ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 69.

An Act for more effectually repairing the Road from *Duncburch* to *Hillmorton*, in the County of *Warwick*, and from thence to *St. James's End*, in the Pariſh of *Duſton*, in the County of *Northampton*.

[13th *June* 1806.]

WHEREAS an Act was paſſed in the Twenty-firſt Year of the Reign of His preſent Majeſty, intituled, "An Act for more "effectually repairing the Road from *The Dun Cow*, in the "Town of *Duncburch*, to the Town of *Hillmorton*, in the County of "*Warwick*, and from thence to *Saint James's End*, in the Pariſh of "*Duſton*, in the County of *Northampton*, and for repealing the ſeveral "Laws now in force relating to the ſaid Road:" And whereas the Truſtees appointed in or by virtue of the ſaid Act have proceeded in the Execution of the Powers and Authorities thereby veſted in them, and ſeveral Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the ſaid Road, which ſtill remain due and owing: And whereas the Money ſo due cannot be paid off, nor the ſaid Road be properly amended, improved, and kept in Repair, unleſs the Term of the ſaid Act is continued: And, as the Powers and Proviſions of the ſaid Act have been found in many Reſpects defective and inſufficient, it would be more convenient to the Truſtees, and beneficial to the ſaid Road, if the ſaid Act was to be repealed, and further and other Powers granted inſtead thereof; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the KING's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Second *Monday* next after the paſſing of this Act, the ſaid Act of the Twenty-firſt Year of the Reign of His preſent Majeſty ſhall be and the ſame is hereby declared to be repealed (except as to the Term thereby granted and continued); and that on the ſame Day this Act ſhall

21 Geo. 3.

Former Act repealed, and this Act to take place inſtead thereof.

ſhall commence and take Effect inſtead thereof, and be put in Execution for and during the Term hereinafter mentioned, for the Purpoſe of repairing, widening, and improving the ſaid Road; and that this Act, and the Tolls hereby granted, ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls authorized by the ſaid recited Act to be taken on the ſaid Road, and of all Intereſt due and to grow due thereon, as fully and effectually, to all Intents and Purpoſes, as if ſuch Monies had been borrowed, or become due and owing on the Credit or on account of this Act.

Truſtees.

II. And be it further enacted, That the Right Honourable *John Charles Spencer* commonly called Lord Viſcount *Althorp*, the Honourable *Edward Bouverie*, the Honourable *Spencer Perceval*, the Honourable and Reverend *Thomas Lawrence Dundas*, Clerk, *Robert Andrew* of *Harleſton*, *Robert Andrew* the Younger of *Harleſton*, *Gilbert Andrew*, Clerk, *Edward Bayley*, Doctor in Divinity, *Edward Bouverie* the Younger, *Robert Willis Blencowe*, *Henry Richard Bromfield*, Clerk, *Robert William Baxter*, Clerk, *William Ralph Cartwright*, *John Plomer Clarke*, *Joſeph Clarke*, *John Caldecott*, *Francis Dickins*, Sir *William Dolben*, Baronet, *John Engliſh Dolben*, *William Somerſet Dolben*, *Thomas Dicey*, *Samuel Freeman*, *Thomas Farmer*, Clerk, *Andrew Hacket* the Younger, *Henry Bagſhaw Harriſon*, Clerk, *Thomas Hornſby*, Clerk, *David Hughes*, Clerk, *Roger Barnſton Hughes*, Clerk, *Chriſtopher Hunter*, Clerk, *Thomas Harriſon*, *William Harris*, *Clark Hillyard*, *Lewis Harriſon*, Sir *Juſtinian Iſham*, Baronet, *Juſtinian Iſham*, *Vere Iſham*, Clerk, *Samuel Iſted*, *Euſeby Iſham*, Clerk, *Robert Harvey Knight*, Clerk, Sir *William Langham*, Baronet, *James Langham*, *Martin Lucas*, *John Langton*, *William Lucas*, *Thomas Cecil Maunſell*, *Thomas Mercer*, *James Morrice*, Clerk, *Francis Montgomery*, Clerk, the Mayor and Aldermen of the Town of *Northampton* for the Time being, *Charles Newman*, *James Newman Newman*, *Nathaniel Pearce*, *Joſeph Jekyll Rye*, Clerk, *William Lucas Holden Roſe*, Clerk, Sir *Stewkley Shuckburgh*, Baronet, *George Lethieullier Schoen*, Doctor in Divinity, *Thomas Samwell Watſon Samwell*, *Henry Sawbridge*, *William Sawbridge*, *Henry Barne Sawbridge*, *John Sawbridge*, Clerk, *Thomas Sikes*, Clerk, *Thomas Smith*, *Chriſtopher Smyth*, *William Tyler Smyth*, *James Slade*, Clerk, *John Harvey Thurſby*, *Thomas Reeve Thornton*, *Philip Thornton*, Clerk, *Robert Thornton*, Clerk, *Lewis John Vigoreux*, Clerk, Sir *William Wake*, Baronet, *Thomas Walker*, *Thomas Whalley*, Clerk *William Zouth Lucas Ward*, *Charles Watkins*, *Clark Watkins*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act into Execution.

