



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 10.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of his late and present Majesty, for repairing the Roads from *Hinckley* to *Melbourne Common*, and other Roads in the said Acts mentioned, in the Counties of *Leicester* and *Derby*. [21st March 1808.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of his late Majesty King George the Second, intituled, *An Act for repairing and widening the High Roads from Hinckley to Woeful Bridge, and also from Hoo Ash Lane through Old Lane, and from Swannington to Lee Gutter, and from thence to Melbourne Common, and from Ibstock to Measham, in the Counties of Leicester and Derby*: And whereas an Act was passed in the Fourteenth Year of His present Majesty's Reign, intituled, *An Act to enlarge the Term and Powers of an Act, passed in the Thirty-third Year of the Reign of his late Majesty King George the Second, intituled, 'An Act for repairing and widening the High Roads from Hinckley to Woeful Bridge, and also from Hoo Ash Lane through Old Lane, and from Swannington to Lee Gutter, and from thence to Melbourne Common, and from Ibstock to Measham, in the Counties of Leicester and Derby, and for repairing and widening the Road from Phiney's House in the Liberty of Osbaston to Cheshires House in the Liberty of Carlton, and also the Road from the Turnpike Road at Swannington along Burton's Lane to the Coal Fields, and also the Road from the Toll Gate in Old Lane* 33 G. 2. p. 46. 14 G. 3. c. 110

[Loc. & Per.] 1 i to

Acts further
continued.

“ to the Leicester and Ashby-de-la-Zouch Turnpike Roads :” And whereas great Progress hath been made in the Execution of the said Acts, and considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the said Roads ; which Money cannot be paid off, nor can the said Roads be effectually amended, improved, supported, and kept in Repair, unless the Terms granted by the said Acts is further continued, the Powers and Provisions thereof in some Respects altered, amended, and enlarged, and the Tolls increased ; May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Thirty-third Year of his said late Majesty, and in the Fourteenth Year of His said present Majesty, and all the Powers, Provisions, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties, and also such as are by this Act varied, altered, or repealed) shall be and the same are hereby further continued for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act ; and this Act and the additional Term and Powers hereby granted shall be and are hereby made subject and liable to the Payment of all Monies now due and owing or hereafter to grow due and to be borrowed on the Credit of the said Acts, together with the Interest due and to grow due thereon respectively.

First Meeting
of the Trustees.

II. And be it further enacted, That the Trustees for executing the said recited Acts and this Act, or any Five or more of them, shall meet at the *George Inn*, in *Market Bosworth*, in the said County of *Leicester*, upon the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, or at such other Time and Place as the Clerk or Treasurer to the said Trustees shall appoint by Notice or Advertisement in the Manner herein-after prescribed with respect to Meetings on Emergencies, and then and there proceed to carry this Act and the said recited Acts into Execution, and shall then and from Time to Time afterwards adjourn themselves to meet again at such Place or Places, on or near to any Part of the said Roads, as the said Trustees or the major Part of them present at any such Meeting shall think proper and appoint, for putting this Act and the said recited Acts into Execution ; and that all Acts and Proceedings of any Person or Persons who hath or have acted or shall act as a Trustee or Trustees in the Execution of this Act or either of the said recited Acts, though not duly qualified previous to his or their being convicted of having done so, shall be as valid and effectual as if such Person or Persons had been so qualified.

Power to
adjourn.

III. And be it further enacted, That in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the said Trustees either then to act or to adjourn to any other Time, Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only ; or in case the said Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by Notice in Writing to be affixed on all the Toll Gates erected or to be erected upon the said Roads, or inserted in some Newspaper published

or circulated in the County of *Leicester* (if any) at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held or was to have been held, on such future Day as shall be specified in such Notice, not exceeding Five Weeks next after the Day on which such last Meeting was held or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five of the said Trustees, although not assembled at any Meeting at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands to be affixed or inserted in Manner aforesaid, to appoint the Trustees to meet at some House near to the said Roads upon some Day within Three Weeks next after the Date of such last-mentioned Notice.

IV. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, in that case the Clerk to the said Trustees, upon an Order in Writing signed by Five or more of them, mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order (such Time not being less than Seven Days after such Notice); and such earlier Meetings shall and may be held accordingly, and all the Proceedings of the Trustees at such Meetings as aforesaid shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment. Meetings on Emergencies.

V. And be it further enacted, That on every *Sunday*, after the Expiration of Twenty-one Days next after the passing of this Act, there shall be demanded and taken at the Toll Gates erected upon the said Roads respectively, by the Collector or Collectors at such Gates, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, double the Tolls by the said recited Acts or either of them directed and allowed to be taken; which said Tolls shall be and the same are hereby vested in the said Trustees, and shall be collected and recovered, levied, paid, applied, and disposed of in the same Manner and with such Remedies for Non-payment or Evasion thereof as are contained in the said recited Acts. Double Toll on Sundays.

