Anno triceſimo

Georgii II. Regis.

An Act for repairing and widening the Road from *Markfield* Turnpike, in the County of *Leiceſter*, over *Charley*, otherwiſe *Charnwood* Forreſt, through the Town of *Whitwick*; and from thence through *Talbot Lane*, to where the Road leading from the Town of *Loughborough*, to the Town of *Aſhby de la Zouch* in the ſaid County, comes in from *Ryley Lane*, near to a Place called *Snape Gate*.



WHEREAS the High Road leading from Markfield Turnpike, in the County of Leiceſter, over Charley, otherwiſe Charnwood Forreſt, through the Town of Whitwick, to and through Talbot Lane, to where the Road leading from the Town of Loughborough, to the Town of Aſhby de la Zouch in the ſaid County, comes in from Ryley Lane, near to a Place called Snape Gate, through the Number of exceſſive Weights drawn along the ſaid Road, is become ſo ruinous and bad, that it is dangerous, in many Places, for any Carriages to attempt to paſs the ſame, except in very dry Summers; and the Methods appointed by the Laws for repairing the Highways of this Kingdom, are not ſufficient to amend and keep the ſaid Road in Repair, Preamble.

Repair, unless some other Provision be made for raising Money for that Purpose: For Remedy whereof, and to the Intent that the said Road may, with all convenient Speed, be effectually amended, widened, and kept in good and sufficient Repair; May it 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, for the better surveying, ordering, widening, and keeping in Repair, the said Road, as aforesaid, it shall be in the Power of

Trustees Names.

the Right Honourable Marquis of Granby, the Right Honourable Lord George Manners, the Right Honourable Lord William Manners, the Right Honourable Lord Robert Sutton, the Right Honourable Lord Grey, the Honourable Booth Grey, the Honourable John Grey, the Honourable Washington Shirley, the Honourable Robert Shirley, Sir Arthur Haselrige, Sir Thomas Palmer, Sir William Halford, Sir Thomas Cave, Sir Wolston Dixie, Sir George Beaumont, Sir Robert Burdett, Sir John Danvers, Baronets; Edward Smith, Wrightson Mundy, George Wrighte, James Wigley, James Winstanley, William Ruding, Samuel Phillips, William Woolaston, Charles Boothby Skrymsher, William Wrighte, Charles Skrymsher Boothby, James Shuttleworth, Thomas Babington, William Herrick, Chiverton Hartop, Thomas Abney, Edward William Hartopp, Wortley Montague, Charles James Pack, Richard Cheslyn, Charles Lewis, Edward Farnham, Waring Ashby, George Ashby, William Ashby, William Aislaby, Edmund Morris, Nathan Wrighte, John Palmer, Richard Green, William Pochin, George Pochin, William Pochin, Thomas Boothby, Thomas Boothby junior, Lawrence Carter, Norrice Cradock junior, Antony Keck, Philip Bainbridge, Leonard Fosbrook, Thomas Caldecott, Thomas Caldecott junior, William Hewitt, Selwood Hewitt, John Gilbert Cooper, Samuel Bracebridge, Peter Wych, Shuckburgh Ashby, William Fortree, William Mitchell, Richard Henry, Alexander Bennet, John Johnson, Nathaniel Palmer Johnson, William Wright of Lubenham, William Abney, Jonathan Grundy, Nicholas Grundy, Joshua Grundy, Edward Dawson, Henry Dawson, Robert Bakewell, John Simpson, Nathaniel Simpson, William Wilson, Edward Palmer, Henry Green, William Hood, Thomas Richards, Joseph Cradock, Joseph Cradock junior, Hillenden Frank, Esquires; Thomas Metcalfe Clerk, Edmund Ludlam, John Bakewell, Esquires;

Richard Denshire, Thomas Ayre, Gabriel Newton, William Erushfield, William Lee, John Cartwright, Samuel Miles, Samuel Belton, John Smalley, Robert Hall, Thomas Phipps, Thomas Martin, Samuel Simpson, Edmund Johnson, Joseph Newton, Richard Ogdon, Thomas Chapman, John Winter, Charles Barwell, Thomas Halford, Norrice Cradock, Thomas Herrick, William Foster, Samuel Heyrick, Richard Hill, Thomas Pare junior, Gentlemen; the Mayor, Recorder, and Aldermen, of the Borough of Leicester, for the time being; Joseph Bunney, Richard Garle, William Bentley, John Piddock, Isaac Dawson junior, Charles Pestell, Robert Dickinson, Edward Tilly, Edward Ashpinshaw, Gentlemen; Peter Cooper Clerk, Seth Bamford, John Minors, James Bates, Thomas Alsop, Thomas Alsop junior, William Foster junior, Jonathan Foster, John Heyrick, Charles Halford, John Watchorn, John Davys, John Watkinson, William Reeve, Edward Stockes, Thomas Ayre of Gadesby, William Smalley, Gentlemen; Joseph Hooley, Joseph Fowler, John Tomlinson, John Gibbs, Clerks; John Chiswell, Joseph Pagett, John Clare, William Clare, Gentlemen; Rowland Sherman Clerk, Samuel Stone, John Carter, Robert Burgess, Thomas Cheetham, Henry Burgess, Gentlemen; Charles Frank Clerk, Benjamin Weston, Thomas Dodge, Moses Roby, Richard Presbury, John Dunningsthorpe, William Litherland, Stephen Everard, Thomas Everard, George Rayson, Samuel Davenport, Gentlemen; Edward Stokes Clerk, Henry Gutheridge, James Sismey, Thomas Ayre junior, Robert Belton, Joseph Hall, John Westley, Samuel Oliver, Richard Beale, William Cook, William Cooper, William Orton, John Gamble, John Cox Brown, Richard Bakewell, John Hammond, Joseph Boultbee, John Pocklington, Cornelius Norton, Joseph Chambers, James Stockdale, Richard Farmer, Thomas Farmer, William Farmer, John Bass, William Wilson, Thomas Peach, John Meares, Richard Roberts, Gentlemen; Gerard Andrews, Thomas Haines, John Simpson, John Carter, John Clayton, Thomas Ludlam, John Simonds, Clerks; Edmund Cradock, William Cooper, George Hewitt, Thomas Jee, John Lewin, William Pagett, Thomas Poughfer, Ellis Shipley, John Willows, Thomas Pares, Edward Powers, John Andrews, John Brewin, William Sharp, John Iliff, Gentlemen; the Reverend John Jackson, Francis Needham, John Boss, Marmion Gee, Richard Needham, John Wigley, Joseph Simpson, Nicholas Thorsby, Gentlemen; Doctor John Cheshire, Doctor William Holbrook, John Lambert, William

