



ANNO QUADRAGESIMO PRIMO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 83.

An Act for repairing and widening the Road from the Town of *Rugby* in the County of *Warwick*, to join the Turnpike Road leading from *Lutterworth* to *Market Harborough* in the Counties of *Leicester* and *Northampton*. [20th June 1801.]

**W**HEREAS the Roads leading from the Town of *Rugby*, through the Parishes of *Rugby* and *Clifton upon Dunsmore* in the County of *Warwick*, and through the Parishes of *Catthorp*, *Swinford*, *Stanford upon Avon*, *South Kilworth*, and *North Kilworth*, in the County of *Leicester*, to the Turnpike Road between *Lutterworth* and *Market Harborough* in the Counties of *Leicester* and *Northampton*, are in a bad and ruinous Condition, unfit for Carriages, and oftentimes dangerous to Travellers passing thereon, and cannot be effectually repaired and kept in good Condition by the Methods prescribed by Law; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees of the *Rugby* Charity, founded by *Lawrence Sheriff* Grocer, of *London*, and every of them for the Time being, the Reverend Sir *Charles Wheler*, Sir *Theophilus Biddulph*, Baronets; *Grey Skipwith*, *Trevor Wheler*, *Henry Otway*,  
[Loc. & Per.] 17 O *Abraham*

Preamble.

Trustees.



*Abraham Grimes, John Shuckburgh, Francis Fortescue Turville, Jacob Turner, Abraham Caldecott, Abraham Humm, Robert Marriott, George Wharton Marriott, Thomas Belgrave; Thomas Clare, Henry Ingles, Doctors in Divinity; the Reverend John Biddulph, William Wheler, Samuel Purefoy Harpur, John Sleath, Henry Bromfield, William Birch, Richard Rous Bloxam, Philip Homer, Christopher Moor, Charles Chambers, John Parker, Thomas Smith, Robert Smith, Charles Warre, Clerks; William Chambers, John Caldecott, James Hoare, Christopher Moor, Marston Buzard, James Floyd, John Hill, Thomas Clarke, William Porter, John Wall, William Townsbend, William Luck, John Smith, Jonathan Compton, John Garner, Jeremiah Duffkin, William Butlin, Thomas Voile, William Sutton, James Parsons, Samuel Bucknill, Philip Williams, Edward Fosbrook, and Thomas Walker, shall be, and they and their Successors to be elected in Manner hereinafter mentioned, are hereby appointed Trustees for putting this Act into Execution.*

For electing  
new Trustees.

Qualification  
of Trustees.

II. And be it further enacted, That when any Trustee shall die, or by Writing under his Hand, delivered to the Clerk of the said Trustees, shall refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at their Annual General Meeting to be held as herein-after directed, by Writing under their Hands, to elect and appoint any other Person to be a Trustee in the Room of the Trustee so dying or refusing to act; and every Person so appointed shall be a Trustee for putting this Act into Execution: Provided nevertheless, and it is hereby enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act whilst he holds any Place of Profit under this Act, nor unless he shall, at the Time of acting, be seised or possessed in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, or possessed or entitled to a Personal Estate of the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds; nor (except in administering the Oath or Affirmation following) until he shall have taken and subscribed, before any Two or more of the said Trustees, (who are hereby authorized to administer the same), an Oath or Affirmation in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear [*or being one of the People called Quakers, do solemnly affirm*] that I am truly and *bonâ fide* in my own Right [*or in the Right of my Wife*] in the actual Possession or Enjoyment [*or Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds, above Reprizes [*or am possessed of or entitled to a Personal Estate of the Value of Eight hundred Pounds, or am the Heir of A. B. who to the best of my Knowledge is seised of Lands, Tenements, or Hereditaments of the clear yearly Value of Eighty Pounds.*]

‘ So help me GOD.’

And if any Person, not being so qualified, shall presume to act in the Trust aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue



sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoin, Protection, or Wager of Law, or more than one Impar lance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of this Act.

