ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. 6.

An Act to repeal so much of an Act for inclosing Lands in the Parish of *Saint Mary* in or near the Borough of *Leicester* as relates to the Regulation and Management of the Freemen's Allotments; and to make other Provisions in lieu thereof.

[30th *June* 1845.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parish of* Saint Mary *in or near the Borough of* Leicester *in the County of* Leicester, whereby the Commissioners therein named were directed and empowered to ascertain, set out, and allot unto and for the Freemen of the Borough of *Leicester* resident within the Town or Borough of *Leicester* or the Precincts or Liberties thereof, and the Widows of Freemen of the said Borough during their Widowhood, and being resident as aforesaid, so much and such Part and Parts of certain Fields and Meadows in the said Act mentioned as in the Judgment of the said Commissioners should be a full Equivalent, Compensation, and Satisfaction for the Right of Common to which the said resident Freemen and Freemen's Widows were entitled in, over, upon, and respecting the said Fields and Meadows; and in and by the said Act certain Provisions were made for the annual Election and Appointment, 44 G. 3. c. 16.

Appointment, by the said resident Freemen and Freemen's Widows, of certain Deputies, for the Regulation, Ordering, and Management of the said Allotments, and with respect to the Duties and Liabilities of such Deputies; and Provisions were by the said Act also made for the Appointment by the said Deputies of a Clerk and other Officers, and with respect to the Duties and Liabilities of such Clerk and other Officers; and the said Deputies were by the said Act also empowered to do certain other Acts, Matters, and Things incident to or connected with their said Office, as therein mentioned, and were also required to keep and verify Accounts of all Monies received and paid by them under or by virtue of the Powers and Provisions of the said Act, as therein also mentioned: And whereas

Award of Commissioners, dated 30th May 1811.

the Commissioners acting under the said Act, by their Award, bearing Date the Thirtieth Day of *May* One thousand eight hundred and eleven, and duly enrolled with the Clerk of the Peace for the said County of *Leicester* on the Eighth Day of *October* following, did award and allot unto and for the Freemen and Freemen's Widows of the said Borough of *Leicester* for the Time being resident as aforesaid, in lieu of and by way of Compensation for their Common and other Rights into, over, upon, and respecting the said Fields and Meadows by the said Act directed to be divided, allotted, and inclosed, Three several Allotments, Pieces, Plots, or Parcels of Land; containing respectively by Statute Measure Thirty-six Acres Three Roods and Thirty-one Perches, Two Acres One Rood and Thirty Perches, and Eighty-five Acres and Twenty-one Perches, and which same Three several Allotments (or so much thereof as have not been since taken by the *Midland Counties* Railway Company as hereinafter mentioned) are comprised in the Schedules to this Act annexed: And whereas

Indentures of Lease and Release, dated 1st & 2d September 1823.

by Indentures of Lease and Release, bearing Date respectively the First and Second Days of *September* One thousand eight hundred and twenty-three, the Release being made or expressed to be made between *Henry Mansfield*, *Robert Bates*, and *Thomas Bradley*, (therein respectively described,) of the one Part, and *William Adams*, *William Heard*, *George Crosher*, *Thomas Knight*, *Solomon Woodward*, *Walter Hall*, and *Joseph Wright*, (therein also respectively described,) of the other Part, for the Considerations therein expressed, Two several Closes or Pieces of Meadow Ground inclosed, situate in the said Parish of *Saint Mary* in *Leicester* aforesaid, containing by Estimation Three Acres or thereabouts, adjoining the said above-mentioned Allotments or some Part thereof, (and which said Two Closes or Pieces of Meadow Ground now form and are used as One Close, and the same is comprised in the First Schedule to this Act annexed,) with the Appurtenances, were released and assured unto and to the Use of the said *William Adams*, *William Heard*, *George Crosher*, *Thomas Knight*, *Solomon Woodward*, *Walter Hall*, and *Joseph Wright*, their Heirs and Assigns for ever, as Joint Tenants, in trust nevertheless that the said Land and Premises might at all Times thereafter be let, set, used, and occupied in such Manner, for the Benefit of the resident Freemen and Freemen's Widows of the said Borough of *Leicester* for the Time being, as the Deputies of such resident Freemen and Freemen's Widows, or the major Part of such Deputies, should from Time to Time order, direct, or appoint: And whereas an Act was passed in the

Sixth

Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway, with Branches, commencing at the* London and Birmingham *Railway in the Parish of* Rugby *in the County of* Warwick, *to communicate with the Towns of* Leicester, Nottingham, *and* Derby, *to be called* "*The* Midland Counties *Railway*," and under the Powers and Provisions contained in the same Act the said Railway Company purchased and took for the Purposes of the said Railway certain Pieces of Land, Parcels of the Allotments so awarded unto the said Freemen and Freemen's Widows as aforesaid; and the Purchase Monies for the same, amounting to the Sum of One thousand three hundred and forty-five Pounds and Six Shillings, together with the further Sum of One hundred and forty Pounds paid by the said Company as a Compensation to the said Freemen and Freemen's Widows for entering upon certain other Parts of the Lands so allotted to them as aforesaid, and digging out and carrying away a Quantity of Soil and Gravel therefrom, (making together the Sum of One thousand four hundred and eighty-five Pounds and Six Shillings,) were, in pursuance of the said Railway Act, paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to an Account *ex parte* the *Midland Counties* Railway Company: And whereas by virtue of an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to make further Provisions for the Administration of Justice*, the said Sum of One thousand four hundred and eighty-five Pounds and Six Shillings became vested in the Accountant General of the High Court of Chancery in trust to attend the Orders of the same Court: And whereas by an Indenture dated the Fourth Day of *February* One thousand eight hundred and forty-two, and made or expressed to be made between the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* of the First Part, and *William Lewin*, *Joseph Burchnall*, *Charles Hawkins*, *Samuel Bonner*, *John Kellett*, *William Mitchell*, *Thomas Butler*, *Charles Mortimer*, *John Weston*, and *John Hill*, (therein described as being Deputies duly appointed under and by virtue of the said Act firstly herein-before recited to act on behalf of the Freemen of the Borough of *Leicester* aforesaid resident within the Town and Borough aforesaid, or the Precincts or Liberties thereof, and the Widows of Freemen of the said Borough during their Widowhood, and being resident as aforesaid,) of the Second Part, in consideration of the said Sum of One thousand four hundred and eighty-five Pounds Six Shillings, then intended to be paid and which was afterwards duly paid to the said Mayor, Aldermen, and Burgesses, or their Treasurer, by the Accountant General of the High Court of Chancery, by the Order and under the Direction of the same Court, and also in consideration of the Sum of Forty-three Pounds, then also intended to be paid and which was afterwards duly paid to the said Mayor, Aldermen, and Burgesses, or their Treasurer, by the said Parties to the now reciting Indenture of the Second Part, out of Monies in their Hands as such Deputies as aforesaid, Two several Closes, Pieces, or Parcels of Land situate in the said Parish of *Saint Mary* in *Leicester* aforesaid, adjoining or lying near to the said first-mentioned Allotments or some Part thereof, (and which said Two several Closes, Pieces, or Parcels of Land are comprised in the First Schedule to this

6 & 7 W. 4. c. 78.

5 Vict. c. 5.

Indenture, dated 4th Feb. 1842.

this Act annexed,) were conveyed and assured unto and to the Use of the said *William Lewin*, *Joseph Burchnall*, *Charles Hawkins*, *Samuel Bonner*, *John Kellett*, *William Mitchell*, *Thomas Butler*, *Charles Mortimer*, *John Weston*, and *John Hill*, their Heirs and Assigns, for ever, nevertheless upon and for such and the like Trusts, Intents, and Purposes, and subject to such Rights of Common and other Rights, as the Parcels of Land sold and conveyed to the said Railway Company stood settled and were subject to at the Time of making such Conveyance, or as would have then stood settled and been subject to in case the same Lands had not been so sold and conveyed: And whereas the said Railway Company have since paid the further Sum of Four hundred and ninety-four Pounds Nineteen Shillings and Sixpence into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to the said Account "*Ex parte* the *Midland Counties* Railway Company," as a Compensation to the said Freemen and Freemen's Widows resident as aforesaid, for the Injury done by the said Railway Company to the remaining Land of the said Freemen and Freemen's Widows allotted to them as aforesaid; and the said Sum of Four hundred and ninety-four Pounds Nineteen Shillings and Sixpence (by virtue of the said Act passed in the Fifth Year of the Reign of Her present Majesty) is now standing in the Name of the Accountant General of the High Court of Chancery, in trust to attend the Orders of the same Court, and is applicable to the Purchase of other Lands to be conveyed and settled to the like Uses as the Two last-mentioned Closes: And whereas such Portions of the said Allotments by the said Award allotted to the said resident Freemen and Freemen's Widows as aforesaid as were not Meadow or Pasture Land were immediately after the making of the said Award laid down in Grass, and the whole of the said Allotments (except such Parts thereof as have been taken by the said Railway Company) have ever since been enjoyed by the resident Freemen and Freemen's Widows of the said Borough of *Leicester*, or by some of them, as a Common of Pasture, subject to such Regulations as have from Time to Time been made for the Management thereof by the Deputies annually elected under the Provisions of the said Act of the Forty-fourth Year of the Reign of King *George* the Third as aforesaid, and the said several Closes, Pieces, or Parcels of Land comprised in and conveyed by the said Indentures of the First and Second Days of *September* One thousand eight hundred and twenty-three, and the Fourth Day of *February* One thousand eight hundred and forty-two, have likewise respectively since the Date of those Indentures been so enjoyed by the said resident Freemen and Freemen's Widows for the Time being, or by some of them, as aforesaid: And whereas the resident Freemen and Freemen's Widows of the said Borough of *Leicester* have considerably increased in Numbers since the passing of the said recited Act of the Forty-fourth Year of King *George* the Third, and the Majority of them are poor Persons, and have no commonable Cattle to depasture on the said Allotments, Closes, or Pieces of Land, and therefore can derive no Benefit or Advantage therefrom in the Way the same are now used, occupied, and enjoyed: And whereas it would be of much greater and more general Benefit and Advantage to the larger Portion of the said resident Freemen and Freemen's Widows, entitled to such