Buckley, George Buckley, Thomas Alcock, Gentlemen; George Coulton Clerk, William Herrick junior, William Cooke, John Miles, Robert Power, Thomas Noone, Gentlemen; Henry Brown Clerk, John Smith, John Hopkinson, William Holmes, John Salisbury, Thomas Boultbee, John Jackson junior, Richard Barnes, Thomas Chamberlain, John Burgess, Arthur Haselridge, John Garland, Thomas Simpson, Benjamin Lewis, Joseph Simpson, Jonathan Buckerfield, Gentlemen; Doctor Peter Burrell, Doctor John Sutton, Richard Clayton Gentleman, William Topp Clerk, William Wilson, John Weston, William Dilkes, John Kilby, William Wilson, John Alleyne, Joseph Boyer, John Walker, Michael Poole, Gabriel Holland, William Burslem, William Burslem junior, John White, John Holmes, Richard Creswell, James Burslem, Gentlemen; William Clayton, John Husband, Clerks; Jarvis Yarwood, John Almey, Henry Bakewell, Robert Green, John Hood, John Needham, Thomas Hextall, Thomas Pratt, Gentlemen; Nathaniel Pegg, and Andrew Burneiby, Clerks; who are hereby nominated and appointed Trustees for putting this Act in Execution, and the Survivors of them; and that they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in or cross any Part or Parts of the said Road, except in Talbot Lane, and the Road from thence to where the Road comes in from Ryley Lane aforesaid; and shall and may, from time to time, remove the said Gate or Gates to any other Part of the said Road, as they shall see convenient, provided the same are not set or put in Talbot Lane aforesaid, or in the Road from thence to where the Road comes in from Ryley Lane aforesaid; and they shall receive and take the Tolls and Duties following; that is to say,

The said Trustees may erect Turnpikes and Tollhouses, &c.

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Caravan, or Litter, drawn by Four or more Horses, Mares, Geldings, or Mules, One Shilling; and drawn by Two or Three Horses, Mares, Geldings, or Mules, Six Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four or more Horses, Mares, Geldings, Oxen, or other Cattle, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, Oxen, or other Cattle, Nine Pence; and drawn by Two Horses, Mares, Geldings,

Geldings, Oxen, or other Cattle, Six Pence; and drawn by One Horse, Mare, Gelding, Ox, or other Cattle, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, not drawing, One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sum and Sums of Money, shall be demanded and taken in the Name of or as a Toll; and the Money so to be raised and collected, shall be and is hereby vested in the said Trustees; and the same and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after-mentioned and declared (the reasonable Charges expended, or to be expended, in and about, or by reason of passing this Act of Parliament, being first deducted) and they the said Trustees, or any Five or more of them, are hereby impowered by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto authorized, to levy the Tolls hereby required to be paid, upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Tolls are by this Act imposed, or upon any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and may detain and keep the same, until such Tolls, with the reasonable Charges of such detaining and keeping shall be paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken, to sell the Goods so distrained and detained; returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls, and reasonable Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Tolls vested in Trustees,

to be levied by Distress and Sale.

Distress may be sold after 5 Days.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee, in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear

Qualification of Trustees.

yearly Value of Fifty Pounds, above Reprizes, or possessed of and intitled to Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds; or be Heir Apparent of a Person possessed of an Estate in Lands of the yearly Value of One hundred Pounds, above Reprizes; and unless the Person (not being such Heir Apparent) claiming to have Fifty Pounds a Year Estate, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together as aforesaid, shall take and subscribe the Oath following, before any Three or more of the said Trustees (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Trusts and Authorities of this Act; which shall be in the Words, or to the Effect following:

Trustees to take the Oath folowing, before they act.

The Oath.

I *A. B.* do swear, That I truly, and *bona fide*, am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

So help me God.

Penalty on Persons acting, if not qualified.