III. And be it further enacted, That the said Trustees, or any Five or more of them; shall meet together on *Thursday* the Eighteenth Day of *June* One thousand eight hundred and one, at the House of *John Lambley*, known by the Sign of the *Spread Eagle*, in the Town of *Rugby* in the County of *Warwick*, and proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to meet there, or at such other Time and Place near the said Road as the said Trustees, or any Five or more of them, being the major Part then and there present, shall think proper; and if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, or in case the Trustees at any Time assembled shall not adjourn themselves, then the Clerk to the said Trustees shall, by Notice in Writing to be affixed on all the Turnpike Gates which shall be erected by virtue of this Act, adjourn the Meeting to such Time and such Place in or near the said Road as he shall think fit, not exceeding the Distance of Twenty-one Days from the Time of the last Default; and in case no Adjournment, Notice, or Appointment for Meeting shall be made or given by the Clerk, then it shall be lawful for any Three of the Trustees to cause Notice in Writing to be affixed on all the Turnpike-Gates, appointing the Trustees to meet at such Time and such Place near the said Road as they the said Three Trustees shall think proper, not exceeding Fourteen Days nor being less than Six Days from the Time of affixing such Notice; and the Trustees shall at all their Meetings defray their own Charges; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as is herein-after mentioned,) and that no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only such Cases where they shall be personally interested; and in all Cases where Cognizance of any Matter is given by this Act to any Justice or Justices of the Peace, it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons for more certain Information in the Matter depending; and in all Cases where the said Trustees are hereby authorized to bring or institute any Action or Actions at Law, the same shall and may be brought or instituted in the Name of the Treasurer, or Clerk to the said Trustees.

Time and  
Place of  
Trustees  
Meeting.

Trustees to  
defray their  
own Charges.

All Orders,  
&c. to be  
made at  
Meetings.

Trustees may  
act as Justices.

Actions may  
be brought  
by the Treas-  
urer or  
Clerk.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold one Annual Meeting at some Publick House, in the Town of *Rugby*, upon the Third *Tuesday* in *August* in every Year, which shall be called "The General Annual Meeting of Trustees;" and at such Meeting it shall be lawful for the said Trustees, or any Five or more of them, to audit the Annual Accounts of the Clerk, Treasurer, Surveyor,

Time of hold-  
ing General  
Annual  
Meetings.



and Collectors of Tolls employed in the Receipt or Expenditure of any of the Monies belonging to the said Road, after such Accounts shall have been previously inspected and examined by the Trustees, some or one of them, pursuant to the Directions herein-after given; and to examine any such Clerk, Treasurer, Surveyor, or Collector, relating to their Accounts, upon Oath (which Oath the said Trustees, or any Five or more of them, are hereby empowered to administer), and then and there to pass such Accounts, or so much thereof as they shall think proper; and to choose new Trustees in the Room of such as shall be dead, or have refused to act in Manner hereinbefore mentioned, and to do such other Matters and Things (besides the ordinary Business of the Trust, which shall at any such Meeting occur) as herein-after directed to be done at General Meetings.

Trustees may  
erect Toll-  
Gates.

And be it further enacted, That the said Trustees, or any Five or more of them, assembled at their First Meeting, or at any Annual General Meeting, shall and may cause to be erected One or more Toll-Gate or Toll-Gates in, upon, or across any Part or Parts of the said Roads, and upon the Side or Sides thereof; and also across any Lane or Way leading into the same; and may also erect or provide any Toll-House, with suitable Out-Buildings at or near each Turnpike, and may, from Time to Time afterwards, at their Annual General Meetings, remove, alter, or discontinue the Turnpikes or Toll-Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and that the respective Tolls following shall be demanded and taken at every such Turnpike of the Person or Persons attending any Cattle or Carriage by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through the same: (that is to say),

Tolls.

For every Coach (Berlin, Landau, Chariot, Calash, Hearse, Chaise, or Phaeton, Whiskey or Chair, drawn by more than Two Horses or other Beasts of Draught the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught the Sum of One Shilling; and drawn by One Horse or other Beast of Draught the Sum of Sixpence:

And for every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches; and drawn by Six or more Horses or other Beasts of Draught the Sum of One Shilling and Sixpence; and drawn by Five Horses or other Beasts of Draught the Sum of One Shilling and Two-pence; and drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Sixpence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, and drawn by Four or more Horses or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses,



Horses, or other Beasts of Draught, the Sum of Ten-pence; and drawn by One Horse, or other Beast of Draught, the Sum of Eight-pence:

And for every Horse, Mare, Gelding, Mule, or Afs, laden or unladen, and not drawing, the Sum of One Penny:

And for every Score of Oxen, Cows, or Neat Cattle, the Sum of Twelve-pence; and so in Proportion for any greater or less Number:

And for every Score of Calves, Swine, Sheep, or Lambs, the Sum of Eight-pence; and so in Proportion for any greater or less Number.

Which said respective Tolls it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, as occasion shall require, to divide and apportion in such Parts, Shares, and Proportions, and to order, direct, and appoint the same respectively to be paid at such Toll-Gates, or Turnpikes, and Side-Gates, as they shall think proper; and the said respective Tolls shall be payable and paid according to the Order, Direction, and Appointment of the said Trustees, and in no other Manner; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector appointed to receive the same, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the said Collector by himself, or taking such Assistance as he shall think necessary, to seize and distrain any Horse, or Cattle, or Beasts, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage upon which such Tolls is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of keeping the same, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Cattle, Beast, or Carriage, so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money, (if any,) and what shall remain unfold, upon Demand, to the Owner thereof.