Common of Pasture in or over the said Allotments, Closes, and Lands as aforesaid, and especially to the poorer Classes thereof, if certain Parts of the same Allotments, Closes, and Lands were broken up and parcelled out into small Allotments, for the Purpose of being let to and occupied as Garden Ground by such of the said resident Freemen and Freemen's Widows not exercising such Common of Pasture as may be desirous to take and occupy the same, at a small Rent, and otherwise, as herein-after mentioned, and if the said Deputies for the Time being were empowered to sell such Allotments, Closes, and Lands, or Part thereof, and to purchase other Lands with the Monies arising therefrom, as also with the Monies now in their Hands, or which are now or may hereafter come under their Management and Control, and also to build and endow Cottages for the Use and Benefit of the most aged of the resident Freemen and Freemen's Widows of the said Borough as herein-after mentioned; and for carrying such several Purposes into effect it is expedient that certain Parts of the said recited Act of the Forty-fourth Year of the Reign of King *George* the Third should be repealed, and other Provisions made in lieu thereof: But inasmuch as the same several Purposes cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 on and after the Day preceding the Day herein-after appointed for the first Election of Deputies under this Act so much and such Part or Parts of the said in part recited Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third as relates to or in anywise concerns the Regulation, Ordering, or Management of the Allotments thereby authorized or directed to be made to the said resident Freemen and Freemen's Widows as a Common of Pasture, and which are comprised or mentioned in the Two several Schedules to this Act, and also as relates to or concerns the Deputies by the same Act directed to be from Time to Time appointed as therein mentioned, or the Mode, Manner, Time, or Place of appointing such Deputies, or the Powers, Privileges, Duties, and Liabilities of such Deputies, or any of them, or of any Chairman, Clerk, Treasurer, or other Officer or Officers, Person or Persons, appointed or employed by or under the Authority of such Deputies, and every Matter and Thing in the said Act contained relating or incident thereto, shall be and the same is and are hereby repealed, annulled, and made void, to all Intents and Purposes whatsoever, but so nevertheless as not to render void or ineffectual any Act, Deed, Matter, or Thing done under or by virtue of the last-mentioned Act previously to the Commencement of this Act.

Certain Parts of 44 G. 3. c. 16. repealed.

II. And be it enacted, That it shall be lawful for the Freemen and Freemen's Widows of the said Borough respectively resident for the Time being in each Parish within the said Borough (except the Parish of *Saint Leonard*), or any Ten or more of them, and, as to those resident for the Time being in the said Parish of *Saint Leonard*, for such Freemen and Freemen's Widows, or for any Three or more of them,

Meetings for choosing new Deputies.

them, and they are hereby authorized and required, to meet and assemble at the several Places where the Vestry Meetings of the Parishes in which they respectively reside are or shall be usually holden, on the Third *Tuesday* next after the passing of this Act, and so annually on the Second *Tuesday* in the Month of *March* in every succeeding Year, at an Hour not later than Eleven of the Clock in the Forenoon, (of which respective Meetings Notice shall be given, by or under the Direction of the Deputies for the Time being, on the *Sunday* preceding, in such Manner as Notices are or may be then usually given of Vestry Meetings in each Parish, and which Notice shall be signed by One or more of the Deputies, or by their Clerk,) and at such respective Meetings to choose, by a Majority of Voices, for the Parish of *Saint Margaret* Three Deputies, for the Parish of *Saint Leonard* One Deputy, and for each of the other Parishes Two Deputies, to act on behalf of such Freemen and Freemen's Widows in the Management, letting, and ordering of the Allotments, Closes, Pieces, or Parcels of Land mentioned and comprised in the Two several Schedules to this Act annexed, and in the several other Matters and Things herein-after expressed, under and according to the Provisions herein-after contained: Provided always, that for the Purposes of this Act the Freemen and Freemen's Widows for the Time being residing in the *Blackfriars* and *Augustine Friars* shall be considered as residing in the Parish of *Saint Nicholas*, and that the Freemen and Freemen's Widows for the Time being residing in the *Newarke* and the *Castle View* shall be considered as residing in the said Parish of *Saint Mary*: Provided also, that a Chairman shall be appointed at such respective Meetings by the Majority of Persons present, who shall preside at such Meeting, and who shall certify and declare, in Writing, the Names of the Person or Persons duly chosen as a Deputy or Deputies: Provided also, that no Person shall be deemed a Deputy duly chosen on behalf of such Freemen and Freemen's Widows as aforesaid, or be allowed to act as such, unless Notice shall have been given as aforesaid of the Meeting at which he shall have been appointed: Provided also, that no Person shall be qualified or entitled to be elected or to be a Deputy for any Parish, unless he shall at the Time of such Election be a Freeman and Housekeeper resident in the said Borough or the Precincts or Liberties thereof, and be rated to some parochial or municipal Rate or Rates in One or more of the Parishes or Places within the said Borough upon the aggregate annual Value of Ten Pounds or upwards.

Mode of Election in case a Poll is demanded.

III. Provided always, and be it enacted, That in case at any Meeting of the resident Freemen and Freemen's Widows to be held for the Purpose of electing a Deputy or Deputies for any Parish more Persons shall be proposed for the Office of Deputy for such Parish than herein provided, and a Poll shall be demanded by any Three Persons present, then the Chairman of such Meeting shall immediately open and proceed with such Poll, and shall enter or cause to be entered in a Book or Books the Names of all Persons so proposed, and the Names of every Freeman and Freeman's Widow who shall be qualified and desire to vote, and shall register the Vote of

every

every such Freeman and Freeman's Widow for every or any such Persons as he or she may respectively require; and such Poll shall finally close at Five o'Clock in the Afternoon on the Day of such Election, or sooner if all the Persons nominated for the said Office of Deputy for such Parish shall agree thereto, or if since the polling of the Person who was last polled Half an Hour shall have elapsed during which no Person duly qualified to vote shall have tendered his or her Vote; and as soon after the Close of the Poll as may be possible the Result thereof shall be certified and declared in Writing by the Chairman of such Meeting, and the Persons or Person so certified and declared to have been chosen shall be deemed the Deputy or Deputies duly chosen for the Parish for which such Election shall be held; and such Certificates and Declarations herein-before respectively mentioned, so signed by such Chairman as aforesaid, (whether a Poll shall or shall not have taken place,) shall be conclusive Evidence of the due Election of the Person or Persons therein named as such Deputy or Deputies, for all Intents and Purposes whatsoever, subject nevertheless to the Provision next herein-after contained.

Provision in case of a disputed Election of any Deputy.

IV. And be it enacted, That in case at any Election or Elections of a Deputy or Deputies under the Provisions of this Act any Three or more of the Freemen or Freemen's Widows residing in the Parish for which any such Election may have taken place (whether they shall have voted in the Choice of such Deputy or Deputies or not) shall be of opinion that any such Deputy or Deputies shall not have been duly elected, and of such their Opinion shall give or deliver Notice in Writing unto such Deputy or Deputies as last aforesaid, and also unto the Clerk of the Deputies for the Time being, or unto any Two or more of the newly or last elected Deputies, at least Four Days before the first or next Meeting of Deputies after such Election (such Four Days to be reckoned exclusive of the Day on which such Notices shall be given, but inclusive of the Day of such Meeting), in case there shall be Four intervening Days between such Election and first or next Meeting, or else so many Days Notice as shall intervene between the Day after such Election and the first or next Meeting of Deputies as aforesaid, then and in every such Case, and when and so often as the same shall happen, it shall be lawful for the Deputies assembled at such first or next Meeting (but not including such Deputy or Deputies as shall be so objected to) and they are hereby required to inquire into and determine the Validity or Invalidity of such disputed Election or Elections; and the Determination of the Deputies assembled at such Meeting, or of the Majority of them, shall be final and conclusive thereupon; and in case such Determination shall be against the Validity of such Election or Elections, then another Election or Elections shall be held for the Choice of another Deputy or other Deputies in the Room or Stead of him or them whose Election shall be declared invalid, in the like Manner and with the like Notices and other Provisions as is and are herein-before directed in the Case of every annual Election as aforesaid, and as if such invalid Election or Elections had not taken place, such new Election or Elections to be made within One Calendar Month next after any Election or Elections shall be declared invalid.

V. And

In case of the Death or Removal of any Deputy, another to be chosen to supply his Place.

V. And be it enacted, That in case any Deputy or Deputies so to be appointed as aforesaid shall die, or permanently remove his or their Residence from or out of the said Borough of *Leicester* or the Precincts or Liberties thereof, during the Year of his or their being in Office, then and so often as the Case shall happen it shall be lawful for the Freemen and Freemen's Widows residing in the Parish or Parishes for which such Deputy or Deputies was or were elected, and they are hereby authorized and required, within One Calendar Month next after every or any such Death or Removal shall have taken place, to choose and elect a fresh Deputy or Deputies in the Stead and to supply the Place of the Deputy or Deputies so dying, or permanently removing his or their Residence as aforesaid, during the Remainder of his or their then Year of Office; and such Deputy or Deputies so to be from Time to Time appointed as last aforesaid shall have all such and the same or the like Powers and Authorities as he or they would have had in case he or they had been originally appointed a Deputy or Deputies at a General Annual Meeting as aforesaid, so nevertheless that every such new or fresh Election or Elections shall be held in like Manner and with the like Notices and other Provisions as is herein-before directed in case of a General Annual Election.

Meetings of Deputies.