And if any Person or Persons, who shall be deemed unqualified or made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person and Persons shall for every such Offence or Offences, 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, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on Persons permitting, or going through private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Land near unto any Turnpike to be erected in pursuance of this Act, shall, for Gain, Reward, or otherwise, knowingly permit or suffer any Person or Persons whatsoever to pass through any Gate, Passage, Inclosure, or Way, with any Coach, Landau, Berlin, Chariot, Hearse, Calash, Chaise, or Chair, Waggon, Wain, Car, Cart, or other Carriage, or riding or driving any Horse, Mare, Gelding, Mule, Ass, or any

any Sort of Cattle, whereby the Payment of any of the Tolls by this Act laid, shall or may be avoided; every such Person so offending, and the Person driving such Coach, Landau, Berlin, Chariot, Hearse, Calash, Chaise, Waggon, Wain, Car, Cart, or other Carriage, or riding or driving any Horse, Mare, Gelding, Mule, Ass, or any Sort of Cattle; or if any Person or Persons shall take off, or cause to be taken off, any Horse, Mare, Gelding, or Mule, from any Coach, Landau, Berlin, Chariot, Calash, Chair, Hearse, or Litter, or any Horse, Mare, or Gelding, Ox, or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, in order to evade or lessen the Payment of the Tolls by this Act imposed and made payable, or any Part thereof, and being thereof convicted, upon Oath, before any One or more Justice or Justices of the Peace for the said County of Leicester, shall forfeit and pay to the said Trustees the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, or of the Goods of the Owner of such Coach, Landau, Berlin, Chariot, Calash, Chair, Hearse, Litter, Waggon, Wain, Car, Cart, or Carriage, by Warrant under the Hand and Seal, or Hands and Seals of the said Justice or Justices; rendering the Overplus to the Owner; which said Penalties and Forfeitures when recovered, shall go and be applied, One Moiety thereof to the Use of the Informer, and the other Moiety towards repairing the said Road.

or taking off Horses, &c.

to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, authorized and appointed for that Purpose, to erect, set up, and build, or provide, or cause to be erected, set up, and built, or provided, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, upon, in, and across the said Road hereby intended to be repaired, or any Lane or By-way that doth or shall lead into or out of the same (except in Talbot Lane, or in the Road from thence to where the Road comes in from Ryley Lane, aforesaid) and at such Gate or Gates, Turnpike or Turnpikes, before any Horse, Mare, or Gelding, Ox, Mule, or Ass, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, shall be permitted to pass through the same, to demand, take, and receive, such Tolls as are by this Act made payable: Which said

Turnpikes and Toll houses to be erected on the Road, except in *Talbot Lane*, &c.

Property of the Turnpikes, &c. vested in Trustees.

several Gates, or Turnpikes, and Toll-houses so to be erected and built as aforesaid, by virtue of this Act, and the Rights and Properties to and of the same, and the Materials of which the same shall consist, shall be and are hereby vested in the Trustees, appointed or to be appointed, to put this Act in Execution; and they the said Trustees, or any Five or more of them, are hereby authorized and impowered to bring, or cause any Action or Actions to be brought in the Name or Names of any Five of the said Trustees, or their Treasurer or Clerk, or to prefer and order or direct the preferring Indictments against any Person or Persons, who shall dig up, break, or pull down, steal, take, carry away, spoil, injure, or destroy any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, which shall, by virtue of this Act be erected and built upon, in, across, or on the Sides of the said Road or By-way, or any or either of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist.

Trustees may erect Side-gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect One or more Gate or Gates, Turnpike or Turnpikes, on the Side of the said Road, cross any Lane or Way leading out of the said Road, except in Talbot Lane, and in the Road from thence to where the Road comes in from Ryley Lane aforesaid; and there to receive and take such Tolls as are appointed by this Act to be taken at any Turnpike to be erected by virtue hereof, so as the same do not extend to a Double Charge, in case of passing through any other of the Turnpikes to be erected by virtue of this Act.

and take Tolls thereat,

so as the same do not extend to a Double Charge.

No Toll on Election Days.

Provided always, That during the Continuance of this Act, all Coaches and Carriages, and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament for the said County of Leicester, or for Burgesses to serve in Parliament for the Borough of Leicester; any thing herein contained to the contrary notwithstanding.

Trustees to nominate Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees at their First Meeting, or any Five or more of them, then present, or at any succeeding Meeting, by Writing under their Hands and Seals, shall and may chuse and appoint One or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors of the Tolls as shall be due and payable by virtue

tue of this Act; and also One or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said Road, and to see that the same be repaired and amended, and that the Money raised and expended by virtue of this Act, be duly applied: And such Person and Persons as is or are by this Act liable to pay the said Tolls, is and are hereby required to pay the same, after the Rate aforesaid, to the said Receiver or Receivers, Collector or Collectors, of the said Tolls, in that Behalf, from time to time, appointed as aforesaid; and the Person or Persons so appointed as aforesaid, for receiving of the said Tolls, and all such Surveyor or Surveyors aforesaid, shall, upon Oath (if thereunto required by the said Trustees, or any Five or more of them) before One or more Justice or Justices of the Peace residing near to the Road aforesaid (which Oath such Justice or Justices is and are hereby impowered and required to administer) on the First Tuesday in every Month, during the Continuance of this present Act, give in a true, exact, and perfect Account in Writing under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; for which Oath no Fee or Reward shall be taken, and the same may be taken in Writing, without any Stamp thereupon; and in case any Money so received shall remain in their or either of their Hands, the same shall be paid 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, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same; which shall be disbursed and laid out in amending the said Road, according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may out of the Money arising by the said Tolls, make such Allowance unto the said Receiver and Receivers, Collector and Collectors, and the Surveyor or Surveyors, for and in Consideration of his and their Care and Pains respectively taken in Execution of his and their said respective Office and Offices, and to such other Person and Persons who have been or shall be assisting in and about procuring the said Road to be amended and repaired as aforesaid, by advancing or laying out any Monies, or otherwise relating thereunto, as to them shall seem good: And in case the said Receiver or Receivers, Collector

Officers to account upon Oath.