On Non-payment of Tolls, they may be recovered by Distress.

VI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress, it shall be lawful for the Collector, or Person distraining, to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls or Charges of such Distress shall be ascertained by some Justice of the Peace for the County in which the Matter in dispute shall happen; who, upon Application to him made for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Tolls due, and also assess the Charges of such Distress, and of the Collector's Attendance for that Purpose upon the said Justice, all which Sums, so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress, or Overplus, or any Part thereof.

Disputes concerning Tolls to be settled by a Justice.

VII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching, or in anywise relating to the said Tolls, the Person or Persons acting by or under the Authority of the said Trustees, shall be competent to give Evidence in any such Dispute, Suit, or Litigation.

Collectors competent Witnesses.

[Loc. & Per.]

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VIII. Pro-



Tolls to be  
paid but  
once a Day,  
nor more  
than One  
Toll paid for  
all the Gates.

VIII. Provided also, and be it enacted, That no Person or Persons shall be subject to the Payment of any Toll hereby granted more than Once in any one Day, (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night,) for passing and repassing with the same Horse, Cattle, or Carriage, through the same Gate or Turnpike, nor more than one full Toll for passing and repassing in the same Day, (to be computed as aforesaid) through all the Gates or Turnpikes erected by virtue of this Act, such Person or Persons producing a Ticket that the said Toll has been paid, as is before directed, and which Tickets the Collector and Collectors is, and are hereby required to deliver *gratis* on Receipt of such Toll.

Turnpikes,  
&c. vested in  
the Trustees.

IX. And be it further enacted, That the Right and Property of all the Turnpikes, Bars, Rails, and Fences, Toll-Houses, and Buildings, that shall be erected or provided by virtue of this Act, and of all Materials to be provided for any the Purposes of this Act, shall be vested in the Person or Persons who, for the Time being, shall be appointed Treasurer or Treasurers by the said Trustees, as herein-after is directed; and he and they is and are hereby empowered to sell, assign, apply, and dispose of the same as Occasion shall require, and as the said Trustees shall from Time to Time order and direct; and under the like Order and Direction to bring, or cause to be brought, any Action or Actions, or to prefer and prosecute any Indictment or Indictments, against any Person or Persons who shall dig up, break, pull down, steal, take, or carry away, spoil, injure, or destroy the same, or any Part thereof, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act.

No Toll-  
Gates to be  
removed  
without Con-  
sent of the  
Creditors.

X. Provided always, and be it further enacted, That no Toll-Gate that shall be erected by virtue of this Act, shall be removed by Order of the said Trustees, or any of them, without the Consent of the major Part in Value of the Creditors upon the said Tolls, assembled at a Meeting for that Purpose to be held, in pursuance of a previous Notice in Writing, of Twenty-one Days at the least, to be given by the Clerk of the said Trustees, and to be fixed on all the Toll-Gates then erected.

Power to  
enforce Pay-  
ment of the  
Monies sub-  
scribed.

XI. Provided always, and be it further enacted, That, if the several Persons who have become Subscribers towards the Expences of obtaining and passing this Act, and carrying the same into Execution, or any of them, or any Person or Persons who shall hereafter become a Subscriber or Subscribers for the Purposes aforesaid, shall, after Twenty-one Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling-House, or usual Place of Abode, refuse or neglect to make Payment of the respective Sums of Money by him, her, or them so subscribed or agreed to be subscribed as aforesaid, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring, or cause to be brought, any Action of Debt, Plaint, or Suit, against the Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and such



Notice being given as last aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid as aforesaid, shall be recovered with full Costs of Suit.

XII. And be it further enacted, That out of the first Money arising by the Tolls or Duties which shall be collected by virtue of this Act, or out of the Money which shall be collected by virtue of this Act, or out of the Money which shall be borrowed on the Credit thereof, the said Trustees, or any Five or more of them shall, in the first Place, pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Person or Persons who shall pay or advance the Money necessary for those Purposes, shall be entitled to, and be paid out of the Tolls or other Monies as aforesaid, Interest for the Money so paid or advanced, after the Rate of Five Pounds *per Centum per Annum*, from the Day of the passing of this Act, until the same shall be paid and satisfied; and the Remainder of the Monies so to be raised shall, from Time to Time, be applied in putting this Act into Execution, and in repaying the principal Monies by this Act charged or borrowed, and the Interest due or to grow due thereupon.

Application  
of the Monies  
borrowed.