Power to chooſe new Truſtees.

III. And be it further enacted, That in caſe any of the Truſtees named in or to be appointed by virtue of this Act, ſhall die, or by Writing under his Hand, delivered to the Clerk to the ſaid Truſtees, refuſe or decline to act, it ſhall be lawful for any Seven or more of the ſurviving or remaining Truſtees, by Writing under their Hands (at any Meeting, whereof at leaſt Ten Days Notice ſhall have been given upon all the Toll Gates erected or to be erected on the ſaid Road, and in ſome Newſpaper publiſhed or circulated in the Town of *Northampton*, ſpecifying that an Appointment of new Truſtees is intended

tended to be made at such Meeting) to nominate and appoint some other Person to be a Trustee in the Room of such Person so dying or refusing to act as aforesaid; and every Person so nominated and appointed (being qualified as hereinafter mentioned) shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person in whose Stead he shall be appointed was vested with.

Qualification of Trustees.

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

Oath.

'I *A. B.* do swear, That I truly and *bona fide* am in my own Right [*or*, in Right of my Wife, *as the Case may be*] in the actual Possession or Enjoyment [*or*, Receipt of the Rents and Profits] of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, [*or*, possessed of or entitled to a Personal Estate alone, *or*, Real and Personal Estate together] of the Amount or Value of One Thousand Pounds.

'So help me GOD.'

Penalty on Persons acting if not qualified.

And if any Person hereby deemed incapable to act, shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed, and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested.

No interested Trustee to act.

Validating Acts of unqualified Trustees before Conviction.

V. Provided always, and be it further enacted, That all Acts which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

VI. And

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

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

Treaſurer to be reimburſed Expences.

Truſtees firſt Meeting.

VII. And be it further Enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe called *The Fox and Hounds*, in *Harleſton* in the ſaid County of *Northampton*, on the Second *Monday* next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as ſoon after as convenient, and ſhall then and there proceed in the Execution of this Act, and adjourn themſelves from Time to Time, and afterwards meet there, or at any other Place on or near the ſaid Road, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and appoint, as often as it ſhall be neceſſary, for putting this Act in Execution: Provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at any Time and Place appointed for a Meeting of the Truſtees for putting this Act into Execution, either then to act, or to adjourn to another Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Toll Gates upon the ſaid Road, or inſerted in ſome Newspaper publiſhed or circulated in the Town of *Northampton*, 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 one Calendar Month after the Day on which ſuch laſt-mentioned 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 Two of the Truſtees (although not aſſembled at a Meeting) at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, to cauſe a Notice in Writing to be ſigned by their Clerk for the Time being, to be affixed or inſerted in Manner

Power to adjourn.

Manner aforesaid, to appoint the Trustees to meet at such Time and Place upon or near the said Road as they shall think proper, not exceeding Twenty-one Days, nor being less than Six from the Time of affixing or inserting such last-mentioned Notice.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall be thought necessary that they should meet at an earlier Time than the Day appointed by such Adjournment, in that Case the Clerk to the 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 Three Days after such Notice) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings as aforesaid, shall be as vaild and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the Trustees shall at all 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 in such Cases as are hereby otherwise particularly 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 in such Cases where they shall be personally interested).

Trustees being Justices may act as such.

How Orders of Trustees to be revoked.