Trustees to appoint Officers Salaries.

Officers not making Account and Payment,

or Collectors of the aforesaid Tolls so to be paid as aforesaid, or any of them, shall not make such Account and Payment unto such Person and Persons, according to the Order and Directions of the said Trustees, or any Five or more of them, as aforesaid, that then the said Justices at any Special Sessions, or Monthly Meeting of them, to be holden for any Division in which the said Road doth lie, in the said County of Leicester, shall make Enquiry of or concerning such Default, as well by Confession of the said Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath they are hereby impowered and required to administer without Fee or Reward;) and if any Person or Persons shall be thereof convicted by such Justices (who are thereunto hereby impowered) the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County, where such Offence shall be committed, there to remain without Bail or Mainprize, until he and they shall have made a true and perfect Account and Payment as aforesaid.

Justices upon Complaint to enquire into the Default;

and commit the Offender.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers, to be appointed in Execution of this Act, shall before he or they enter upon the said Office, give such Security for the Execution thereof, as to the said Trustees, or any Five or more of them, shall seem meet.

Surveyors may dig Gravel, &c. in Waste Grounds;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor and Surveyors, and such Person and Persons as he and they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Town, Village, or Hamlet, in or near to which any founderous or ruinous Places of the said Road doth lie; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, in such Place or Places, then to dig, gather, take, and carry away the same, in and out of any Waste or Common, River or Brook, of or in any neighbouring Parish, Town, Village, Hamlet, or Division, in any other County or Counties, without paying any thing for the same; such Surveyor or Surveyors filling up or levelling, or causing to be filled up and levelled, all such Holes and Pits where any such Materials as aforesaid, shall be digged, gathered, or taken, and from whence the same shall

without paying for the same; levelling the Ground;

shall be carried away; and where there is not sufficient of such Materials in any Commons or Waste Grounds near adjoining to the said Road, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, or Meadow, planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of inclosed Ground, planted, set apart, and used, as a Plantation or Nursery for Trees) where any such Materials are or may be found; and, from time to time, to carry away such and so much thereof as the said Surveyor and Surveyors, in their respective Places shall adjudge necessary for the repairing and amending the said Road; paying such Rate for such Materials to the Owner or Occupier of the Grounds from whence the same shall be digged, gathered, and carried away, or over which the same shall be carried, as the said Trustees, appointed or to be appointed to put this Act in Execution, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owner or Occupier and the said Trustees, touching the Damages aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden in and for the County where such Materials shall be digged, gathered, or carried away, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the same to be paid by the Treasurer or Treasurers for the time being, out of the Money arising by the said Tolls collected upon the said Road.

And where there is not sufficient of such Materials to be had there, they may be taken in private Grounds,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as they shall appoint, from time to time, to remove and prevent Annoyances on any Part of the said Road hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, or otherwise, or to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road; and to cleanse, open, scour, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Road; and to lop or cut down any Trees (Timber Trees excepted) Boughs of Trees or Bushes in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (the Owner or Occupier neglecting to remove

Surveyors may remove Annoyances, &c.

scour Ditches,

cut down Trees, &c.

such Annoyances, or to cut, fell, or take away, such Trees, Boughs, Bushes, and Lops, for the Space of Ten Days after Notice in Writing given for that Purpose to such Owners or Occupiers, or to be left at the last Place of his, her, or their Abode or Abodes, under the Hands of the said Trustees, or any Five or more of them respectively, the Charges whereof shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person so offending, and being thereof convicted, upon Oath, before One or more Justice or Justices of the Peace for the said County of Leicester, shall, for every such Offence, forfeit and pay unto the said Trustees, the Sum of Twenty Shillings.

Penalty of a subsequent Offence.

Surveyors, by Order of the Trustees, may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they respectively shall appoint, by Order of the said Trustees, or any Five or more of them, to make or cause to be made any Causeway or Causeways; and to cut and make any Ditches and Drains through any Grounds lying contiguous to the said Road; and to make and erect Arches or Bridges, of Brick, Timber, or Stone, upon the said Road; and also to cause Ditches or Trenches to be made in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, or any Five or more of them, in their respective Places, shall adjudge necessary for the better amending and keeping the said Road in good Repair; making such reasonable Satisfaction to the Owner or Occupier of such Ground near or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made or erected, for the Damages which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions to be holden for the County wherein such Ground so laid into the said Road shall lie, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Arch or Arches shall be erected or made, or such Causeways made, in case of any Difference concerning the same: And if any Owner or Owners of any

cut Drains,

erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

Watercourses, Ditch or Ditches, adjoining to the said Road, shall neglect or refuse to scour or cleanse the same Twice in the Year, after Ten Days Notice shall be given for that Purpose by the said Surveyor or Surveyors to be appointed, by such Person or Persons as shall be appointed by him or them, to such Owner or Owners, it shall and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men at work to scour and cleanse the same; and by Warrant from any Three or more of the said Trustees, to levy the Charge thereof upon the Person, Goods, or Estates, of the Owner or Owners, Occupier or Occupiers, of such Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chatties; rendering the Overplus (if any there be) to the said Owner or Occupier after all Charges paid.

Owners neglecting to scour Ditches, &c. after Notice given them,

Surveyors may set Men to cleanse the same.