VI. And be it enacted, That it shall be lawful for the said Deputies so to be appointed as aforesaid for the Time being, or any Five or more of them, to assemble and meet together upon the first *Tuesday* next after each such General Election shall have been held as aforesaid, and also to meet from Time to Time when and so often as may be deemed expedient, and to adjourn any such Meetings from Time to Time, the same to be held at some convenient Place or Places within the said Borough or the Liberties or Precincts thereof, but not elsewhere, and at any of the said Meetings, or any Adjournments thereof, to make such Orders, Rules, and Regulations as they shall or may be authorized or empowered to make by virtue of or under the Powers and Provisions herein contained: Provided always, that no General Meeting of the said Deputies (other than and except the said annual Meeting and adjourned Meetings) shall be held unless a Notice of the Time and Place of such intended Meeting, signed by the Clerk or Two of the Deputies for the Time being (and which Notice such Clerk or any Two Deputies, as the Case may be, are hereby authorized and empowered to sign and give, and which shall specify the Purpose for which the Meeting is called, and the Business to be transacted thereat), shall have been delivered to or left at the usual Place of Abode of every Deputy for the Time being Three clear Days at least before such Meeting; and no Order, Rule, Regulation, Appointment, or Proceeding at any Meeting of the said Deputies, once made or taken, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to the Directions of this Act, and shall have been entered in the Book of Proceedings of the said Deputies.

No Meeting to be held without Notice.

VII. And

Power to appoint a Clerk, Treasurer, and other Officers.

VII. And be it enacted, That it shall be lawful for such Deputies and they are hereby required, from Time to Time, at any of their Meetings or any Adjournment thereof, to appoint a Clerk and Treasurer, and any other Officer or Officers they may deem necessary or proper, for the Purpose of executing and carrying out the Provisions of this Act: Provided always, that all such several Officers shall be Freemen of the said Borough of *Leicester*, and shall have been resident within the said Borough for the Space of Twelve Calendar Months next previous to their respective Appointments.

Deputies empowered to break up the Lands in the First Schedule, and to parcel out the same in small Allotments to Freemen and Freemen's Widows.

VIII. And be it enacted, That it shall be lawful for the Deputies for the Time being to be appointed as aforesaid, at any Time or Times after the Commencement of this Act, and they are hereby authorized and empowered, to take possession of, and to plough, dig, and break up, or to give Orders and Directions for the ploughing, digging, and breaking up, the whole or so much and such Part or Parts of the Closes and Lands comprised in the First Schedule to this Act annexed as to them shall seem expedient, and to apportion and divide the same, when so broken up, into small Allotments or Parcels not exceeding Five hundred Square Yards each, and to make all such Fences, Roads, and Ways as they may deem necessary or expedient, such Allotments or Parcels to be made or set out in such Sizes or Quantities, to such an Extent, and in such Manner, as that every resident Freeman and Freeman's Widow (not exercising Common of Pasture as herein-after mentioned) who shall, within the Period of Two Calendar Months next after the passing of this Act, send in or deliver to the Deputies for the Time being, or to their Clerk, a Notice or Claim in Writing, requiring or asking for One of such Allotments or Parcels, and desiring to become the Occupier thereof, shall and may have and be entitled to the same, of such Size or Extent, at such yearly Rent, in such Situation, and upon such Terms and Conditions, as the said Deputies shall in their Discretion think fit and determine, but so that no such Allotment or Parcel shall contain a greater Quantity than Five hundred square Yards; and every such Allotment or Parcel shall be let at an annual Rent, to be fixed at the Discretion of the said Deputies, but not exceeding One Farthing for every square Yard, nor less than One Shilling for every One hundred square Yards; and the same Allotments or Parcels shall be respectively held by each resident Freeman and Freeman's Widow so desiring to become the Occupier, and obtaining Possession thereof, so long as he or she shall be willing to hold the same, and shall pay the annual Rent to be fixed or reserved for the same, and shall conform to and observe the Orders, Rules, and Regulations from Time to Time to be made concerning the same by the said Deputies: Provided always, that a Notice or Requisition under the Hands of the said Deputies or of any Five or more of them, or under the Hand of their Chairman for the Time being, shall be affixed on the outer Door of the Town Hall of the said Borough within One Week next after the first Meeting of Deputies under this Act, requiring all such resident Freemen and Freemen's Widows who may wish to have or rent any such Allotment or Parcel as aforesaid to send in such his, her, or their Claim to the said

said Deputies or their Clerk as aforesaid, and such Notice or Requisition, or a Copy thereof, shall be also inserted in One or more of the Newspapers in general Circulation in the said Borough within One Week after such first Meeting of Deputies as last aforesaid: Provided always, that in case any of the Lands comprised in the First Schedule to this Act shall not be required or used for the Purposes aforesaid, as herein-before provided, then and in such Case the same shall be divided by the said Deputies into such Allotments and Parcels as to them shall seem meet and proper, and be let by public Auction, in the Manner herein-after provided.

The Lands in the Second Schedule to the Act to be continued as a Common of Pasture.

IX. And be it enacted, That the several Closes, Lands, and Hereditaments which are described or specified in the Second Schedule to this Act annexed shall (subject to any Provisions in this Act contained to the contrary) be appropriated, and from Time to Time held and enjoyed, as and for a Common of Pasture for the said resident Freemen and Freemen's Widows of the said Borough, under such Orders, Rules, and Regulations as to the draining, soughing, fencing, and stocking thereof, and limiting the Number of Mares, Geldings, Cows, Heifers, Stirks, and Bulls to be kept therein respectively, and for the Prevention of any other Sort or Kind of Cattle from depasturing the same, and also as to what Times in each Year the same shall be so stocked and occupied, and for the general Regulation and Management of the same last-mentioned Closes, Lands, and Hereditaments, as the said Deputies shall think fit and proper for the Advantage of the several Persons occupying the same; all which Orders, Rules, and Regulations shall from Time to Time be observed and kept by the Persons interested in the Occupation or Use of the same Closes, Lands, and Hereditaments, or any Part or Parts thereof: Provided always, that no Person or Persons having or renting any such Allotment or Allotments as aforesaid (unless the same shall be taken by Auction in manner herein-after mentioned) shall be allowed or at liberty to exercise or enjoy any such Common of Pasture as last aforesaid during such Time as he, she, or they shall so have or rent any such Allotment or Allotments (except as aforesaid), and also that no Person or Persons exercising or enjoying any such Common of Pasture as aforesaid shall be allowed or at liberty to hold, rent, or occupy any such Allotment or Allotments as last aforesaid (unless the same shall be taken by Auction as herein-after mentioned) during such Time as he, she, or they shall so exercise or enjoy such Common of Pasture as herein-before mentioned.

No Person taking or renting any Allotment (except by Auction) to be entitled to Common of Pasture, and vice versâ.

Power to Deputies to mow Part of the Land in the Second Schedule.

X. Provided always, and be it enacted, That after the present Year it shall be lawful for the Deputies for the Time being, if they shall think it expedient, yearly and every Year to mow or cause to be mown such Part or Parts of the Lands comprised in the Second Schedule to this Act as they may from Time to Time think proper, but not exceeding Thirteen Acres in the whole during any One Year, and to sell and dispose of the Crop or Produce thereof, either before or after the same shall be mown; and that with respect to the Lands hereby reserved for Pasturage, and which may not be mown or intended to be mown in any Year, the said Deputies shall,

after the present Year, appoint some Day for stocking and depasturing the same, between the First and Twentieth Days of *May* in every Year; and that with respect to such Part of the Lands as may in any Year be so mown as aforesaid the same shall be opened and appropriated for Pasturage within Twenty-one Days next after the Crop thereupon shall have been cut and gathered, and that all such Lands when opened shall continue open and appropriated for Pasturage until the Twenty-fifth Day of *December* in every Year: Provided always, that all and every the Monies which shall or may at any Time or Times after the present Year be received by the Deputies for the Time being from or on account or in respect of the Lands comprised in the Second Schedule to this Act annexed shall from Time to Time and at all Times be applied and appropriated by the said Deputies in and towards the Payment of the Rates, Taxes, Costs, Charges, and Expences chargeable and payable upon or in respect of such Lands, or otherwise for the Improvement and Benefit of the same.

Time at which Lands are to be stocked.

XI. And be it enacted, That in case and when any Occupier or Occupiers of any such Allotment or Allotments as aforesaid shall die, or give up Possession of the same Allotment or Allotments, or in case any such Allotment or Allotments shall by any other Ways or Means revert to or come into the Possession of the said Deputies for the Time being, then and in every such Case the Allotment or Allotments so becoming vacant or unoccupied or coming into possession as aforesaid shall be again let in such Sizes or Quantities, not exceeding Five hundred square Yards, as to the Deputies shall seem expedient, to some other resident Freeman or Freeman's Widow who shall be desirous of taking or renting and shall make the first Application for the same to the said Deputies or their Clerk as aforesaid, at such annual Rent and on such Terms and Conditions as are herein-before mentioned and provided for in that Behalf; and in case there shall be Two or more Applicants for any such Allotment or Allotments, then the first Applicant shall have the Preference over every subsequent Applicant, and in case the said Deputies cannot satisfactorily decide or determine who was the first Applicant they shall be at liberty to prefer or select any one of such Applicants they shall think fit; but in case at the Time of any such Death or Vacancy as aforesaid there shall not be any resident Freeman or Freeman's Widow (not already in possession of an Allotment, unless taken by Auction as herein-after mentioned,) who shall be desirous of taking or renting such Allotment as shall have become vacant or unoccupied or come into possession as aforesaid, or in case no Application shall be made for the same by any such resident Freeman or Freeman's Widow (not being already in possession of an Allotment as last aforesaid) within One Calendar Month after the same Allotment shall have become vacant or unoccupied or come into possession as aforesaid, then and in every such Case, and when and so often as the same shall happen, the Allotment or Allotments so becoming vacant or unoccupied or coming into possession as aforesaid shall be let by public Auction to any Person or Persons, being a resident Freeman or Freeman's Widow, Freemen or Freemen's Widows, in such Manner, and at such Time or Times, and on such Terms

Provision in case of Death of any Occupier, or the Vacancy of Possession.

In case of no Applicant, Deputies authorized to let the vacant Allotment by Auction.