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

Proceedings to be entered in a Book.

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

Trustees to appoint Officers.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, at their first or any subsequent Meeting, as Occasion shall require, shall and may by Writing under their Hands, elect and appoint, or continue a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, and take such Security from such Treasurer or Treasurers, Receiver or

Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and alſo a Surveyor, or Surveyors, and all ſuch other Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or proper to be employed in the Execution of this Act; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees or any Five or more of them, ſhall ſee Occaſion but no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees, or of acting as a Truſtee, who ſhall ſell any Ale, Wine, or Spirituous Liquors, by Retail; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed or continued, for and in conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and

Officers to account,

all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they, or any Five or more of them ſhall for that Purpoſe appoint a true and perfect Account in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received and how and to whom and for what Purpoſe the ſame, and every Part thereof, hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Account upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter) and alſo ſuch Officers and Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if the ſaid Officers or Perſons, or any of them, ſhall refuſe or neglect to render and give ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or their Hands when thereunto required, in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to

or be puniſhed.

deliver up to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, or any Five or more, of them, or by ſuch other Perſon or Perſons, all Books, Papers, or Writings, in their Cuſtody or Power, relating to the Execution of this Act, then and in every ſuch Caſe, complaint being made by the ſaid Truſtees, or any Five or more of them, or by any Perſon or Perſons on their Behalf, of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing, ſhall live or reſide, ſuch Juſtice may, and he is hereby authorized and required, by any Warrant or Warrants under his Hand, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him,

and

and upon his or their appearing or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accouts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons ſuch Juſtice may, and he is hereby authorized and empowered, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattles can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame; or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, and of the Articles thereof, on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſevral Vouchers and Receipts relating to ſuch Accounts reſpectively, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, then and in either of the Caſes aforeſaid the ſaid Juſtice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Gaol or Houſe of Correction of the County or Place where he or they ſhall live or reſide, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame upon Oath, and ſhall have delivered up the Vonchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make) or until he or they ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of a ſufficient Diſtreſs, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

Perſons who have received Tolls, &c. by virtue of the former Act to account with Truſtees in like manner.

XII. Provided always, and be it further enacted, That all Perſons who ſhall have been employed, or who ſhall have received any Tolls or other Monies by virtue or an account of the ſaid recited Act, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or other Things, relating to the ſaid Road, ſhall account for the ſame, and every Part thereof, to the ſaid Truſtees, in the like Manner, and under the like Penalties, as the ſeveral other Officers and Perſons are hereinbefore directed to account.

XIII. And

Truſtees may appoint Temporary Collectors.

XIII. 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 Two 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 next Meeting of the Truſtees, in the ſtead of ſuch Collector or Receiver as ſhall die or be diſcharged; and ſuch Perſon, ſo nominated and appoined, ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had, or would have been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow or any of the Children, Family, or other Repreſentative or Repreſentatives of any Collector or Receiver, who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building erected on the ſaid Road, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Porpoſe, by any Five or more of the ſaid Truſtees, although not aſſembled at any Meeting, or by their Clerk or Clerks, or 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 in which ſuch Toll Houſe, Building, and Appurtenances ſhall be ſituated, 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 the 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.

Power to continue and erect Toll Gates, Side Gates and Toll Houſes.

XIV. And be it further enacted, That the ſaid Truſtees or any Five or more of them, ſhall and may, as they think proper, continue or remove all or any of the Toll Gates erected by virtue of the ſaid recited Act, and may erect and ſet up any other Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Road by this Act directed to be repaired, and upon the Sides thereof, and alſo acroſs any Lane, Common, or Way leading into or out of the ſame; and may alſo continue, erect, or provide a Toll Houſe, with ſuitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or diſcontinue the Toll Gates or Toll Houſes, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall think expedient, and may alſo take in and incloſe from the ſaid Road, or any Part thereof, convenient Garden Spots for each of the ſaid Toll Houſes, not exceeding One-eighth Part of an Acre, as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint; and that the reſpective Tolls following ſhall be demanded and taken at each and every of ſuch Toll Gates by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more

Tolls may be taken.

more of them, shall from Time to Time authorize or appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage, shall be permitted to pass through the same; that is to say:

Tolls. For every Coach, Sociable, Berlin, Landau, Chariot, Vis-à-Vis, Barouche, Chaise Marine, Calash, Curricle, Chair, Gigg, Whiskey, Caravan, Hearse, Litter, or other such like Carriage, drawn by more than Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of one Shilling and Threepence; and drawn by Two Horses or other Beast of Draught, the Sum of One shilling; and drawn by one Horse or other Beast of Drught the Sum of Sixpence:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Ninepence:

For every Two-wheeled Carriage so fixed, the Sum of Sixpence:

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

For every Horse, Mare, Gelding, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Sum of Fourpence:

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

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any less Number: And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any less Number:

Double Tolls to be taken on Sundays. And that on every *Sunday* during the Contiuance of this Act, there shall (under the Provisions and Restrictions aforesaid) be demanded and taken at the said Toll Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same, Double the said respective Tolls, except such Horses or Beasts as shall be employed solely for the Purpose of carrying or conveying Milk.

Manner of Recovery. XV. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize or distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage, in respect of the Horses or Beasts drawing which Carriage such Toll is by this Act imposed; and if such

Tolls; and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Two Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Horſes, Beaſts, Cattle, Carriage, or Things ſo ſeized and diſtrained; or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

Power to vary the Tolls.

XVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be holden for that Purpoſe (whereof at leaſt Twenty-one Days Notice ſhall be given in Writing affixed on all the Toll Gates erected on the ſaid Road, and inſerted in ſome one Newſpaper publiſhed or circulated in the ſaid Town of *Northampton*) may, and they are hereby authorized and empowered, from Time to Time, in caſe it ſhall appear requiſite or expedient, to leſſen and reduce, and again to raiſe and advance the Tolls hereby authorized to be taken, or any Part or Parts thereof, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions, as they ſhall think fit, ſo that the reſpective Tolls ſo varied never exceed the Tolls by this Act authorized to be taken, and ſo that the Tolls ſo granted or varied be never leſſened until the Money borrowed on the Credit thereof, together with the Intereſt, be repaid, except the Perſon or Perſons entitled to Four-fifths or more of ſuch Money conſent thereto; and ſuch Tolls ſo varied, and every of them, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered, and applied.

Only Two full Tolls to be taken.

XVII. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to empower the ſaid Truſtees, or any Five or more of them, to cauſe more than Two full Tolls to be demanded or taken for the Paſſage of the ſame Cattle, Carriages, or Beaſts, through all the Toll Gates erected or to be erected on the ſaid Road on the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night) nor to erect or cauſe to be erected any Toll Gate acroſs or at the End of any Road, now being a Turnpike Road, leading into or acroſs the ſaid Road hereby directed to be repaired, nor acroſs any Part of the ſaid Road hereby directed to be repaired, lying between the *Dun Cow* in *Duntburch* aforeſaid, and the *Rugby* Turnpike Road leading from or near a Public Houſe known by the Sign of *The Cock*, in the Pariſh of *Bilton* in the ſaid County of *Warwick*, through the Town of *Rugby*, to the *Gibbet* or *Lutterworth Hand*, on the *Watling Street* Road, and containing in Length about Three-quarters of a Mile.

Tolls to be paid but once a Day.

XVIII. And be it further enacted, That if any Perſon ſhall have paid the Toll hereby authorized to be taken for the paſſing of any Horſe, Cattle, Beaſt, or Carriage, through any Toll Gate continued or erected by virtue of this Act, the ſame Perſons ſhall, upon producing a Note or Ticket denoting the Payment thereof on that Day

at the ſame Toll Gate (which Note or Ticket the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver gratis, on Demand, to every Perſon paying the ſame) be permitted to paſs Toll-free with the ſame Horſe, Cattle, Beaſt, or Carriage, through the ſame Toll Gate, at any Time or Times during the ſame Day, to be computed as aforeſaid.

Diſpute concerning Toll to be ſettled by a Juſtice of the Peace.

XIX. Provided always, and be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of the keeping any Diſtreſs, it ſhall be lawful for the Collectors or Perſons diſtraining to retain the ſame, or the Money ariſing from the Sale thereof (as the Caſe ſhall be) until the Amount of the Tolls due, and Charges of ſeizing, diſtraining, keeping, and ſelling (as the Caſe ſhall be) ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace having Juriſdiction in the Place where the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice or Juſtices; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collectors, or other Perſons, before he ſhall be obliged to return the Diſtreſs or Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls competent Witneſſes.