Provided always, That nothing in this Act contained shall extend to give Power to the said Trustees, or any of their Surveyors, Servants, Workmen, or Agents, to stop, divert, or dispose of, any Water or Watercourse either in or through any publick or private Ground, that shall contribute towards filling or supplying any publick or private Pond or Ponds, Basons, Canals, Reservoirs of Water, until all and every such Pond or Ponds, Basons, Canals, and Reservoirs shall be sufficiently supplied and filled, and the Water run waste; and that whenever a Supply of Water shall or may be needful or convenient to any such Pond and Ponds, Basons, Canals, and Reservoirs, or any of them, it shall and may be lawful to and for the Owners and Occupiers thereof to stop and dam up any such Watercourse as may have been made in pursuance of this Act, by Order of the said Trustees, or their Surveyors, and to bring back the Water to such Pond and Ponds, Basons, Canals, and Reservoirs, until the same shall be again sufficiently supplied and filled, and the Water run waste; and so, from time to time, as often as such Owners or Occupiers shall think fit and convenient.

Penalty on diverting any Stream.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, by Order of the said Trustees, or any Nine or more of them, to widen or cause to be widened, any of the narrow Parts of the said Highway or Road (not being an House, Garden, Orchard, Park, or Paddock, planted Walk, or Avenue to any House or Nursery of Trees) making such reasonable Satisfaction to the Owner, Occupier, and Proprietor, of such Ground which

Surveyors, by Order of the Trustees, may widen the narrow Parts of the Road.

which shall be so laid in or into such Highway or Road, for the Damages which he, she, or they, shall or may sustain thereby, as shall be assessed or adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions to be holden in and for the County wherein such Ground so laid into the said Highway or Road shall lie; and such Lands and Grounds when laid into and made Part of the said Road directed to be amended by this Act, shall be sufficiently ditched and fenced by Order of the said Trustees, or any Nine or more of them, the same shall not only during the Continuance of this Act, but shall for ever thereafter, to all Intents and Purposes, be esteemed and taken as Part of the publick Highways, and shall be amended and kept in Repair, by such Ways, and in such Manner, as other Ways are amended, and kept in Repair, by the Laws in being.

Lands, &c. when taken into the Road, to be fenced, &c.

Provided always, and be it further enacted by the Authority aforesaid, That in altering, widening, or making a new Road contiguous to the old Road, or any Part thereof, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Buildings, &c. not to be injured by this Act.

And, forasmuch as the Money to be collected by such Receipt of the said Tolls will not at present be sufficient for the speedy repairing of the said Road; it is hereby further enacted, That the said Trustees, or any Nine or more of them, shall and may, and are hereby impowered, from time to time, by Writing under their Hands and Seals, to assign over the said Tolls hereby granted, or any Part thereof, the Costs and Charges whereof to be borne and paid out of such Tolls, for any Time or Term for which the same is hereby enacted to be paid, for any Part of such Time or Term, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest for the same as shall be agreed upon by and between the said Trustees, or any Nine or more of them, and such Person and Persons as shall advance and lend such Sum and Sums of Money, as aforesaid; which said Money so borrowed, shall be so applied and disposed of, as the said Tolls should have been applied and disposed of by this Act, and to no other Use or Purpose whatsoever.

Trustees may assign over the Tolls for Money borrowed.

And

And it is also further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Assignment or Assignments of the said Tolls shall be made by the said Trustees, or any Nine or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, and Interest, to the Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Five or more of them, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for the entering of the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Six Pence and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Assignment may be transferred.

Assignments to be entered in a Book.

Clerk's Fee.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act, by the said Trustees, at their First or any subsequent Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be by Order of the said Trustees, or any Five or more of them, for that Purpose, fixed upon all the Turnpike Gates respectively, at least Fourteen Days before the borrowing of such Money.

14 Days Notice to be given of borrowing Money.

And it is hereby further enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered,

Trustees may lessen the Tolls, &c.

from time to time, in case it shall appear requisite and expedient, to lessen the several Tolls hereby granted and made payable; and to order and direct such Tolls, so to be lessened and reduced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, and be with the Consent of, the several Persons who shall have advanced any Money on the Credit of the said Tolls, or to any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby; any thing herein contained to the contrary in any wise notwithstanding.

Surveyors may make a temporary Road.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along any Grounds adjoining to any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being the Grounds whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of inclosed Ground planted, set apart, and used as a Plantation, or Nursery for Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through, over, or along which, such temporary Road or Roads shall be made, for the Damage such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees, or any Five or more of them; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at their next General Quarter Sessions of the Peace, or at their Second Quarter Sessions at the furthest, to be holden for the County in which such temporary Road shall lie, or the major Part of them present at such Quarter Sessions, and they are hereby required to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners of such Grounds.

Justices to determine Differences relating thereto.

Provided always, That in caſe there ſhall be more than One Gate or Turnpike in, croſs, or on the Side of the ſaid Road, no Perſon or Perſons having paid the Tolls aforeſaid at the Firſt Gate or Turnpike through which ſuch Perſon or Perſons ſhall paſs, and producing a Note or Ticket that the ſaid Tolls were paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, is and are hereby required to give gratis) ſhall be liable to pay any Toll at any other of the ſaid Gates or Turnpikes upon the ſaid Road, ſuch Perſon or Perſons delivering the ſaid Note or Ticket to the ſaid Receiver or Receivers, Collector or Collectors, of the ſaid Tolls, at the latter Gate or Turnpike the ſame Day: And no Perſon or Perſons having Occaſion to paſs the Place or Places where the Tolls are taken, and ſhall return before Twelve of the Clock in the Night of the ſame Day, with the ſame Coach, Berlin, Landau, Chariot, Hearſe, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, or Carriage, drawn by the ſame Number of Horſes, or other Cattle, or with the ſame Horſe, Mare, Gelding, Mule, or Aſs, Oxen, Calves, Sheep, Lambs, Hogs, or other Cattle, ſhall be liable or compelled to pay the ſaid Tolls more than Once in the ſame Day. Tolls to be paid but Once a Day.