VI. And be it further enacted, That none of the Tolls by the said recited Acts granted shall be demanded or taken for any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Stones, Gravel, or other Materials for repairing of the said Roads or any of the Roads in the Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or passing for that Purpose, but passing to be used, laid up, or placed in the Outhouses or on the Lands of the Owners thereof; or for any Carriage, Horse, or Cattle going for the Purposes of or returning from the ploughing, tilling, or sowing of any Land or Ground, or which shall be used or employed only in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements Exemptions from Toll.

ments of Husbandry, or any Mould, Dung, Compost, or Manure (except Lime and Limestone) employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod or farried; nor shall any Toll be demanded or taken from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Beast, Cattle or Carriage attending any Soldiers upon their March, or on Duty, or attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by, or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise: Provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Leicester* and *Derby*, or for the Election of a Burgess or Burgesses to serve in Parliament for the Boroughs of *Leicester* and *Derby*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half shall be applied for the Purposes of this Act.

Power to vary
the Line of
Road in the
Liberties of
Newbold and
Worthington.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees; and they are hereby authorized and empowered to turn, vary, and alter the Line of the said Turnpike Road in the Liberties of *Worthington* and *Newbold* from or near the Junction of the Turnpike Road leading from *Coleorton* to *Rempston*, with a Part of the said *Hinckley* Road to or near the publick Road leading from other Part of the said *Hinckley* Road to *Newbold* and *Breedon* in the said County of *Leicester*; and that immediately from and after the said Variation and Alteration shall be made, to stop up the said Line of Road so to be varied, which from thenceforth shall go and belong to Sir *George Howland Beaumont* Baronet, his Heirs and Assigns, in lieu of and Exchange for the Land or Soil of him the said Sir *George Howland Beaumont*, to be taken and used for the said Turnpike Road and in Satisfaction of the Charges and Expences which will be incurred by the

the said Sir George Howland Beaumont in removing the Materials and well and sufficiently forming and making the said Line of Road so to be varied pursuant to his Agreement with the said Trustees for that Purpose.

VIII. Provided always, and be it enacted, That no Toll Gate or Bar shall be erected or set up upon the Line of Road so to be varied in the Liberties of *Worthington* and *Newbold* as aforesaid, or at either of the Ends thereof communicating with the Road from which the said Variation or Alteration is to be made.

No Toll Gate to be erected upon the varied Line or at either End thereof.

IX. And be it further enacted, That in case the Tolls arising from all or any of the said Toll Gates erected or to be erected on the said Roads, shall at any Time or Times during the Continuance of this Act be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers to whom the said Tolls shall be respectively demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Ten Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for letting the same, then and in either of the said Cases the said Trustees or any Five or more of them, their Clerk or Treasurer, or other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty and they are hereby authorized to enter into and upon the Possession of the Toll-house or Toll-houses with the Buildings, Gates, and Appurtenances thereto belonging so letten as aforesaid, and to remove and put out such Lessee or Lessees, Farmer or Farmers from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved up to the Time when such Re-entry shall take Place) as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees or any Five or more of them, in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected in the same Manner as if no former Contract or Agreement had been entered into relative to the same.

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

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority,

Five Trustees may appoint temporary Collectors:

discharge those misbehaving, and appoint other till next Meeting.

[Loc. & Per.]

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and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person who shall refuse to deliver up the Possession of any Toll-house or Building erected on the said Roads for the Space of Two Days after Demand thereof made and Notice in Writing given for that Purpose by any Five or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, and he and they is and are hereby required, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove such Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Collector of
Tolls may be
a Witness.

XI. And be it further enacted, That in case any Dispute or Litigation shall arise touching any Distress taken for Non-payment or Recovery of any of the Tolls payable by virtue of the said recited Acts or this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be an incompetent Witness or Witnesses by reason of his or their being a Collector or Collectors of the said Tolls, to prove the Legality of the Distress and the Non-payment of such Toll or Tolls or any Part thereof, or to give any other Proof or Proofs, Testimony, or Evidence which shall be necessary in such Case.

Statute Labour.

XII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, or any Division thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Leicester*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a

Composition

Composition, for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the publick Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable, and the same shall be done at such Days and at such Times (not being Hay Time or Harvest), and in such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her or their Default; or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or willfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance

Trustees may
compound
for Statute
Work.

formance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships or Places, or any of the Inhabitants of such Parishes, Townships or Places, to compound and agree by the Year or otherwise with the said Trustees or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For recovering the Composition Monies.