XIII. And be it further enacted, That the said Trustees or any Five or more of them, may and are hereby empowered from Time to Time as they shall think proper, to lessen, vary, or alter all or any of the Tolls hereby granted at all or any of the said Toll-Gates and Turnpikes, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of the several Persons who shall be entitled to Two Third Parts of the Money then due on the Credit of the Tolls: But no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same on all the Turnpikes then erected across the said Road, at least Fourteen Days before the Meeting for making such Reduction.

Tolls may be  
lessened.

XIV. Provided also, and be it further enacted, That none of the Tolls hereby granted or made payable, shall be demanded or taken for any Horse or other Beast, or any Carriage employed in carrying or conveying Stones, Bricks, Lime, Wood, Gravel, or any other Materials for repairing the said Road, or for erecting, altering, or repairing any Bridge, or Toll-House, or Toll-Gate on the said Road, or for repairing any of the Highways in the Parishes or Townships in which the said Road doth lie, or in carrying or conveying any Dung, Mould, or Compost for the Manure and Improvement of Land or Hay, Corn in the Straw, or other Produce of Lands to be laid up in the Houses, Out-Houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes or Townships aforesaid, such Hay, Corn, or other Produce being the Produce of Grounds lying within such Parishes or Townships respectively, or any Ploughs, Harrows, or other Implements of Husbandry belonging to such Inhabitants respectively; nor shall any of the Tolls hereby granted or made payable, be demanded or taken from any Person or Persons residing in the said Parishes or Townships, who shall pass on *Sundays* or Holidays through any of the said Toll-Gates or Turnpikes to or from Church, Chapel, or any other Place of Religious Worship in the

Exemption  
from Toll.



the same Parish, or when attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes in which the said Road doth lie; nor for any Horses, Mares, Geldings, or Cattle going to or returning from Work in cultivating the Lands or Grounds within such Parishes or Townships, or going to or returning from Pasture or Watering Places, (provided that such last-mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water or Pasture from one Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the said Road more than the Space of Two Miles in going to or returning from Water or Pasture;) nor for any Horses or Carriages of whatsoever Description which shall be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for or in respect of any Horses belonging to Officers or Soldiers upon their March or upon Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or carrying any wounded, sick, or disabled Officers or Soldiers; nor for any Horses, Carts, or Carriages employed in carrying or conveying Vagrants sent by legal Passes; nor for any Horses or Carriages carrying any Elector or Electors to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the respective Counties of *Warwick* and *Leicester*: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid not being entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on  
Persons  
avoiding the  
Tolls.

XV. And be it further enacted, That if any Person or Persons shall go or pass with any Horse, Cattle, or Beast through any Land or Ground lying by the Side of or near any of the Turnpikes which shall be erected by virtue of this Act (the same not being a Common Road) with Intent to avoid the Payment of the said Tolls or any Part thereof, or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, or Beast to pass through the same with such Intent as aforesaid, or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive of any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of any or any Part of the said Tolls, or shall forcibly or wilfully pass through any such Toll-Gate, or take off any Horse or Beast of Draught, or unload any Goods, or do any other Act in order or with Intent to avoid the Payment of the said Tolls or any Part thereof, such Persons and every of them shall for each such Offence forfeit any Sum of Money not exceeding Five Pounds nor less than Forty Shillings at the Discretion of the Justices before whom such Offender shall be convicted, to be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when raised shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

XVI. And



XVI. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby impowered, from Time to Time, to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years not exceeding Three Years, for the best Rent that can be gotten for the same, payable at such Times, and under such Covenants and Agreements as the said Trustees, or any Five or more of them, shall think fit, the said Trustees observing such Directions as are given for the letting of Tolls, in and by an Act passed in the Thirteenth Year of the Reign of His present Majesty, for regulating the Turnpike Roads in that Part of *Great Britain* called *England*.

Trustees may  
lease the  
Tolls.

XVII. And be it further enacted, That it shall be lawful to and for the said Trustees, or any Five or more of them, at any Meeting, to borrow and take up at Interest upon the Credit of the Tolls arising by virtue of this Act, any such Sum or Sums of Money as they or any Five or more of them shall think needful, and they, or any Five or more of them, are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll-Houses for collecting the same, (the Charges of such Mortgages to be paid out of such Tolls,) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money by the following Words under their Hands, or by any other Words to the like Effect, (that is to say),

Trustees may  
borrow  
Money.