And, for preventing Frauds and Abuſes in the ſaid Tolls hereby granted; be it enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid the Tolls by this Act granted and made payable, and having ſuch Note or Ticket, Notes or Tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of any of the ſaid Tolls, every ſuch Perſon or Perſons giving, diſpoſing, or offering ſuch Note or Ticket, Notes or Tickets, and the Perſon or Perſons receiving the ſame, being thereof convicted, upon Oath, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of Leiceſter, ſhall reſpectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and diſpoſed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and diſpoſed of. Penalty on Perſons giving, or receiving, Tickets, &c.

Provided always, and it is hereby declared, That no Perſon ſhall be charged with any of the Tolls aforeſaid, who ſhall paſs through any of the Turnpikes to be erected by this Act, and ſhall carry any Quantities of Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing the ſaid Road, or any of the Roads in the Pariſhes, Liberties, or Places, in which the ſame do lie, Perſons and Things exempted from Toll.

or

or in any of the neighbouring Parishes, Liberties, or Places; or for carrying through the said Turnpikes any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land within the several Parishes, Liberties, or Places, through or near which the said Road doth or shall lie; nor shall any Person or Persons be chargeable with the said Tolls for any Carts, Wains, Waggons, or other Carriage, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of, or belonging to, the respective Inhabitants, Tenants, or Occupiers of Land, within the sveral Parishes, Liberties, and Places, through or near which the said Road doth or shall lie, the said Hay and Corn being the Product of such Land; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Things whatsoever employed in Husbandry for plowing, manuring, or dressing of Land, in the said several Parishes, Liberties, or Places, through or near which the said Road doth or shall lie; nor shall any Toll be demanded or taken at any of the Turnpikes for any Horses or Cattle kept or depastured in any Fields, Grounds, or Closes, in any of the Parishes, Liberties, or Places, through or near which the said Road doth or shall lie, for or upon going to, or returning from Pasture, or to or from Water; nor for any Post-horse carrying the Mail or Packet; nor for any Horse as is or shall be used only to ride on by the Owner or Driver of any Waggon, Cart, or Carriage, provided such Horse pass through the said Turnpike or Turnpikes with such Waggon, Cart, or Carriage; nor shall any Toll be demanded or taken for the Horses of any Soldiers passing that are upon their March, or taken for Carts, Carriages, or Waggons, attending them; or for Horses, Carts, and Waggons, travelling with Vagrants sent by legal Passes.

Persons chargeable to Repair of the Road, &c. to continue so.

Provided always, and be it further enacted, That all and every Person and Persons, who by Law are chargeable towards the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the said Parishes in which the said Road doth lie, as before he and they ought to have done.

Provided also, and be it further enacted by the Authority aforesaid, That where any Part or Parts of the said Road, or where any Bridges, Brooks, Drains, and Sewers, lying

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in or upon, or near unto, or leading from, the said Road hereby intended to be repaired, and which have been accustomed or ought to be repaired, cleansed, scoured, or maintained, by any particular Person or Persons, Body or Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of Leicester, or any Ward or Townships therein, or otherwise howsoever; all and every such Part and Parts of the said Road, Bridges, Drains, and Sewers, so lying in or upon the said Road, shall, from time to time, be maintained and kept in Repair by such Person and Persons, Body or Bodies Politick or Corporate, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Inhabitants to do 3 Days Statute-work on the Road.

And be it further enacted by the Authority aforesaid, That every Person chargeable towards repairing the said Road as aforesaid, shall, during the Continuance of this Act, do and perform Three Days of that Work, commonly called the Statute-work, which is appointed by the Laws now in being for the mending the Highways of this Kingdom, in such Manner, Place and Places, being Part of the Road hereby intended to be repaired, and at such Time and Times, as the Surveyor or Surveyors, to be appointed by virtue of this Act, shall, by Writing under his or their Hands, from time to time, order and direct; and shall not be again chargeable for the same by any Surveyor or Surveyors of the respective Parishes, or any Person whatsoever; and also that the respective Surveyor or Surveyors for the time being, of all and every the Parish and Parishes in which the Road intended to be repaired by this Act lies, shall yearly and every Year, within Ten Days after Request made to him or them by the Surveyor or Surveyors for the time being, appointed by virtue of this Act, give Lists or an Account in Writing, under his or their Hands, of the Names of all and every Person and Persons in the said respective Parishes, who are by the Laws in force, chargeable towards repairing the Highways of the respective Parishes, and what he, she, or they, is or are charged or chargeable with respectively, for and towards the same, to the Surveyor or Surveyors appointed or to be appointed by virtue of this Act; and that the said Surveyor and Surveyors of the said Parishes shall within Ten Days after Notice given by the said Surveyor or Surveyors appointed by this Act, of the Time when, and how many of the Persons so chargeable as aforesaid, he, she, or they, would have to