Terms and Conditions, as to the Deputies for the Time being shall seem meet and proper: Provided always, that at any such Auction any Allotment or Allotments may be included in or divided into such Lot or Lots as shall be thought expedient, and more than One Lot may be taken and held by the same Person: Provided also, that when any Allotment or Allotments shall have been let by Auction as aforesaid, and shall again revert to or come into the Possession of the said Deputies, then and in every such Case the same shall be again let to some resident Freeman or Freeman's Widow, or by public Auction, in the Manner lastly herein-before provided: Provided also, that no Land which shall at any Time be let by Auction shall be so let for a longer Term than Two Years.

No more than One Allotment to be held at the same Time, unless taken by Auction.

XII. Provided always, and be it enacted, That no Freeman or Freeman's Widow shall be entitled or at liberty to occupy, hold, or enjoy more than One such Allotment at one and the same Time, unless he or she shall have taken every such Allotment, or every such Allotment except One, by Auction, as aforesaid; and provided also, that no Land not let by Auction as aforesaid shall be let by the said Deputies to any resident Freeman or Freeman's Widow at a greater yearly Rent than One Farthing for every square Yard, or at a less yearly Rent than One Shilling for every One hundred square Yards.

Disputed Claims of Freemen or Freemen's Widows to determined by the Deputies, subject to Appeal.

XIII. And be it enacted, That all Disputes, Differences, Controversies, Doubts, and Questions which shall or may at any Time arise respecting or touching or concerning the Claims, Rights, or Interests of any of the said Freemen or Freemen's Widows of the said Borough under the Powers or Provisions of this Act shall be submitted and referred to and settled and determined by the Deputies present at any Meeting or Meetings to be held by them in pursuance of this Act, as herein-before mentioned, or by the Majority of them assembled as aforesaid; and the Determination of the Deputies present at any such Meeting, or of the major Part of them, (the Chairman having a Second or casting Vote, as herein-after mentioned, in case there shall be an Equality of Votes,) shall be final, binding, and conclusive on all Parties interested therein, unless such Determination shall be appealed from within Fourteen Days next after such Meeting to the Justices of the Peace for the Borough of *Leicester* as herein-after mentioned.

Deputies may sue and be sued in Name of their Clerk, &c.

XIV. And be it enacted, That the Deputies for the Time being may sue and be sued, plead and be impleaded, in the Name of their Clerk or Treasurer for the Time being, or in the Name of any one of the said Deputies; and all Actions, Suits, or Proceedings which may be necessary to be brought or instituted by or against the said Deputies for or in respect of any Matter or Thing arising out of this Act, and relating to the Allotments, Closes, and Lands herein-before mentioned, or to be purchased as herein-after mentioned, or to any of them, or to the said Cottages to be built as herein-after mentioned, may be brought and instituted or defended in the Name of their Clerk or Treasurer for the Time being, or in the Name of any such one Deputy; and no Action, Suit, or Proceedings which may be

be so brought or instituted by or against such Deputies shall abate or be discontinued by the Death, Suspension, Resignation, or Removal of any such Clerk or Treasurer, or by the Death or Removal of any such Deputy, or by any Act or Default of any such Clerk, Treasurer, or Deputy done or suffered without the Direction or Consent of the said Deputies for the Time being, but such Clerk, Treasurer, or Deputy as aforesaid shall be deemed Plaintiff or Defendant in any such Action, Suit, or Proceeding, as the Case may be, except in Cases of Actions prosecuted between such Deputies and their Clerk or Treasurer for the Time being: Provided always, that in all Cases where the Clerk or Treasurer for the Time being, or any Deputy as aforesaid, shall be the Plaintiff or Defendant on the Record in any Action, Suit, or Proceeding in which in effect the said Deputies for the Time being shall be suing or sued, pleading or impleaded, in the Name of such Clerk or Treasurer or of such Deputy as aforesaid, such Clerk, Treasurer, or Deputy may and shall, if not otherwise interested or objectionable, be a good and competent Witness in any such Action, Suit, or Proceeding, either for or against the said Deputies; provided also, that every such Clerk, Treasurer, or Deputy in whose Name any Action, Suit, or Proceeding shall be instituted or defended as aforesaid shall be indemnified and reimbursed, out of the Money to be received by the said Deputies under the Powers of this Act, all such Damages, Costs, and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall arise in consequence of his own wilful Neglect or Default, or shall have been instituted or defended without the Order or Direction of the said Deputies.

Lands vested in the Deputies.

XV. And be it enacted, That all and every the Closes, Lands, and Hereditaments comprised or mentioned in the Two several Schedules to this Act shall, from and after the Third *Tuesday* next after the passing of this Act, be and the same are hereby absolutely vested in the Deputies for the Time being appointed in pursuance of the Directions of this Act, and their Successors for ever, in trust for the said resident Freemen and Freemen's Widows of the said Borough, according to and under and subject to the Powers and Authorities, Rules and Regulations, in this Act contained or authorized to be made; and the said Deputies and their Successors shall and may and they are hereby empowered to accept, take, and hold, in the Nature of a Body Corporate, for the Purposes of this Act, all such Closes, Lands, and Hereditaments so hereby vested in them as aforesaid.

Deputies empowered to purchase other Lands to be conveyed to and vested in the said Deputies, subject to the Provisions of this Act.

XVI. And be it enacted, That it shall be lawful for the said Deputies for the Time being, with such Consent as herein-after mentioned, to enter into any Contract or Agreement for the Purchase of any Freehold Lands or Hereditaments, to be situate within or near to the said Borough of *Leicester* or the Precincts or Liberties thereof, with any Person or Persons whomsoever capable of making a good Title to the same, and competent to convey the said Lands and Hereditaments, either solely or jointly with their respective Mortgagees or Trustees; and all and every such Lands and Hereditaments shall be purchased and paid for with and out of the

Monies or Proceeds herein-after directed to be invested or applied in or for the Purchase of Lands or other Hereditaments as herein-after mentioned; and the same Lands and Hereditaments shall be thereupon conveyed and assured by all proper Parties, and all necessary Conveyances, Deeds, and Assurances in the Law, unto and to the Use of the said Deputies for the Time being, describing them as "The Deputies of the resident Freemen and Freemen's Widows of the Borough of *Leicester*," and their Successors for ever, for the Purposes of this Act; and the said Deputies and their Successors shall and may and they are hereby empowered to accept, take, and hold, in the Nature of a Body Corporate, all such Lands and Hereditaments so to be purchased as aforesaid, in trust for the said Freemen and Freemen's Widows of the said Borough of *Leicester* so resident as aforesaid for the Time being, for ever, for the Purposes of this Act, under and subject to the Powers and Authorities, Rules and Regulations, in this Act contained or authorized to be made, in like Manner, and together with the said Allotments, Lands, and Hereditaments comprised in the said First Schedule to this Act, and as if the same were Part thereof, the Statute of Mortmain, or any other Statute or Law, to the contrary in anywise notwithstanding.

Deputies empowered to sell all or any Part of the Allotments, &c. comprised in the First Schedule, or of any after-purchased Lands.

XVII. And be it enacted, That it shall be lawful for the said Deputies for the Time being, with such Consent as herein-after mentioned, at any Time or Times after the Commencement of this Act, and when and so often as may be thought expedient, to dispose of and convey, by way of absolute Sale, all or any Part or Parts of the said Allotments, Lands, and Hereditaments comprised or specified in the First Schedule to this Act, and also all or any Part or Parts of the Lands, Tenements, or Hereditaments which shall or may be purchased in pursuance of the Power or Direction for that Purpose herein-before contained, with their respective Appurtenances, and the Inheritance thereof in Fee Simple (freed and discharged from all Right, Claim, and Interest whatsoever of the said resident Freemen and Freemen's Widows for the Time being, and of every Person and Persons claiming under or in trust for them,) unto any Person or Persons whomsoever, for such Price or Prices in Money as to them the said Deputies shall seem reasonable or competent in that Behalf (subject nevertheless to such Consent as herein-after mentioned); and for the Purpose of effectuating such Sales, Dispositions, or Conveyances as aforesaid it shall be lawful for the said Deputies for the Time being, by any Deed or Deeds, Instrument or Instruments in Writing, to be by them legally executed, to annul, determine, and make void all and every the Uses, Trusts, Estates, Powers, Provisions, Rights, Interests, Rules, and Regulations to, for, upon, with, under, or subject to which the Lands, Hereditaments, and Premises which shall be so sold or agreed to be sold as aforesaid, or any Part thereof, shall then stand limited and settled, or be subject or liable to, under the Provisions or Enactments contained in the said recited Act of the Forty-fourth Year of the Reign of His said Majesty King *George* the Third, or in this Act, or otherwise howsoever; and by the same or any other Deed or Deeds, Instrument or Instruments in Writing, to be so executed as aforesaid, to limit or create

any new or other Uses, Trusts, or Estates of or concerning the Lands, Hereditaments, and Premises which shall be so sold or agreed to be sold as aforesaid, which it shall be thought necessary or expedient to limit or create in order to effectuate any such Sale, Disposition, or Conveyance as aforesaid.

Monies received on Sale of Lands to be invested.

XVIII. And be it enacted, That all the Monies which under the Provisions of this Act shall be receivable on the Sale of any of the Lands by this Act authorized to be sold shall with all convenient Speed be paid by such Purchaser or Purchasers into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, "*Ex parte* the Deputies of the resident Freemen and Freemen's Widows of the Borough of *Leicester*," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, Chapter Thirty-two, and the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, Chapter Twenty-four; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the said Deputies for the Time being, be applied in Payment of the Purchase Money or Purchase Monies for the Lands by this Act authorized to be purchased.

Payment of Dividends in the meantime.

XIX. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, 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, or of other Government or Real Securities, and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the said Deputies for the Time being, to be by them applied in the same Manner and for the same Purposes as the Rents and Revenues of the Lands comprised in the First Schedule to this Act annexed are herein directed to be applied.

Certificates and Receipts to be good Discharges to Purchasers.