‘ BY virtue of an Act made in the forty-first Year of the Reign of His  
‘ Majesty King George the Third, for [*Here insert the Title of the*  
‘ *Act*] We                      of the Trustees, in Consideration of the Sum of  
‘                                      to the Treasurer of the said Road, in Hand paid,  
‘ do hereby bargain, sell, assign, and demise unto *A. B.* his Executors, Ad-  
‘ ministrators, and Assigns, such Proportion of the Tolls to arise upon the  
‘ said Road as the said Sum of                      doth or  
‘ shall bear to the whole Sum now or hereafter to become due and owing  
‘ on the Security thereof, to be had and holden from the Day of the Date  
‘ hereof, for and during the Continuance of the said Act, unless the said  
‘ Sum of                      with Interest, at the  
‘ Rate of              Pounds *per Centum, per Annum*, shall be sooner repaid and  
‘ satisfied. Given under our respective Hands and Seals this  
‘ Day of              in the Year of our Lord              .’

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, but no Money shall be borrowed upon the Credit of the said Tolls, unless some previous Order shall be made for that Purpose at such first, or some annual General Meeting of the Trustees.

Copies of  
Mortgages to  
be entered in  
a Book.

XVIII. And be it further enacted, That all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may, from Time to Time, by Indorsement on the Back of such Security, or otherwise, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured to any Person or Persons whatsoever, and such Transfer and Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Pay-

Mortgages  
may be  
transferred.



ment thereon; and such Assignee may, in like Manner, assign or transfer the same again, and so *toties quoties*. And it shall not be in the Power of any Person or Persons (except the Person and Persons to whom the same shall be last assigned) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree, one with another, and shall have no Preference in respect of the Priority of any Monies advanced.

Appointing  
Officers.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, by Writing under their respective Hands, to appoint One or more fit and proper Person or Persons to be the Collector or Collectors of the said Tolls, Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and to take such Security from the said respective Officers for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think necessary, and to remove such Collectors, Clerks, Treasurers, Surveyors, or other Officers, or any of them, from Time to Time; and on the

Salaries to  
Officers.

Removal, Death, or Resignation of any of them, to appoint others in their Stead; and the said Trustees are hereby authorized, out of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Service, as the said Trustees shall deem reasonable; and all such Officers and Persons shall, from Time to Time, when thereunto

How Officers  
shall account.

required by the said Trustees, deliver to them, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts in Writing, under their respective Hands, upon Oath, (which Oath any One of the said Trustees is hereby empowered to administer,) of all Monies which they, and every of them respectively, shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed by them, and for what Purposes, with proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their, or any of their Hands, to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to give such Account, or to produce or deliver up such Vouchers as aforesaid, or to verify the Articles thereof upon Oath, or to pay the Money due upon such Account in Manner aforesaid, or to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Trustees, all the Books, Papers, or Writings in his Custody or Power, relating to the Execution of this Act, such Officer or Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds, and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County or Place where the Officer or Person so making Default shall be or reside, upon Complaint thereof made to them by any Five or more of the said Trustees, to make Inquiry concerning such Refusal or Neglect, as well by the Confession of the Parties themselves, as by the Testimony of

Penalty on  
Refusal.

any



any credible Witness or Witneses, upon Oath, (which Oath the said Justices, or either of them, are and is hereby empowered and required to administer without Fee or Reward,) and if any such Officer or Person shall be convicted of any of the Offences aforesaid, and shall not forthwith pay such Penalty, such Justices shall thereupon commit him to the Common Gaol or House of Correction of the same County or Place, there to remain, without Bail or Mainprize, until he shall have paid such Penalty, or until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with and satisfied the said Trustees, (which Composition and Agreement the said Trustees are hereby empowered to make,) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees; provided that no Person shall be committed as last aforesaid for any longer Space of Time than Twelve Calendar Months.

XX. And be it further enacted, That it shall be lawful for the Surveyor for the Time being, appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for the repairing of the said Road out of and from any Waste Grounds or Commons, Rivers, or Brooks, in any Parish, Township, or Place contiguous or convenient to the said Road or any Part thereof, without paying any Thing for the same, such Surveyor or other Person or Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot be had in such Waste Grounds or Commons, Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds (except as herein-after is mentioned), making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Ground, Common, River, or Brook, or Private Grounds, shall be conveyed, as the said Trustees shall judge reasonable.

Surveyors  
may get  
Materials for  
the Road.

XXI. Provided nevertheless, and be it further enacted, That it shall not be lawful for the Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid, in, or from any Inclosed Lands or Grounds until after Ten Days Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers appointed by the said Trustees shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence, respectively requiring them to appear before the said Trustees, or Two or more Justices of the Peace acting for the County in which such Inclosed Lands or Grounds shall lie, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Trustees or Justices after hearing the Parties concerned shall, if they think proper,

Materials not  
to be taken  
from Inclosed  
Grounds  
without  
Notice.



per, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials, at such Time or Times, and in such Manner as to such Trustees or Justices shall seem proper; or if such respective Owners or Occupiers shall not, by themselves or their respective Agents, attend, pursuant to such Notice (without sufficient Excuse), such Trustees or Justices shall and may make such Order therein as they shall think fit, in like Manner as if such respective Owners or Occupiers, or their respective Agents, had attended in pursuance of such Notice.