Parish Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

do Three Days Work in and upon the said Road to be repaired by this Act, either summon or give publick Notice thereof, to the said Person and Persons so chargeable as aforesaid; and if any Surveyor or Surveyors of the said Parishes respectively shall neglect or refuse to do as they are hereby directed and required, he and they, for every Offence, shall forfeit the Sum of Five Pounds; and if any Person or Persons keeping a Team or other Carriage, and chargeable towards repairing the Highways as aforesaid, shall neglect or refuse to do and perform Three Days Work in the said Road by this Act intended to be repaired (after such Summons or publick Notice shall be given as aforesaid) he, she, and they, shall respectively forfeit and pay the Sum of Ten Shillings for each of the said Three Days as such Person or Persons keeping a Team or other Carriage shall make Default: And if any Labourer or other Person so chargeable towards repairing the Highways of the said Parishes, shall at any Time neglect or refuse, after such Summons or publick Notice given as aforesaid, to do and perform Three Days Work in the said Road by this Act intended to be repaired, he and they respectively shall forfeit and pay the Sum of One Shilling and Six Pence for each of the said Three Days as such Labourer, or other Person or Persons, shall make Default: All which Penalties, Fines, and Forfeitures, by this Act imposed, shall be levied by Distress and Sale of any of the Offenders Goods and Chattles, by Warrant or Warrants under the Hands and Seals of the said Trustees, or any Five or more of them, upon the Information of Two credible Witnesses upon Oath; which Oath the said Trustees, or any Three or more of them, is and are hereby impowered to administer; and the said Penalties and Forfeitures, and also the said Fines before-mentioned, when recovered, after rendering the Overplus (if any be) to the Party or Parties, whose Goods and Chattles shall be distrained, the Charges of such Distress and Sale being first deducted, shall go and be applied for and towards the amending the said Road intended by this Act to be repaired, in like Manner as the Tolls intended by this Act are to go and be applied.

Penalty on Surveyors, &c. neglecting to give in such Lists.

Penalty on Persons not performing Statute-work.

Trustees may compound with Persons for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the several Surveyors to be by them appointed by virtue of this Act, being authorized and impowered so to do by the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered

powered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places, through which the Road hereby intended to be repaired, or any Part or Parts thereof, doth lie, for the several Days Statute-work to be by them respectively done upon the said Road, at and for such Rates or Sums of Money, by the Day or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyors and Inhabitants respectively, shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

Lands chargeable to the Highways, to continue so.

Provided also, and be it enacted, That if it shall appear to the said Trustees, or to any Five or more of them, that any Lands, or any Rents, Profits, Sum or Sums of Money, issuing out of any Lands, Tenements or Hereditaments, now are or hereafter shall be liable or chargeable towards the repairing and amending any Part of the said Road hereby intended to be repaired, such Lands, Tenements, and Hereditaments, Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall still remain liable and chargeable, and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents, Issues, and Profits, to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents and Profits, Sum and Sums of Money, shall be applied, from time to time, for repairing the said Road, and to no other Use or Purpose whatsoever.

Penalty on drawing Timber otherwise than on Wheel-Carriages.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along, the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, or Piece or Pieces of Timber, otherwise than and except upon Wheels or Carriages, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Penalties and Forfeitures when recovered, how to be applied.

And be it enacted, That all Penalties and Forfeitures by this Act imposed or incurred, as aforesaid, the Manner of levying and recovering whereof is not herein before particularly

particularly directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the same Division where the Offence shall be committed, or in Default thereof, of any neighbouring Justice or Justices of the Peace; which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to make, upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus, if any be, to the Party or Parties, whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall go and be applied and laid out, if not otherwise applied or disposed of by this Act, for and towards the amending the said Road hereby intended to be repaired.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls hereby granted shall take Place, and have Continuance only from and after the First Day of May, One thousand seven hundred and fifty seven, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

If the Road shall be sufficiently amended before the Expiration of the Term granted by this Act, and Debts paid, Tolls, &c. to cease.

Provided nevertheless, That if at any Time before the Expiration of the said Term, the said Road shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace for the said County, at their respective Quarter Sessions to be holden for the said County; that then, from and after such Adjudication made, and Repayment of such Money as shall have been borrowed, with Interest for the same, and the Costs and Charges thereof, and of putting this Act in Execution, the aforesaid Tolls shall cease and determine; any thing herein contained to the contrary thereof notwithstanding.

Justices, at their Quarter Sessions, to appoint Persons to survey the Road, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace, at any of their General Quarter Sessions to be holden for the said County, yearly, and every Year, after the said First Day of May (if they think fit) to appoint One or more fit Person or Persons of the said County of Leicester, to survey or view the said ruinous Road by this Act directed to be amended, and

to inquire of and concerning the Tolls taken and received in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Monies levied by this Act, or any other Abuses of the Power and Authority hereby given, such Person or Persons shall thereupon certify the same to the Justices of the Peace at their next General Quarter Sessions to be held for the said County, who are hereby authorized, impowered, and required, to hear, examine, and finally determine the same, without further or other Appeal.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons to be Trustees for putting in Execution all and every the Powers and Clauses in this Act contained, for and during the Continuance thereof, it shall and may be lawful to and for such of them the said Trustees, as shall survive or remain, or any Nine or more of them, upon the Death of any of the said Trustees, Removal, or refusing to act in the said Trust, by any Writing or Writings under their Hands and Seals, from time to time, and at all Times hereafter, during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, so many more fit and able Person or Persons living in the said County of Leicester, to be joined with the said Trustees in the Execution of all and every the Powers and Trusts in them reposed by virtue of this Act, and all and every Person and Persons being qualified to act as a Trustee or Trustees, according to the Directions of this Act; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given by the Clerk or Clerks to the Trustees for the time being, who is and are hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike Gates which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be chosen and appointed to be so joined with such surviving or remaining Trustees, shall and may, and he and they is and are hereby authorized and impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees are by this Act authorized and impowered to act and do; and so toties quoties, as often as Occasion shall require.