XX. And be it enacted, That the Certificate of the said Accountant General, together with the Receipt of any One of the Cashiers of the Bank of *England*, to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment by the Purchaser or Purchasers of the said Lands and Hereditaments, or any Part thereof, of his, her, or their Purchase or other Monies into the Bank of *England*, as herein-before directed, shall be and be deemed and taken to be a good and sufficient Discharge to such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, for the same Purchase or other Monies; and that upon filing such Certificate and Receipt as aforesaid such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, shall be, and he, she, and they is and are hereby absolutely acquitted and discharged of and from the same and every Part thereof, and shall not be answerable for any Loss or Misappli-

Misapplication thereof, nor be bound or concerned to see to the Application thereof or of any Part thereof.

Power to appropriate the Lands comprised in First Schedule, and the Lands to be purchased or received, or a sufficient Part thereof, in exchange, as Sites for Cottages, &c.

XXI. And be it enacted, That it shall be lawful for the said Deputies for the Time being to set apart, use, and appropriate all or any Part or Parts of the Lands comprised in the First Schedule to this Act annexed, and also of such Lands, Tenements, or Hereditaments as may be so purchased by the said Deputies as aforesaid, as or for Sites for the building of the Cottages herein-after mentioned; and the remaining Part or Parts of such last-mentioned Lands and Hereditaments which shall not be so set apart or appropriated for such Cottages, and also such Part or Parts thereof as shall or may be so set apart or appropriated until the same shall be actually required for building such Cottages as before mentioned, shall be divided or parcelled out into small Allotments or Parcels, and let to the said resident Freemen and Freemen's Widows, in such Quantities or Sizes, and in such Way and Manner, and on such Terms and Conditions, as is herein-before authorized or directed with respect to the said Allotments and Lands comprised in the First Schedule to this Act annexed, to the Intent and so that each of such Allotments or Parcels shall or may be let to a resident Freeman or Freeman's Widow who shall not then be in the Possession of any other Allotment herein-before authorized to be let as aforesaid (except the same shall have been taken by him or her by public Auction as aforesaid), in case there shall be any such resident Freeman or Freeman's Widow who shall wish for or require the same; and that all the other or remaining Allotments or Parcels which shall not be let to such Freemen or Freemen's Widows under the Terms and Stipulations lastly herein-before mentioned shall be let by public Auction to such Persons and in such Way and Manner as herein-before mentioned and directed with respect to the unrequired Portion of the Allotments and Lands comprised in the First Schedule to this Act; and all the Provisions herein-before contained concerning the Allotments or small Inclosures herein-before authorized to be made of such last-mentioned Lands and Hereditaments, and the Manner and Terms of renting or letting the same, shall apply to the several Allotments or Inclosures herein-before authorized to be made of such newly purchased Lands and Hereditaments, and the Manner of renting or letting the same, or as nearly conformable thereto as may be.

No Sale or Exchange to be made without the Consent of a Majority of the Freemen and Freemen's Widows.

XXII. Provided always, and be it enacted, That no Sale to be effected under the Powers or Provisions of this Act shall be made, or is hereby authorized to be made, without the previous Consent of the major Part of the said Freemen and Freemen's Widows resident as aforesaid, and to be present and assembled at a public Meeting to be called for that Purpose by Advertisement, to be inserted in One or more of the Newspapers in general Circulation in the said Borough of *Leicester* for Three successive Weeks next before the Day to be announced for holding such Meeting, and which Meeting shall be held at some convenient Place within the said Borough to be named in such Advertisement; and at the same Meeting the Chairman for the Time being of or appointed by the said Deputies at their then last Meeting shall preside as the Chairman of that Meeting,

Meeting, and shall have a Second or casting Vote, in case of an Equality of Votes, including his own; and in case at any such Meeting a Poll shall be demanded by any Three Persons present, then such Meeting shall be adjourned by the Chairman until the following Day at the Hour of Nine o'Clock in the Forenoon, then to be held at the same Place, and at such last-mentioned Time and Place the Chairman of such Meeting shall open and proceed with such Poll, and shall enter or cause to be entered in a Book or Books the Names of every Freeman and Freeman's Widow who shall be qualified and desire to vote, and his or her Assent to or Dissent from any such Sale, and such Poll shall finally close at Five o'Clock in the Afternoon of such last-mentioned Day; and at the Close of every such Meeting, whether a Poll shall or shall not take place, a Memorandum shall be made in Writing, stating the Object of the Meeting, and the Assent or Dissent of the resident Freemen and Freemen's Widows then assembled to or from any such proposed Sale; and such Memorandum shall be signed by the Chairman presiding at such Meeting, and, when so signed, shall be deemed and considered as conclusive Evidence of the Validity and Regularity of every such Meeting, and of every or any such Assent or Dissent, for all Intents and Purposes whatsoever.

Monies now in hand, and hereafter to come into the Hands of the Deputies, to be paid over to the Treasurer.

XXIII. And be it enacted, That all Monies now in the Hands of the present Deputies under or by virtue of the first herein-before mentioned Act, and also all Monies which shall or may hereafter come into the Hands of or be received by the Deputies to be appointed as aforesaid under this Act, for or on account of any Rents or other Matter or Thing whatsoever relating to or for the Purposes of this Act, (subject to the Provisions herein-before contained respecting the Appropriation of the Monies which shall be received by the said Deputies from Time to Time from or on account of the Lands comprised in the Second Schedule to this Act, and which are to be exclusively applied in manner herein-before directed,) shall be forthwith paid over by them the said Deputies respectively for the Time being into the Hands of the Treasurer to be appointed under this Act, and shall be by such Treasurer from Time to Time laid out and invested on such Securities and in such Manner as the said Deputies for the Time being shall from Time to Time direct or appoint; and also that as well the said Sum of Four hundred and ninety-four Pounds Nineteen Shillings and Sixpence now standing in the Name of the Accountant General of the High Court of Chancery, "*Ex parte* the *Midland Counties* Railway Company," as herein-before mentioned, as also the Monies which shall or may arise from any Sale herein-before authorized to be made, and which are directed to be invested as aforesaid, and also all Monies now in the Hands of the said Deputies, and to be paid over by them to the Treasurer as aforesaid, and also all Monies which for the Space of Ten Years next after the passing of this Act shall or may be received by the Deputies for the Time being for or on account of any Rents or other Matters or Things under or by virtue of this Act, or the Provisions thereof, shall, (subject as last aforesaid,) after Payment and Deduction of all Expences attending the Receipt or getting in of such Monies, or otherwise relating thereto,) be applied and laid out

Monies in the Court of Chancery, and all other Monies to be received under the Act for Ten Years from the passing thereof, to be invested for the Purposes of the Act.

out from Time to Time, under the Direction of the Deputies for the Time being, in the Purchase of Lands or other Hereditaments of Freehold Tenure, to be situate in or near to the said Borough of *Leicester* or the Precincts or Liberties thereof, as herein-before authorized or directed; and the same Lands and Hereditaments, when so purchased, shall be conveyed and appropriated for the Purposes of this Act in the Manner herein-before mentioned: Provided always, that no Purchase of Lands or Hereditaments shall be made by the said Deputies under the Authority of this Act without the Consent of the major Part of the said resident Freemen and Freemen's Widows assembled at a public Meeting to be called for that Purpose, in like Manner in all respects as herein-before mentioned or directed to be observed with respect to a proposed Sale, and with a similar Memorandum as Evidence of the Validity and Regularity of every such Meeting, and of Assents or Dissents; provided also, that nothing herein contained shall authorize the Deputies to purchase a greater Quantity of Land than Twenty-five Acres with the Monies now in their Hands, or which shall hereafter come to their Hands under or by virtue of this Act or the Provisions thereof (save and except with the said Sum of Four hundred and ninety-four Pounds Nineteen Shillings and Sixpence now standing in the Name of the Accountant General of the Court of Chancery as aforesaid, and also with any Monies arising from any Sale herein-before authorized to be made).

After the Expiration of Ten Years all Rents and Monies received to be appropriated in the building and Endowment of Cottages, under certain Regulations.

XXIV. And be it enacted, That from and after the End or Expiration of Ten Years next after the passing of this Act all Rents, annual Revenue, and other Monies (except the Monies arising and to be received from any such Sales as aforesaid) which shall or may from thenceforth be had, received, collected, gotten in, or obtained, under the Powers or for the Purposes of this Act, by the said Deputies for the Time being, and also so much of the Monies which for the Space of Ten Years next after the passing of this Act shall or may be received by the Deputies for or on account of any Rents or other Matters or Things under or by virtue of this Act, or the Provisions thereof, as aforesaid, and which may not be required for the Purchase of the Lands hereby authorized to be purchased therewith, as aforesaid, shall from Time to Time be used, employed, and appropriated in the Manner and for the Purposes following; (that is to say,) for the building, fitting up, and Endowment of as many Cottages as the Amount of such Monies and annual Revenue will from Time to Time extend or be sufficient to build, fit up, and endow as herein-after mentioned, so as to leave a sufficient annual Sum or Income in hand for the Payment of the weekly Sums or Allowances next herein-after mentioned; (*videlicet*,) each Occupant of a Cottage so to be built as aforesaid (being a resident Freeman or Freeman's Widow as aforesaid) to have and receive, during his or her Residence or Occupancy therein, such a weekly Sum or Allowance from and out of the Revenue or annual Income of the said Estate or Property as the said Deputies for the Time being shall in their Discretion think fit, but so that no such weekly Sum or Allowance shall exceed the Sum of Four Shillings *per* Week, or be continued longer than the Residence of such Freeman or Freeman's Widow therein, and so that the

the weekly Sums paid to every Occupant shall be of the same Amount; and no greater Number of Cottages shall at any Time be built than the Funds or Income to arise from all or any of the Ways or Means aforesaid shall be sufficient to endow when built.

To whom the Cottages when built are to be let.