Penalty on  
Persons tak-  
ing away  
Materials.

XXII. And be it further enacted, That if any Person or Persons shall take away any Materials which shall have been dug or gathered in, for the Purpose of amending the said Road, or shall get or take away any Materials out of, any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale or other publick Use,) every Person so offending shall forfeit for every such Offence, any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Surveyors  
may remove  
Annoyances,

turn Water-  
courses,

cut down  
Trees, &c.

Owners to  
reimburse the  
Surveyor's  
Charges, &c.

Penalty for  
Second Of-  
fence.

Surveyors  
may make  
Causeways  
and Drains,  
erect Bridges,  
&c.

XXIII. And be it further enacted, That it shall and may be lawful for the said Surveyor, and such Persons as he shall appoint from Time to Time, to remove and prevent all Nuisances and Annoyances on any Part of the said Road, by Timber, Stone, Carriages, Saw or other Pits, Hovels, Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining or near thereto; and to cut down, top, or lop any Branches of Trees or Bushes growing in the Hedges or Banks adjacent to the said Road, so as to reduce such Hedges to any Height not less than Four Feet and to take and carry away the same, and dispose thereof for the Benefit of the said Road, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Fourteen Days next after Notice in Writing given for that Purpose under the Hand of such Surveyor, the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to such Surveyor by such Owners or Occupiers, and to be recovered in such Manner as Penalties and Forfeitures are herein-after directed to be recovered: And such Owners or Occupiers so neglecting to open, deepen, and cleanse such Watercourses or Ditches, or to cut and reduce such Hedges within the time aforesaid after such Notice given, shall likewise forfeit for every Foot in Length the Sum of One Penny over and besides the Charges to be settled as aforesaid.

XXIV. And be it further enacted, That it shall be lawful for such Surveyor and such Persons as he shall appoint by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways, Drains, and Ditches, and to erect Arches and Bridges in and upon or on the Sides of the said Road, or in any Grounds lying contiguous or near thereto, and to keep in Repair such Bridges and Arches, and scour such  
Ditches



Ditches and Drains, and to make sufficient Barriers and other Erections on any Part or Parts of the said Road, to prevent any River or Current of Water from flooding the same, as the said Trustees or any Five or more of them shall judge necessary; and also to make or cause to be made any temporary Road or Roads through the adjoining Grounds, of any narrow or ruinous Part of the said Road, to be made Use of as a Road whilst the Old Road shall be repairing, and till such Time as it shall be made safe and convenient for Travellers, making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, or cut through, or built upon, for the Damages which they or any of them shall thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them.

Making Satisfaction to the Owners of the Lands, &c.

XXV. And be it further enacted, That the said Trustees or any Five or more of them, shall be and are hereby fully empowered from Time to Time, to widen or divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road through any Common or Waste Ground, without making Satisfaction for the same; and also through any Private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, nor only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Infant Wards, Cestuique Trusts, Lunatics, Ideots, or Persons of unsound Memory and Understanding, and to and for all Females Covert who are or shall be seized or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contracts, Exchanges, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act.

Trustees' Power in making the Road.

Bodies Politick, &c. empowered to sell or convey Lands.

XXVI. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Grounds, or Hereditaments, which the said Trustees, or any Five or more of them, shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbards, Committees, or other Trustees, upon Notice to him, her, or them given, or left

In case of Persons not treating for the Sale of such Lands, a Jury to settle the Recompence.



in Writing at the Dwelling-House or Place of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises shall, by the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the Counties of *Warwick* or *Leicester*, according to the Jurisdiction in which the Premises in question shall happen to lie (which Oaths the said Trustees, or any Five or more of them, are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested, for or upon Account of the taking or using of such Lands, Grounds, or Hereditaments for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Five or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Grounds, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England*, in case the same shall be equal to, or exceed the Sum of Two hundred Pounds, or upon leaving the same, in case the same should be less than the Sum of Two hundred Pounds in the Hands of the Treasurer to the said Trustees for the Use of such Persons, and to be paid to them upon Demand, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money received by the

Verdict of  
Jury to be  
final.



the Person or Persons entitled thereto; and for summoning and returning any such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants, signed by them, to the Sheriffs of the said Counties of *Warwick* or *Leicester*, in their respective Jurisdictions, thereby commanding and requiring such Sheriffs to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed, and such Sheriffs, or their respective Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn Twelve Persons; who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve.