Notice to be given of future Elections of Trustees.

Time and Place of Trustees first Meeting.

And be it further enacted by the Authority aforesaid, That the several Trustees aforesaid, or any Five or more of

of them, shall meet together at the Three Cranes Inn, in or near the Borough of Leicester, on or before the Twenty eighth Day of May, One thousand seven hundred and fifty seven, and shall then adjourn themselves, and afterwards meet there, or at any other Place near the said Road so to be repaired, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as it shall be necessary, for the putting this Act in Execution: And that the said Trustees, at their First Meeting, and all subsequent Meetings, shall defray their own Charges and Expences.

Trustees to defray their own Expences.

Notice to be given of future Meetings.

Provided always, and be it enacted by the Authority aforesaid, That if it shall happen there shall not appear at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act at such Meeting, then and in such Case, the Clerk or Clerks to the said Trustees shall and may adjourn the said Meeting to any other Day, by Notice in Writing under his or their Hand or Hands, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, and shall appoint the said Trustees to meet at the House where the Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Road, on that Day Fortnight on which such last Meeting of the said Trustees was appointed to be held.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided always, and be it further enacted, That no Person or Persons appointed or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of the Tolls by this Act laid or granted; but such Person and Persons shall be incapable, from the Time of accepting of such Place of Profit, of acting as a Trustee or Trustees for putting this Act in Execution.

Trustees, who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the Trustees appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees; except in such Matters, Things, and Respects, in which he or they shall be personally interested; in any or either of which said Matters, Things, or Respects, such Person shall not be intitled or impowered to act either as a Trustee or Justice.

And whereas it may be of great Service to Travellers and other Persons, to have the Road aforesaid measured, and divided into equal Proportions, by erecting Stones or Posts in or near the Side of the said Road, at proper Distances from each other; be it therefore further enacted and declared, That the Trustees appointed or to be appointed, to put this Act in Execution, or any Five or more of them, at any publick Meeting to be had after the passing of this Act, shall and may order or direct the said Road to be exactly measured, and Stones or Posts, from time to time, to be erected and set up on or near the Side of the said Road, in such Places, and at such Distances from each other, and with such Words, Letters, Figures, or Marks, to be engraved or inscribed thereon, as the said Trustees, or any Five or more of them, shall judge convenient; and if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the said Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the said County of Leicester; every such Person so offending, shall forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; which said Forfeitures shall be laid out and applied in repairing the Stones or Posts so broke or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Road; and in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles, then it shall and may be lawful for any One or more of such Justice or Justices of the Peace of the said County of Leicester, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the House of Correction of the said County, to be kept to hard Labour for the Space of One Calendar Month; and the Person or Persons shall not be discharged, unless he, she, or they, shall first have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Road to be measured and Mile-stones erected.

Penalty on defacing Mile-stones,

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

Provided

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Act, Order, or Judgement, of any Justice or Justices of the Peace, which shall by him or them be done, made, or awarded, by virtue of this Act, or in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal to the Justices of the Peace, at their General Quarter Sessions of the Peace for the County or Place where the Matter or Thing for or by reason of which such Act, Order, or Judgement, shall be so done, made, or awarded, and which shall be holden next after the doing, making, or awarding, of such Act, Order, or

Notice of Appeal to be given.

Judgement, he, she, or they, causing Eight Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to be given to the Person or Persons on whose Oath or Oaths, or Evidence, such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the Tolls of some or One of the Gates or Turnpikes to be erected by virtue of this Act, which shall stand in the Place where the Matter or Thing for or by reason of which the Act, Order, or Judgement, appealed against shall be done or committed; which said Justices, at their said Sessions, upon due Proof of such Notice being given as aforesaid, shall proceed in, and hear and determine the Causes and Matters of the said Appeals, and of every of them; and whose Orders and Judgements therein shall be final and conclusive to all Parties concerned or interested therein.

Orders not to be quashed for want of Form;

Provided also, and be it further enacted by the Authority aforesaid, That any Conviction, Judgement, or Order of the Justices of the Peace, at their General Quarter Sessions, or of any Justice or Justices of the Peace which shall be by them respectively awarded or made in pursuance of this Act, or in the Execution of the Powers hereby to them respectively given, shall not be quashed, vacated, or discharged for or on account of Form only,

nor removeable by *Certiorari*;

nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster; nor shall any

until Security be given to prosecute.

Writ of Certiorari be allowed for that Purpose, until the Person or Persons who shall sue out or prosecute such Writs, shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds to the Person or Persons in whose Favour such Conviction, Judgement,

or

or Order shall be made, conditioned for the prosecuting such Writ with Effect, and Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order, shall be or be intended to be removed, in case such Writ shall not be prosecuted with Effect, or such Conviction or Order shall be confirmed.

Proceedings, &c. to be entered in a Book.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid by virtue of this Act, respectively, as aforesaid, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees in pursuance hereof, and in Execution of the Powers hereby to them given, shall from time to time be duly and regularly entered and made in the Books which shall be kept for those Purposes.

Writings to be without Stamps.

Provided always, and be it further declared and enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, that in every such Case, the Action shall be laid in the said County of Leicester, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, 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 the said Act; and if it shall appear so to be done, or that such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff shall be Nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be

General Issue.

given against the Plaintiff, the Defendant or De-
Treble Costs. fendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

Publick Act. And be it further enacted, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.