XXV. And be it enacted, That from Time to Time as and when any Cottage or Cottages shall be so built and fitted up as aforesaid the same shall be let by the said Deputies unto the most aged of the resident Freemen and Freemen's Widows of the said Borough of *Leicester* desiring and applying for the same, who shall have resided in the Borough of *Leicester*, or the Precincts or Liberties thereof, for a continued Space of Five Years next previously to his or her Application; and in case the Number of such resident Freemen and Freemen's Widows applying for the same Cottages shall exceed the Number of Cottages then vacant, then and in every such Case Preference shall be given to such resident Freemen and Freemen's Widows making such Application according to and regulated by their respective Ages and Seniorities: Provided always, that every resident Freeman or Freeman's Widow who shall obtain any such Cottage as aforesaid shall be entitled to keep and retain Possession thereof Rent-free, and to receive such weekly Allowance as aforesaid, during such Time and so long only as he or she shall actually and *bonâ fide* live and reside therein, and shall not underlet or otherwise part with the same, or the Use or Possession thereof, or of any Part thereof, to any other Person or Persons whomsoever; and in case any such Freeman or Freeman's Widow shall underlet or otherwise part with the Possession of any such Cottage as shall be so let to him or her, or shall cease to live and reside therein, or shall not conform to the Rules and Regulations to be from Time to Time made by the said Deputies for the well Government and good Conduct of the Inmates of such Cottages, or in case any Inmate shall, in the Opinion of the said Deputies, be guilty of any gross Misconduct or Disobedience to the said Rules, then and in every or any of such Cases it shall be lawful for the Deputies for the Time being, or for any Person or Persons for that Purpose to be duly authorized by them at any Meeting to be held under or by virtue of the Provisions of this Act, after having given to such Inmate, or left at the Cottage then or then lately occupied by him or her, a Notice in Writing, signed by the Chairman of the said Deputies, or by any Two of the Deputies for the Time being, demanding Possession thereof, and Default shall be made by such Inmate in giving up such Possession for the Space of Fourteen Days next after such Notice shall have been so given or left as aforesaid, to enter into and take possession of the Cottage then occupied or then lately occupied by any such Freeman or Freeman's Widow who shall so underlet or cease to reside, or shall not conform, or who shall be guilty of any such Misconduct or Disobedience as aforesaid, and by Force to expel and dispossess such Freeman or Freeman's Widow, and every or any other Occupant or Occupants, and his, her, or their Goods and Chattels, therefrom, and thenceforth to withdraw and stop the weekly Allowance which was previously payable to such Freeman or Freeman's Widow as Tenant of such Cottage, but subject nevertheless, as to the whole of the Matters lastly herein-before contained, to an Appeal to the

the Justices of the Peace for the said Borough of *Leicester* as hereinafter mentioned and provided for.

On the Death of a Freeman his Widow may continue in the Occupation of his Cottage, and receive his Allowance;

but if such Widow be under 70 Years of Age such Occupation, &c. to continue only for Six Months.

XXVI. And be it enacted, That on the Death of any Freeman in the Occupation of One of such Cottages as aforesaid, leaving a Widow him surviving, such Widow, in case she shall at the Time of her Husband's Decease be of the Age of Seventy Years or upwards, shall be entitled to keep and retain Possession of such Cottage, and to receive such weekly Allowance as aforesaid, in the same Manner, upon the same Terms, and subject to the same Conditions, Restrictions, and Liabilities, as are herein-before expressed and contained with respect to Cottages so let to the most aged of the resident Freemen and Freemen's Widows of the said Borough as aforesaid; but in case such Widow shall at the Time of the Decease of her Husband be under the Age of Seventy Years, then such Widow shall be entitled to occupy such Cottage, and to receive her deceased Husband's weekly Allowance, for the Space of Six Calendar Months only next after his Decease, and at the End of that Time the same Cottage shall be given up, and again let out in manner herein-before mentioned, and the said weekly Allowance shall cease to be payable to such Widow; and in case any such last-mentioned Freeman's Widow shall, on demand, refuse to give up Possession of any such Cottage as aforesaid, the said Deputies shall have the same Power of expelling and dispossessing her, and every other Occupant thereof, and his, her, or their Goods and Chattels, therefrom, as lastly herein-before provided.

Cottages to be relet as they become vacant under the prior Regulations.

XXVII. And be it enacted, That when and so often as any of the said Cottages shall become vacant, or revert to or come again into the Possession or be at the Disposal of the said Deputies, the same shall from Time to Time be relet by them to some other resident Freeman or Freeman's Widow who shall apply for the same, in the like Manner, and with the like Preference and the like weekly Allowance, as is herein-before mentioned or directed with respect to the first or original letting of such Cottage.

Deputies empowered to make Orders and Regulations, &c.

XXVIII. And be it enacted, That it shall be lawful for the said Deputies so to be from Time to Time appointed as aforesaid, or any Five or more of them, at any annual or General Meeting herein-before authorized or directed to be assembled and held as aforesaid, or at any adjourned Meeting or Meetings as herein-before mentioned, from Time to Time to make any such Orders, Rules, and Regulations, subject to the Provisions of this Act, as to them shall seem fit and expedient, for the well Government and good Conduct of the Inmates and Occupiers of the said Cottages, and for the Division, Inclosure, Allotment, and general Management of the said Lands hereby authorized or directed to be allotted or inclosed in small Parcels as aforesaid, and for the Mode and Manner of holding and letting the same, and the Rents to be paid for the same, and also for the stocking and depasturing or otherwise holding or occupying such Part or Parts of the Lands as are to be reserved for Pasturage, or subject to such Common of Pasture as aforesaid, and the Terms and Conditions on which the same shall be so stocked and depastured,

held, or occupied, and for the general Management, Ordering, and Regulation, as well of the said several Allotments, Lands, and other Hereditaments now or at any Time hereafter to become subject to the Provisions of this Act, as also of the several Cottages, Allotments, and small Inclosures or Gardens to be respectively built, made, or set out in pursuance hereof, and from Time to Time to repeal, alter, and amend any such Orders, Rules, and Regulations, and to make others, as to the Deputies for the Time being shall seem fit; all which Orders, Rules, and Regulations shall from Time to Time be observed and kept by the said Freemen and Freemen's Widows, and all other Persons interested in the Occupation and Use of the said Allotments, Lands, Inclosures, and Cottages, or any of them; and also that the said Deputies shall and they are hereby empowered and directed, from Time to Time, at any of their Meetings, or any Adjournment thereof, to appoint a fit and proper Person, who shall be an Inhabitant of the Town of *Leicester* aforesaid, to be an Overseer, in order to take care of all Repairs of Fences and Drains, and to prevent Trespass on the said Allotments, Lands, and Inclosures, either now or hereafter to become subject to the Provisions of this Act, and to overlook and see to the Management of the same; and the said Overseer is hereby authorized and empowered to distrain and impound the Cattle of any Person or Persons who shall turn in and depasture upon such Part or Parts of the same Allotments, Lands, Hereditaments, and Premises as shall or may be reserved as or for Pasture or Common of Pasture as aforesaid, a greater Number or a different Sort or Kind of Cattle than shall be allowed by this Act, or by the Deputies assembled at such Meeting or Meetings as aforesaid: Provided always, that it shall not be lawful for the Deputies to make any Order, Rule, or Regulation with respect to the stocking and depasturing of the Lands hereby reserved for Pasturage whereby any Freeman or Freeman's Widow shall be required to pay to the said Deputies a larger yearly Rent or Sum than Twenty Shillings for the Exercise or Enjoyment of any such Right of Pasturage or Common of Pasture as aforesaid; provided also, that no Rule or Regulation which shall or may at any Time be made by the Deputies under the Provisions of this Act, to be observed and kept by the said Freemen and Freemen's Widows as aforesaid, for the well Government and good Conduct of the Inmates and Occupiers of the said Cottages, or for the general Management, Ordering, and Regulation of the said several Allotments, Lands, and other Hereditaments, now or at any Time hereafter to become subject to the Provisions of this Act, shall be of any Force or Effect unless and until the same shall be approved of and confirmed by Her Majesty's Justices of the Peace for the said Borough for the Time being, or any Three or more of them, assembled at some Special or Petty Session to be holden within the said Borough.

Deputies empowered to appoint a fit Person to be Overseer.

Rules and Regulations not to be in force or effect until confirmed by Three or more of the Borough Justices.

XXIX. And be it enacted, That it shall be lawful for the said Overseer for the Time being, and he is hereby required, in case he shall have Reason to suspect that the Cattle so directed and authorized by this Act, and by the Deputies assembled at such Meeting or Meetings as aforesaid, to be put by such resident Freemen and Freemen's

Power for the Overseer to proceed in case any Cattle not the bonâ fide Property of

the Freemen are depastured.

Freemen's Widows into the Lands to be reserved for such Pasturage are not the *bonâ fide* Property of such resident Freemen or Freemen's Widows, to cause the Person or Persons who shall be the ostensible Owner or Owners of such Cattle to appear before some Justice of the Peace for the said Borough of *Leicester*, and there to make a solemn Declaration or an Affirmation before him as to the Ownership thereof; and in case of the Refusal of such Person or Persons to make the said Declaration or Affirmation, or, having made it, the Cattle not appearing to be his or her *bonâ fide* Property, the ostensible Owner or Owners of such Cattle shall thereupon for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the said Justice shall order and direct, for every Head of Cattle so unjustly put into such Lands; which Penalty shall be recoverable (together with the Costs and Charges of recovering the same) in a summary Way, by Warrant or Order of such Justice, and by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and shall be paid to the Treasurer of the said Deputies, and be applied by him for the general Purposes of this Act.

Allowance to Officers.

XXX. And be it enacted, That the said Deputies shall and they are hereby empowered, at any annual or General Meeting or Adjournment thereof, to direct such Allowance as they shall think reasonable to be made out of the Monies arising by virtue of this Act to every Clerk, Treasurer, and Overseer, or other Officer to be appointed under or in pursuance of the Provisions of this Act, for their Time, Trouble, and Attendance, or otherwise; and such Deputies shall and may from Time to Time, at any of their Meetings, (if they shall think proper,) discharge or remove any such Clerk, Treasurer, Overseer, or other Officer as aforesaid, and appoint another or others in his or their Stead.

Acts of Deputies not valid, unless done at Meetings held in pursuance of this Act.