XXVII. Provided always, That all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees, or any Five or more of them, are hereby empowered to impose any reasonable Fine or Fines on any such Sheriff and such respective Mayors, or their respective Deputies, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give, or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse to be sworn, or to be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Forty Shillings upon any One Person for One Offence.

Jury may be challenged.

Sheriff or Mayor may be fined for Neglect of Duty.

XXVIII. Provided always, and be it further enacted, That wherever the Course of any of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land, which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case he shall refuse to pay such Money, upon Demand made thereof by the Treasurer or Clerk to the said Trustees, and

Owner of the Land used in altering the Road to have the first Offer of the Old Road.



and Tender of the Conveyance of such old Road, the same shall and may be recovered by the said Trustees, by Action of Debt in any of His Majesty's Courts of Record: Provided nevertheless, That if such Owner shall be willing and consent to take such old Road in Exchange for such new Road, it shall and may be lawful for the said Trustees, and they are hereby required to assure the same to such Person, by entering the same in their Books, and delivering to him a Copy thereof, signed by the said Trustees, or any Five or more of them, which Copy shall be a good and valid Title to the same, and be available in any Suit in Law or Equity.

By whom  
Expences of  
the Jury to  
be paid.

XXIX. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for less Money than shall have been offered to be accepted or taken by or on Behalf of the said Trustees as the Purchase Money for any such Old Road as aforesaid, then the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or for less Money than shall, by or on Behalf of the said Trustees, have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, or for more Money than shall have been offered to be accepted or taken as the Purchase Money for any such Old Road as aforesaid, then and in every such Case, the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Houses, &c.  
not to be  
injured.

XXX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to take, use, injure, or damage any Dwelling-House or other Building, or any Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners or Proprietors thereof.

Application  
of Compens-  
ation, when  
equal to Two  
hundred  
Pounds.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestui que Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such

Money



Money shall be applied, under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant-General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Five Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so as the

Application where the Compensation shall be less than Two Hundred Pounds, and exceed Twenty Pounds.



Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application  
where the  
Money is less  
than Twenty  
Pounds.

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

County  
Bridges, &c.  
to be repair-  
ed as here-  
tofore.

XXXIV. And be it further enacted, That where any particular Part of the said Road, or any Bridge, Drain, or Sewer being in and upon any Part or Parts of the said Road, hath been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said Counties of *Warwick* and *Leicester* or either of them, or any Township therein, every such Part of the said Road, and every such Bridge, Drain, or Sewer shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body Politick or Corporate, County, Township, or Townships, and in such Manner as the same were or ought to have been respectively maintained and kept in Repair before the passing of this Act; and it shall be lawful for the Justices of the Peace for the said County, and they are hereby required and empowered at their Petty or Special Sessions, upon Application to them made by the said Trustees or any Five or more of them, or by their Clerk or Clerks for the Time being, to adjudge and determine in what Manner the said particular Parts of the said Road, and the said Bridges, Drains, and Sewers, shall from Time to Time be respectively maintained and kept in Repair.

Persons lia-  
ble to Sta-  
tute Work to  
continue so.

XXXV. And be it further enacted, That all Persons who by Law are chargeable with Statute Work towards the repairing and amending the Road hereby intended to be repaired, shall yearly and every Year (if thereunto required by the said Trustees or any Five or more of them,) do and perform such Proportion of their Statute Work, on such Parts of the said Road within their respective Townships, Parishes, Places, and Divisions, and in such Manner as the said Trustees or any Five or more of them, or the Surveyor or Surveyors of the said Road by them appointed, are now authorized by Law to require.

Surveyors to  
deliver in  
Lists of Per-  
sons liable to  
do Statute  
Work, &c.

XXXVI. And be it further enacted, That the Surveyor or Surveyors of the Highways of and for every of the said Parishes, Townships, or Places, shall, and they are hereby required, within Ten Days after Notice in Writing, signed by the Clerk, Treasurer, or Surveyor to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Habitation, for that Purpose, to return and deliver in to the Person giving such Notice, true and perfect Lists in Writing of the Christian and Surnames of all the Inhabitants and Occupiers of Lands, Tenements, and



and Hereditaments in such Parishes, Townships, and Places respectively, that are liable to do Statute Work or Duty; and shall in such Lists, and every of them, set forth what each Person is respectively chargeable with, for and towards the same; and shall, within Three Days after Notice shall be given them respectively by the said Turnpike Surveyor, of the Time when, and how many of the Persons so chargeable as aforesaid he would have to do their Statute Work in or upon any Part or Parts of the said Road, summon or give publick Notice thereof in their respective Parish Churches, or otherwise, according to the Laws in that respect subsisting; and if any such Parish or Township Surveyor shall refuse or neglect to do as he is hereby required to do, or shall wilfully return incorrect or imperfect Lists, he shall, for every such Refusal or Neglect, or incorrect or imperfect Return, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty for Neglect in delivering List.