XX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Truſtees may let the Tolls.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting whereof Twenty-one Days Notice ſhall have been given in Writing, affixed upon all the Toll Gates then erected upon or acroſs the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the Town of *Northampton*, from Time to Time, by Writing under their Hands, to let and demiſe the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

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

XXII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates erected or to be erected on the ſaid Road, 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

the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one 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 thoſe Caſes the ſaid Truſtees, or any Five or more of them, or their Clerk, Treaſurer, or Surveyor, 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 take poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates, and Appurtenances thereto belonging, ſo let 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 be utterly void, to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved) 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, as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may compound for Tolls.

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

General Exemptions from Tolls.

XXIV. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall he demanded, taken, or paid, at any of the Toll Gates erected or to be erected or continued upon the ſaid Road, for any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſes, Cattle, or Carriages, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or Chapel, or viſiting his ſick Pariſhioners, nor from any Perſon or Perſons going to or returning from his or their Parochial Church,

Mails.

Soldiers.

Church, Funerals, &c.

Church, Chapel, or other usual Place of Religious Worship on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place, through which any Part of the said Road hereby intended to be repaired lies; nor for any Horses, Beasts, Cattle, or Carriages, used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Northampton* and *Warwick*, or either of them; or any Surveyor or Surveyors of the said Road, when attending his or their Duty on the said Road; or for carrying or conveying Vagrants sent by legal Passes; or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or stacked up in any Barn or Yard held or used by the Occupier of the Land whereon the same grew, or of carrying or conveying any Mould or Lime for manuring of Land, not travelling more than one Mile on the said Road, or for carrying or conveying any Muck, Dung, Soil, or Compost, to be used for manuring any Land lying within the Parish, Hamlet, or Place where such Muck, Dung, Soil, or Compost were made or gotten, nor for any Horses, Beasts, or Cattle passing in order to be used or employed only upon or for the Occupation of Land in any such Parish, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Husbandry, in order to be so used or employed, or to be repaired, not going more than one Mile on such Road (unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other Thing not hereby intended to be exempted from Payment of Tolls) nor for any Horse, Beast, or Cattle, passing to or from Pasture upon any such Land as last mentioned, or to or from Water, and for either of those Purposes going or passing only from one Parish into the next adjoining Parish, and not travelling more than One Mile along the said Road, nor for any Horse, Beast, or other Cattle, when going to or returning from being shoed or farried, nor for any Horse, Beast, or other Cattle, used or employed for the Purpose only of carrying or conveying Materials for the making or repairing any Highway or public Road within any such Parish, Hamlet, or Place as aforesaid, nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One hundred Yards thereon; nor for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulation appointed for such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Electors.

Vagrants, Hay, &c.

Dung, Lime, &c.

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

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

Materials for repairing Roads.

Crossing the Road.

XXV. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse or Beast, or ride in or drive any Carriage through or over any Land, Ground, or Place lying by

Penalty on Evasion of Tolls.

by the Side of or near to any Part of the ſaid Road (the ſame not being a public Higway) or if any Perſon or Perſons owning or occupying any ſuch Land, Ground, or Place, ſhall knowingly or wilfully permit or ſuffer any other Perſon or Perſons to go or paſs with any Cattle or Carriage, through or over ſuch Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls by this Act, granted, or any Part thereof, or whereby or by Means whereof any ſuch Evaſion ſhall take place or be effected; or if any Perſon ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons any Note or Ticket with Intent to avoid the Payment of all or any Part of the ſaid Tolls; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded any Goods or Merchandize, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or other Beaſt to any ſuch Carriage, and draw therewith upon any Part of the ſaid Road, ſo as to increaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage after the ſame ſhall have paſſed through the ſaid Toll Gates, with Intent to avoid the Payment of any Tolls; or if any Perſon or Perſons ſhall 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 every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, over and beſides ſuch Damages and Puniſhments as they ſhall otherwiſe be liable to by Law, and be recovered in ſuch Manner as is hereinaftet 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 hereinafter directed to be applied.