XXXI. And be it enacted, That no Act of the said Deputies shall be deemed good, valid, or effectual, unless the same shall be done at a Meeting or Meetings to be holden in pursuance of this Act, or shall be done in consequence of and conformable to any Order or Resolution made or passed at any such Meeting; and all the Powers and Authorities by this Act granted to, or by this Act authorized to be done by, the said Deputies, or the Deputies for the Time being, at any of their Meetings, shall and may be exercised and done by the major Part of them who shall attend at such Meetings, the Number of such Deputies so attending not being less than Five; and all the Orders and Proceedings of the major Part of such Deputies present at such Meetings shall have the same Force and Effect as if the same were done by all the said Deputies; and at every Meeting of the said Deputies, and at every adjourned Meeting, the Deputies then present shall name and appoint a Chairman of such Meeting, and all Questions proposed or agitated at every such Meeting shall be decided and determined by the Majority of the Deputies then present; and in case of an equal Number of Voices or Votes of the said Deputies so assembled upon any such Question, including the Voice or Vote of the said Chairman, then the said Chairman shall have the casting and decisive Voice or Vote; and all the Acts, Orders, Rules, Regulations, Determinations, and Proceedings of the said Deputies

Chairman to be appointed at such Meetings.

at all their Meetings shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman, and such Entries, so signed, shall be sufficient and legal Evidence of such Acts, Orders, Rules, Regulations, Determinations, and Proceedings; but if at any such Meeting there shall not be a sufficient Number present to transact Business, it shall be lawful for the Clerk of the said Deputies to adjourn the said Meeting to any Day not later than the Seventh nor sooner than the Third Day next after the Day on which such Meeting was appointed to be holden, of which Adjournment Notice shall be forthwith given by the said Clerk to every Deputy in the Manner herein-before provided with respect to General Meetings of the said Deputies.

Deputies to have (in addition to the usual Powers) the like Powers for recovering Rents as Overseers have for Recovery of Poor Rates.

XXXII. And be it enacted, That the said Deputies for the Time being shall and may have, and they are hereby authorized and empowered to use and exercise, (in addition to and besides the usual Powers and Remedies by Law given to Landlords for recovering Rent in arrear,) such and the like Powers, Remedies, and Authorities for recovering and enforcing the Rent or Rents payable under or by virtue of this Act for or in respect of any Inclosure or Allotment so let or agreed to be let as herein-before mentioned (and whether the same shall have been let by Auction as aforesaid or otherwise) as the Overseers of the Poor of any Parish, Township, or Place in *England* now have or hereafter may have for the recovering or enforcing Payment of the Poor Rates, or any Part thereof; and also that in case any such Freeman or Freeman's Widow shall at any Time be in arrear in Payment of his or her Rent for the Allotment or Inclosure to be let to him or her as aforesaid, or any Part thereof, (and whether the same shall have been let to him or her by Auction as aforesaid, or otherwise,) for the Space of Fourteen Days next after the same shall become due, or shall not conform to the Provisions of this Act, or to the Orders, Rules, and Regulations to be made by the said Deputies relative thereto, as herein-before mentioned, then and in either of such Cases it shall be lawful for the said Deputies, or their Officers, or others to be thereunto authorized by them, or any Three or more of them, to re-enter into every such Allotment or Inclosure, and by Force to evict and dispossess such Freeman or Freeman's Widow, and every other Person or Persons, therefrom, upon such Notice, and in such Way and Manner, and subject to such Appeal, as herein-before and herein-after mentioned with respect to the said Cottages.

Power for Deputies to recover Possession of Allotments let by Auction.

1 & 2 Vict. c. 74.

XXXIII. Provided always, and be it enacted, That, with respect to the Allotments which may be from Time to Time let by Auction under the Authority of this Act as aforesaid, the said Deputies for the Time being shall have (in addition to the Powers and Authorities given to them by this Act) all the Powers for recovering Possession of the same which are given and contained in an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy*, and the Deputies for the Time being shall for that Purpose be deemed to be the Landlords of the Allotments sought to be recovered, and the Notices required by the said last-mentioned

mentioned Act may be signed and given by the Deputies for the Time being, or any Two or more of them.

Tender of Amends.

XXXIV. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding, and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Deputies to be rated to Poor and other Rates.

XXXV. And be it enacted, That the Deputies for the Time being shall from Time to Time and at all Times hereafter be assessed and rated, by the Name of "The Deputies of the resident Freemen and Freemen's Widows of the Borough of *Leicester*," towards all Rates to be made for or in respect of the Allotments, Closes, and Lands mentioned and specified in the Schedules to this Act, and also for or in respect of all Lands which may hereafter be purchased under the Provisions of this Act, instead of the actual Occupiers thereof; and the Deputies for the Time being shall from Time to Time be liable to pay all such Rates in respect of such Allotments, Closes, and Lands, and shall be liable to all such Proceedings for Recovery of such Rates, as if they were the actual rated Occupiers of such Allotments, Closes, and Lands; and any Summons, Order, or other Proceeding in reference thereto may be delivered to or served upon any Two or more of the Deputies for the Time being, or the Clerk of the Deputies for the Time being.

Deputies to enter in a Book a true Account of all their Receipts and Payments, and to lay the same before succeeding Deputies.

XXXVI. And be it enacted, That the Deputies to be appointed by virtue of this Act shall and they are hereby required to enter in a Book to be provided for that Purpose (which Book shall be kept by their Clerk for the Time being) a true and particular Account of all Sums of Money which they shall respectively receive from Time to Time under or by virtue of the Powers or Provisions of this Act, and of the Rents and other Monies had, received, or got in, or to be had, received, or got in, by them, in pursuance of this or of the said first-recited Act, and also of all Monies which they shall from Time to Time expend in or about the Execution of such Powers or Provisions, or any Matter or Thing relating to such their Office as aforesaid, stating therein the specific Purposes to which such Monies shall have been applied; which said Accounts, together with the Vouchers relating to the same, shall, at the first Meeting of the succeeding Deputies which shall be held next after the Expiration of the Year for which such retiring Deputies shall be appointed to act, be laid before such succeeding Deputies, to be by them examined and audited, and the Balance thereof clearly stated; and no Charge or Payment whatever shall be defrayed or deducted out of the Rents or other

other Monies to arise under the Provisions of this Act, unless the same Charge or Payment shall be allowed by such succeeding Deputies as aforesaid, subject nevertheless to an Appeal to the Justices of the said Borough in manner herein-after mentioned and provided for, nor shall any Fee or Allowance whatever be made or given thereout to the said Deputies for their Trouble, Attendance, or Expences in executing the Powers hereby vested in them.

Deputies to take Security from all Officers intrusted with Money.

XXXVII. And be it enacted, That the said Deputies for the Time being shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Deputies shall from Time to Time require, all Sums of Money which shall be by them respectively received for any of the Purposes of this Act, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Deputies so to do, of all Monies by them respectively received, collected, or paid for the Purposes of this Act, and when, of whom, and for what the same were so received, collected, or paid.

Officers to account.

XXXVIII. And be it enacted, That every Officer appointed or employed by the said Deputies by virtue of this Act shall from Time to Time, when required by the said Deputies, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the said Deputies, or under or by virtue of the Provisions herein contained; and such Account shall state how, when, and of whom such Monies have been received, and to whom and for what Purpose such Monies have been paid or disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the said Deputies, or to any Person appointed by them for that Purpose, all Monies which shall appear to be owing from him upon the Balance of such Account.

Summary Remedy against Officers failing to account.

XXXIX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Deputies, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Deputies, then, on Complaint thereof being made to any Justice of the Peace acting for the Jurisdiction within which such Officer may be or be suspected to be, such Justice shall summon such Officer to appear before Two or more Justices of the Peace, at a Time and Place to be set forth in such Summons, to answer such Charge, and upon the Appearance of such Officer, or in his Absence, upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust

adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Deputies are in the Hands of such Officer, or owing by him to the Deputies, such Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or, in default thereof, to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Calendar Months, unless the same be sooner paid.

If Officers refuse to deliver up Documents, &c., Justices may commit them.

XL. And be it enacted, That if any such Officer refuse to make out such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Deputies, such Justices may lawfully commit such Offender to Gaol, there to remain until he have delivered up all the Vouchers and Receipts (if any) in his Possession or Power relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things (if any), in his Possession or Power, belonging to the Deputies.

Where Officer about to abscond, Warrant may be issued in the first instance.

XLI. Provided always, and be it enacted, That if any Deputy, or other Person acting on behalf of the Deputies, shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before such Two Justices as aforesaid, but no Person executing such Warrant shall keep such Officer in custody longer than Twenty-four Hours without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought either to discharge such Officer, if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in custody so as to be brought before Two Justices, at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Justice, for his Appearance before such Justices, to answer the Complaint of the Deputies.

Sureties not to be discharged.

XLII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Deputies of any Remedy which they might otherwise have against such Officer, or any Surety of such Officer.

Deputies to give up their Books on retiring from Office, and pay over Balance.

XLIII. And be it enacted, That the said Deputies (including the present Deputies) shall from Time to Time, within Seven Days next after the Election of new Deputies, give up and deliver unto such succeeding or new Deputies all the Books, Accounts, Deeds, Papers, Documents, and Writings, and also pay over all or any Sum or Sums of Money, then in the Hands, Custody, or Power of such retiring Deputies under or by virtue of the Provisions of this Act.

XLIV. And

On Neglect or Refusal Justices to summon Defaulters.

XLIV. And be it enacted, That in case such last-mentioned Deputies, or any or either of them, shall neglect or refuse to deliver up all or any of such Books, Accounts, Deeds, Papers, Documents, and Writings, or to pay over any such Sum or Sums of Money in their or his Hands unto the new or succeeding Deputies for the Space of Three Days next after Notice in Writing for that Purpose shall have been given by the Chairman or any Two of the Deputies for the Time being, then and in any or either of such Cases, and at any Time after the Expiration of the said Three Days, it shall be lawful for the Deputies for the Time being, or any Two or more of them, to apply to any Justice of the Peace for the said Borough of *Leicester*, who shall thereupon issue a Summons under his Hand requiring such old Deputy or Deputies so making default as aforesaid, or any or either of them, to appear before any Two or more Justices of the Peace for the said Borough, at any of their Special or Petty Sessions to be holden within the said Borough; and if such old Deputy or Deputies so making default, and being so summoned as aforesaid, shall fail to attend or appear in obedience to such Summons, or shall refuse to be examined on such Appearance, then and in such Case it shall be lawful for the said Justices to proceed in the hearing and Determination of the Matters so to be referred to them, in the like Manner as if such last-mentioned Deputy or Deputies had appeared and assented thereto.