XXXVII. And be it further enacted, That the said Trustees, or any Five or more of them, may from Time to Time compound and agree with the Inhabitants or Occupiers of Lands, Tenements, and Hereditaments, of and in the several Towns, Parishes, Hamlets, and Places from, to, or through which the said Road leads, or with any of the said Inhabitants respectively, for a certain Sum of Money by the Year or otherwise, as the said Trustees, or any Five or more of them shall think reasonable, in lieu of the Statute Work to be by them or any of them respectively done on the said Road, provided such Composition Money be paid by the Surveyor or Surveyors, or other Officers of the Parish, or by the respective Person so compounding to the Treasurer of the said Trustees, on or before the First Day of *May* in each Year.

Trustees may compound for Statute Duty.

XXXVIII. And be it further enacted, That all Penalties, Forfeitures and Fines, by this Act hereby inflicted or authorized to be imposed, (if the Manner of levying and recovery hereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before any one Justice of the Peace for the Counties of *Warwick* or *Leicester* respectively, wherein such Offence shall be committed, or any one Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for these Purposes,) and the Overplus after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered, and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall be, from Time to Time, paid to the Treasurer of the said Trustees, and applied in the Repairs of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants, under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding

Penalties and Forfeitures how to be recovered and applied.

For Want of Distress, Offender to be committed.

Two



Two Calendar Months; nor less than Fourteen Days; unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XXXIX. And be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form, or in Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be.

Form of  
Conviction.

County of *\_\_\_\_\_* BE it remembered, That on [Time of Conviction], at [Place of Conviction], A. B. [Name of Offender], of [Addition of Offender], was duly convicted before me [or us], [Name and Stile of convicting Justice or Justices], for that the said A. B. [Name of Offender], on [Time of committing Offence], did [here state the Offence against the Act, according to the Fact], contrary to the Form of the Statute made in the Forty-first Year of the Reign of His Majesty King George the Third, intitled [here set forth the Title of the Act]; and I [or we] do therefore declare and adjudge, That the said A. B. [Name of Offender] hath forfeited for his said Offence the Sum of [Fine], or shall be committed to [Place of Imprisonment] for the Space of [Time of Imprisonment]. Given under my Hand and Seal [or our Hands and Seals], the Day and Year first above written.

Appeal to  
Quarter  
Sessions.

XL. Provided always, and be it further enacted, That if any Person shall think himself, or herself aggrieved by any Thing done in pursuance of this Act, or for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justice of the Peace at any General Quarter Sessions of the Peace to be holden for the County in which such Complaint shall arise, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Ten Days Notice at least, in Writing, of his or her Intention to enter such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices, at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of the Justices at such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Proceedings,  
&c. not to  
be quashed  
for Want of  
Form, or  
removed by  
Certiorari.

XLI. And be it further enacted, That no Proceeding to be had, touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be quashed for Want of Form, or liable to be removed by *Certiorari*, or any other Writ or

Process



Process whatsoever into any of his Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

XLII. And be it further enacted, That all Orders and Proceedings of the Trustees at their several Meetings shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by a competent Number of the said Trustees, as the Case shall require, shall be deemed to be Originals; and which said Book or Books, as also the Book or Books directed to be kept for registering the aforesaid Mortgages shall be admitted as Evidence in all Courts whatsoever.

Proceedings to be entered in a Book, which shall be Evidence.

XLIII. And be it further enacted, That the Tolls, or Duties and Powers hereby granted, shall commence and have Continuance from the Eighteenth Day of *June* One thousand eight hundred and one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Continuance of this Act.

XLIV. And be it further enacted, That the said Trustees may sue, and be sued, for, or concerning any Thing to be done by virtue, or in pursuance of this Act, in the Name of their Clerk or Treasurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the said Trustees, but that the Clerk or Treasurer for the Time being to the Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be in every such Action; and every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid by the said Trustees out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or be put unto, or become chargeable with, by Reason of his being made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in the Name of their Clerk or Treasurer.

Clerk or Treasurer to be reimbursed his Expences.

XLV. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act until Twenty-one Days Notice shall be thereof given to the Clerk of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Twelve Calendar Months next after the Fact committed; and every Action or Suit shall be laid or brought in the County wherein the Cause thereof arose, and not elsewhere; and the Defendant or Defendants in every such Action shall and may, at his or their Election, plead specially, or the General Issue, and give this Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance, and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid,

Limitation of Actions.



or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than the County in which such Action or Suit did arise, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for the Recovery thereof as any Defendant or Defendants hath or have for his, her, or their Costs, in any other Cases by Law.

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

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