XIV. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs or Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees or any Five or more of them, or any Justice or Justices of the Peace for the said County, by Writing under their respective Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Trustees or any Five or more of them, or such Justice or Justices, that the same hath been demanded and remains due, which Oath the said Trustees or any Five or more of them, or such Justice or Justices are hereby respectively empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways, or other Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

How Surveyors of Highways are to be reimbursed and Composition Money paid by them.

XV. And be it further enacted, That the respective Surveyors of the Highways who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may contract for Repairs.

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

Mile Stones and Guide Posts to be set up when wanted.

XVII. And be it further enacted, That the said Trustees shall cause to be set up, whenever the same shall be wanted, Stones or Posts in, upon, or near the Sides of the said Roads, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distance from Places; and also erect such Guide or Direction Posts with such Inscriptions thereon as they the said Trustees shall think proper; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or deface or obliterate any of the Letters, Figures, or Marks inscribed thereon, or shall cause or procure the same to be done, every such Person so offending shall for every such Offence forfeit any Sum not exceeding

exceeding Five Pounds, to be recovered in the same Manner as other Penalties and Forfeitures imposed by this Act are recovered, One Half whereof shall be paid to the Informer, and the other Half shall be applied in such Manner as the Penalties are herein-after directed to be applied.

XVIII. And be it further enacted, That if any Person or Persons shall ride upon any Footway or Path adjoining to or made on the Side of or upon the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages) or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same or any Part thereof, or the Fences or Hedges on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her upon the said Roads, or the Coach, Chaise, Waggon, Cart or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Roads; or if any Person shall without sufficient Cause leave any Stage Coach, Waggon, Wain, or Cart longer than may be necessary in, upon or on the Side of any Part of the said Roads, either with or without any Horse, or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads or on the Side or Sides thereof to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for riding on Footpaths, etc.

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

Penalty on taking away Materials.

XX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said

Penalty on obstructing any Person in the Execution of the Act.

[Loc. & Per.]

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Trustees

Trustees or any Five or more of them, employed in the Execution of this and the said recited Acts, every such Person shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Trustees may
sue in the
Name of
their Clerk.

XXI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing done by virtue and in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees or any Five or more of them, at a Meeting holden in pursuance of this Act, but that the Treasurer or Clerk for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant, as the Case may be, in every such Action; provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies to arise by virtue of this Act, all such Costs, 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 so made Plaintiff or Defendant as aforesaid.

Application
of Compen-
sation Money
when
amounting
to 200l.

XXII. 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 the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed on his Account there *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, or Hereditaments, or affecting other Lands or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, or Hereditaments, which shall be conveyed and settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, 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 said Court upon Application thereto, be invested by the said Accountant

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 Lands or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Application when the Compensation is less than 200l. and exceeds 20l.

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

Application when the Money is less than 20l.

XXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees or any Five

In case of not making out Titles.

Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession shall be deemed well entitled unless the contrary be shewn.

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

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

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

said

said Court shall deem reasonable, to be paid by the said Trustees or any Five or more of them out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, shall be recovered, levied, paid, and applied in such and the same Manner as the Penalties and Forfeitures imposed by the said recited Acts are directed to be recovered, levied, paid, and applied, except in such Cases where the same are by this Act directed to be recovered, levied, paid, and applied in any other Manner.

Directions how the Penalties and Forfeitures imposed by this Act shall be levied and applied.

XXIX. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or other Proceeding under or by virtue of this Act, if tender of such sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court in which any such Action shall depend, at any Time before issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings of Order and Judgement shall be had, made, and given in and by such Court as in other Actions in which the Defendant is allowed to pay Money into Court.

Tender of Amends may be made.

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

For securing transient Offenders.

[Loc. & Per.]

M m

XXXI. And

Offenders
convicted.

XXXI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts and this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect (as the Case shall require); viz.

Form of
Conviction.

‘ **BE** it remembered, That on the Day of in the Year
‘ of our Lord A.B. is convicted before me C. D. One
‘ of his Majesty’s Justices of the Peace for the County of [specifying
‘ the Offence, and the Time and Place when and where the same was commit-
‘ ted, and the Penalty or Forfeiture, as the Case shall require]. Given under
‘ my Hand and Seal the Day and Year first above mentioned.’

Expences of
the Act.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, together with lawful Interest for the same, shall be paid out of the Money collected and received, or to be collected and received by virtue of the said Acts or this Act, in preference to all other Payments whatsoever.

Publick Act.

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

Commence-
ment and
Continuance
of the Act.

XXXIV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force and be executed for and during the Residue now to come and unexpired of the Terms granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years; and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King’s most Excellent Majesty. 1808.