Power to Justices to enforce same.

XLV. And be it enacted, That if upon any such Hearing it shall appear to the said Justices that there is or are any Sum or Sums of Money then unaccounted for by or remaining in the Hands of such Deputy or Deputies so summoned as aforesaid, or any or either of them, then and in such Case (unless such Sum or Sums of Money shall be forthwith paid) the said Justices shall and they are hereby authorized and required to issue a Warrant of Distress against the Goods and Chattels of the Person or Persons in whose Hands any such Sum or Sums of Money may be then found to be, or who, in the Opinion of such Justices, ought to have accounted for and paid over the same as aforesaid, in order to levy, raise, and recover such last-mentioned Sum or Sums of Money, and all Expences attending the same; and the Distress or Distresses, when taken, shall (in case the Money so to be raised thereby shall not be sooner paid and discharged) be sold and disposed of according to Law in such Manner as is usual in like Cases; and the Proceeds of such Sale or Sales shall (after Payment of all Expences attending the same) be paid and applied, in the first place, in or towards the Payment and Satisfaction of such Sum or Sums of Money so ordered and directed by the said Justices to be raised and paid as aforesaid, and the Surplus (if any) of such Proceeds shall be then paid over unto the Person or Persons against whom, or against whose Goods and Chattels, such Distress or Distresses shall have been so issued; and if it shall appear, upon any such Hearing as aforesaid, that any Books, Accounts, Deeds, Papers, Documents, or Writings relating to the said Allotments, Lands, and Premises, or the Rents or Revenues thereof, are then in the Hands, Custody, or Power of any or either of the Persons so summoned as aforesaid, such Justices shall and they are hereby authorized

authorized and required to issue a Warrant or Warrants under their Hands to seize and take forcible Possession of such Books, Accounts, Deeds, Papers, Documents, and Writings, and every or any of them, wheresoever the same may be found; and no Person or Persons executing or acting under such Warrant or Warrants of Distress or Seizure as aforesaid shall be prejudiced or rendered liable to Damages for any Matter or Thing done by such Person or Persons in pursuance thereof.

Appeal to the Justices of the Borough.

XLVI. And be it enacted, That if any Person shall think himself or herself aggrieved by any Matter or Thing done or ordered to be done by the said Deputies in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Deputies are directed by this Act to be binding and conclusive upon all Parties) he or she may appeal, within Fourteen Days next after the Cause of Complaint shall have arisen, to the Justices of the Peace for the said Borough for the Time being, at any of their Special or Petty Sessions to be holden within the said Borough (Notice in Writing of which Appeal shall be given by the Party complaining to the said Deputies, or any Two or more of them, Seven clear Days before the Special or Petty Sessions at which such Complaint shall be heard or intended to be heard); and the said Justices, or any Three or more of them, are hereby authorized and required, at any of their Special or Petty Sessions, to hear and determine the Matter of every such Appeal, and to adjourn the hearing of such Appeal from Time to Time, and to make such Order therein, and to award such Costs to either the Appellant or Respondent, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, on demand, after deducting the reasonable Charges of every such Distress and Sale, which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record.

Mode of recovering Penalties.

XLVII. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against, and on the Return of such Summons for any Justice or Justices to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same.

Forms of Information

XLVIII. And be it enacted, That all Justices of the Peace before whom any Person informed against shall be convicted of or in any

any Offence against this Act may cause the Information and the Conviction respectively to be drawn in the Form following, or in any other Form to the same Effect, as the Case may require; (that is to say,) and Conviction.

'} BE it remembered, That on the Day of
' to wit. in the Year of our Lord
'*A.B.* of informeth me, One of Her Majesty's Justices
'of the Peace for that of
'[*here describe the Offence, with the Time and Place when and where*
'*committed*], contrary to an Act passed in the Year of the
'Reign of Her Majesty Queen *Victoria*, intituled [*here insert the*
'*Title of this Act*], which hath imposed a Forfeiture of
'for the said Offence. Taken the Day of
'before me, *C.D.*'

'} BE it remembered, That on the Day
' to wit. of in the Year of our Lord
'*A.B.* is convicted before me *C.D.*, One of Her Majesty's Justices
'of the Peace for for that the said *A.B.* did on [*here*
'*describe the Offence generally, and the Time and Place when and*
'*where committed*], contrary to an Act passed in the Year
'of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert*
'*the Title of this Act*]; and I do therefore adjudge that the said
'*A.B.* hath forfeited for the said Offence the Sum of .
'Given under my Hand and Seal, the Day and Year first above
'written.'

XLIX. And be it enacted, That all the Costs, Charges, and Expences of or attending the preparing, applying for, and passing this Act, or in any way relating or incidental to the same, and also the Expences attending the breaking up, dividing, allotting, and letting the said Lands, or any of them, in pursuance of the Powers and for the Purposes herein-before expressed, and also the Costs and Expences of keeping in repair the Cottages to be built as herein-before mentioned, and all other Costs, Charges, and Expences whatsoever incidental to and from Time to Time to be incurred or sustained by the said Deputies, or any Officer to be appointed by them, in carrying out the several Provisions of this Act, or any other Matter or Thing relating or incidental thereto, and also all Monies which the said Deputies for the Time being shall pay or be liable to pay, under or by virtue of the Provisions of this Act, for or in respect of any Rate, Tax, or other Charge in or to which they may be assessed or rated, shall (subject to the Provisions herein-before contained respecting the Appropriation of the Monies received by them from Time to Time from or on account of the Lands comprised in the Second Schedule to this Act) be defrayed and paid by the Deputies for the Time being from and out of the Monies now in their Hands, or out of the Monies which may from Time to Time come into the Hands of the said Deputies, or their Treasurer, in pursuance of or under or by virtue of this Act or the said first-recited Act; and they the said Deputies are hereby authorized and empowered to pay and disburse and reimburse such Costs, Charges, and Expences thereout accordingly. For paying the Expences of the Act.

This Act not to extend to incorporate the Deputies.

L. Provided always, and be it enacted, That nothing herein contained shall extend to incorporate the said Deputies, except with respect to the Powers hereby given to them to accept, take, and hold, in the Nature of a Body Corporate, for the Purposes of this Act, the Closes, Lands, and Hereditaments comprised in the Two several Schedules to this Act, and also the Lands and Hereditaments which may be purchased as herein-before mentioned.

General Saving.

LI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Persons and Person, and Corporation, whether sole or aggregate, and to their, his, and her Heirs, Executors, Administrators, and Successors, (other than and except the resident Freemen and Freemen's Widows of the said Borough of *Leicester* for the Time being, and their Successors, and all Persons claiming or to claim through or under or in trust for them or any of them respectively, and other than and except in the Cases expressly provided for by this Act,) all such Estates, Rights, Titles, and Interests of, in, or to the Allotments, Lands, and Hereditaments mentioned and comprised in the Two several Schedules to this Act annexed, as they, every or any of them, had, held, or enjoyed, or were entitled to have, hold, or enjoy, before the passing of this Act, or could, might, or ought to have held or enjoyed in case this Act had not been passed.

Act as printed by Queen's Printers to be Evidence.

LII. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (No. 1.)

A Close of Pasture Land called by the Name of the Front Close, containing Forty-six Acres and Thirty Perches or thereabouts, and bounded Westwardly by the Turnpike Road leading from Lutterworth to Leicester.

A Close of Pasture Land called by the Name of the Saffron Lane Field, adjoining the last-described Close, and containing Thirty-four Acres One Rood and Twenty-four Perches or thereabouts, and bounded Westwardly by Saffron Lane.

A Close of Pasture Land called by the Name of the Bull Piece, containing Two Acres One Rood and Twenty-four Perches or thereabouts, and bounded Eastwardly by Saffron Lane aforesaid.

A Close of Meadow Ground (formerly divided into Two Closes) called by the Name of the Mary's Mill Flood Gate Meadow or the Folly, containing Two Acres Three Roods and Fifteen Perches or thereabouts, and bounded Westwardly by the River Soar, and comprised in and conveyed by the said above in part recited Indentures of Lease and Release of the First and Second Days of *September* One thousand eight hundred and twenty-three.

A Close of Land called by the Name of the Four Acres, containing Four Acres One Rood and Twenty-five Perches or thereabouts, and bounded Northwardly by the Close of Land called the Large Meadow, herein-after described and comprised in the Second Schedule to this Act.

A Close of Land called by the Name of Saint Mary's Mill Meadow, containing Five Acres and Twenty-seven Perches or thereabouts, adjoining the Close of Land lastly above described, and bounded Westwardly by a Branch of the River Soar, and which said Two last-described Closes are comprised in and conveyed by the above in part recited Indenture of Release of the Fourth Day of February One thousand eight hundred and forty-two.

SCHEDULE (No. 2.)

A Close of Pasture Land called by the Name of the Home Close, with the Buildings thereon, containing Eleven Acres Two Roods and One Perch or thereabouts, and bounded Eastwardly by the said Turnpike Road leading from Lutterworth to Leicester.

A Close of Land called by the Name of the Large Meadow, containing Twenty-five Acres Two Roods and Eight Perches or thereabouts,

abouts, and bounded Eastwardly by the Close of Pasture Land last above described; and which Two Closes of Land herein-before described and comprised in this Schedule, together with the Three Closes of Pasture Land first above described and comprised in the said First Schedule, and the Land taken by the said Railway Company, comprise the whole of the Allotments so made to the said resident Freemen and Freemen's Widows by the Award of the said Commissioners under and by virtue of the first-recited Act.

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