two Juſtices as aforeſaid, by the ſaid Turnpike Surveyor or Surveyors; and ſuch Two Juſtices ſhall and may adjudge and determine what Part or Proportion of the ſaid Statute Work, not exceeding Three Days in the Whole, ſhall every Year be done upon the ſaid Roads by the Inhabitants of or Occupiers of Lands or Tenements in the ſaid reſpective Townſhips, Pariſhes, or Places, and alſo what Proportion of the Money received, or to be received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Pariſh, or Place, in lieu of, or as a Compoſition for Statute Work, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Surveyor or Surveyors; and the ſaid Perſons named or returned in ſuch Liſts as liable to do Statute Work, ſhall and are hereby required to do and perform ſuch Proportion as aforeſaid thereof on ſuch Parts of the ſaid Roads lying within the ſaid Townſhips, Pariſhes, or Places reſpectively, and at ſuch Time (not being Hay-Time or Harvest) as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall direct and appoint; and the Surveyor or Surveyors of the Highways of the ſaid reſpective Pariſhes, Townſhips, and Places

Places, for the Time being, within Ten Days after Notice given to him or them by the said Turnpike Surveyor or Surveyors, of the Time or Times when, and the Place or Places where such Persons respectively are to do such Statute Work, shall summon or give publick Notice thereof to such Persons respectively; and if any Surveyor of the said Highways shall refuse or neglect to do as such Surveyors are hereby required and directed to do, he or she for every such Refusal or Neglect shall forfeit and pay any Sum not exceeding Ten Pounds, together with the Costs and Charges of recovering the same; and the said Forfeitures, Costs, and Charges, shall and may be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where such Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby empowered and required to grant upon Confession of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby required and empowered to administer.

LV. And be it further enacted, That every Person liable to do such Statute Work as aforesaid, who shall neglect or refuse to do the same after Notice for that Purpose being given as aforesaid, shall for every Day of his or her Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him or her, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person may be subject or liable to by any Law or Statute then in Force or Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with, or to attend any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to dismiss and discharge the Person who shall be so found idle or negligent as aforesaid; and in that Case, every such Person, and the Owner of every such Team or Draught, shall respectively be subject and liable to the respective Pains, Penalties, and Forfeitures aforesaid, in like Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work as aforesaid; all which Penalties and Forfeitures shall be paid to the Treasurer to the said Trustees, or their Surveyor or Surveyors, and applied to the Purposes of this Act.

Penalty on  
Persons neg-  
lecting to do  
Statute Work.

LVI. 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 Town-  
[Loc. & Per.] 10 R ship;

Composition  
Money, &c.

ship, Parish, 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 may compound for Statute Work, &c.

I. VII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with any Person or Persons, Bodies Politick or Corporate, who is, are, or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Drain, or Watercourse in, upon, or near the same, or with any Person or Persons who is, are, or shall be liable to do or perform Statute Work upon the said Roads, for any Sum or Sums of Money for and in lieu of such Repair or Work respectively; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, or Places, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, Hamlets, or Places, assembled at any Vestry or publick Meeting of such Inhabitants, to compound and agree for a certain Sum of Money, by the Year or otherwise, for or in lieu of the Statute Work to be done upon any Part or Parts of the said Roads; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Roads; and all such Highway Surveyors shall be reimbursed the Money so by them respectively 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 Repairs.

LVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with any Person or Persons for the repairing the said Roads, or any Part or Parts thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner, and for such Sum or Sums of Money, annually or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

Mile Stones to be erected.

LIX. 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 Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, 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 or Mile-Post or Stone, erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath formed by the said Surveyor or Surveyors, upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Footpath; or if any Person shall cause to be haled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to

Penalty on defacing them.

On riding upon Foot-paths.

On drawing Timber or Stone.

On suffering Pigs to root up the Roads.

root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads, and meeting another Carriage, shall not keep his or her Carriage on his or her left Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set Fire to, let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Roads, or on the Banks or Land adjacent or lying open thereto; or if any Person shall leave any Carriage upon or on the Side of the said Roads 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 Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Inconvenience of Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings.

On Drivers of Carriages not keeping the left Side when meeting other Carriages.

On Persons preventing others from passing.

On making Bonfires or letting off Fireworks.

On leaving Carriages, Timber, &c. on the Roads.

IX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, 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 of them, employed in the Execution of this Act, every such Offender shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Forty Shillings.

Penalty on obstructing the Execution of this Act.

XI. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same into Execution; be it therefore enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Sessions to be holden within or for the County or Place in which such Offence or Offences shall have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Common Gaol or House of Correction for the said County or Place, there to remain for any Time not exceeding Fourteen Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred (if any) for such Offence or Offences,

For securing transient Offenders.

Offences, together with the Costs and Charges attending the Conviction and Commitment.

Penalties and Forfeitures how to be recovered and applied.

LXII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (if the Manner of levying and recovering thereof be not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses 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 those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines, 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 Common Gaol or House of Correction of such County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Ten Days, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Session.

LXIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the said County of *Leicester*, 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 Three Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Session may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay



the same; and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the said County of *Leicester*, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

LXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed 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.

Proceedings  
not to be  
quashed for  
Want of  
Form.

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

Limitation of  
Actions.

Treble Costs.

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

Publick Act.

[*Loc. & Per.*]

10 S

LXVII. And

Term of the Act.

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

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.