Penalties on Collectors taking greater or leſs Tolls than allowed.

XXVI. And be it further enacted, That if any Farmer, Renter, or Collector of any of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; ſuch Forfeitures reſpectively to be recovered in Manner hereinafter mentioned.

Toll Gates, &c. veſted in Truſtees.

XXVII. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houſes, Weighing Machines, and the ſeveral Conveniences and Appurtenances thereto belonging, which are already erected upon or on the Sides of the ſaid Road, or which ſhall be erected or made by virtue of this Act, and in the Materials, for Buildings, and repairing the ſame, and for repairing the ſaid Road, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees; and they or any Five or more of them are hereby authorized and empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer or cauſe to be preferred, and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take

take away, break down, or damage any such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them, or their Agents or Servants, in the Possession thereof.

For borrowing Money, and assigning Tolls.

XXVIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, whereof Twenty-one Days Notice shall be given in Writing, affixed upon all the Toll Gates then erected upon the said Road, and inserted in some one Newspaper published or circulated in the said Town of *Northampton*, may and they are hereby empowered, from Time to Time, to borrow and take up at Interest such Sum and Sums of Money as they shall think needful; and they are hereby also empowered, either at such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any Part of the Tolls to be collected and levied at the said Toll Gates, the Charges of assigning or mortgaging the same to be paid out of such Tolls, for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same; which Mortgage shall be made in the following Form, or in any other Form of Words to the like Effect; that is to say:

Form of Mortgage.

‘ BY Virtue of an Act, passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled [*here insert the Title of the Act*] We Seven of the Trustees for putting the said Act in Execution, in Consideration of the Sum of
‘ to the Treasurer of the said Road in Hand paid, Do grant, bargain, sell, and demise unto
‘ his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of this Act, and of the Toll Gates and Toll Houses for collecting the same, as the Sum of
‘ doth or shall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from the
‘ Day of last past, for and during the Continuance of the said Act, unless the said Sum of
‘ with Interest at the Rate of
‘ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals this Day of
‘ One thousand Eight hundred and

Mortgages to be entered in a Book.

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Assignment or Assignments of Tolls may have been made under the said recited Act, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument to be annexed to, or by indorsing on such

such Security, before a credible Witneſs, the following Words, or Words to the like Effect; that is to ſay:

Form of Transfer.

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

Which Transfer ſhall be produced and notified to the ſaid Clerk, who ſhall cauſe an Entry or Memorial to be made thereof in the beforementioned Book or Books, containing the Number, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk ſhall be paid the Sum of Six Shillings and Eightpence, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignees 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 to whom the ſame ſhall be laſt transferred, to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

No Priority of Mortgages.

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

Old Mortgages may be called in and new ones granted.

XXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages now ſtanding out that were made by virtue of the ſaid recited Act, and give and execute another Mortgage or Mortgages inſtead or in lieu thereof reſpectively, in Manner, and transferrable, as hereinbefore mentioned.

Application of the Money.

XXXI. And be it further enacted, That out of any Monies already received by virtue of the ſaid recited Act, or out of the Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall in the firſt place pay and diſcharge all the Coſts and Expences relative to procuring and paſſing this Act, and the Remainder of ſuch Monies ſhall from Time to Time be applied in putting this Act in Execution, and in repaying the Principal Money by this Act charged, or to be borrowed, and the Intereſt due and to grow due thereon, and in repairing, improving, and rendering commodious the ſaid Road, and putting this Act in Execution in all other reſpects.

XXXII. And

Surveyors may dig for Gravel in Waſte without paying for it.

XXXII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to be appointed by the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and carry away any Materials for completing or repairing the ſaid Road, out of any Waſte or Common River or Brook in or near which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, they the ſaid Surveyors or Surveyor, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Ground, or ſlopping down the Banks where ſuch Materials ſhall be taken, or railing or fencing ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for and with ſuch Materials (ſuch Damages to be aſcertained as herinafter mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and carry away any ſuch Materials in or out of the Grounds of any Perſon (not being a Ground whereon any Houses or Buildings ſtand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees) making or tendering ſuch Satiſaction for the Damages done to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Road, ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjuge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace for the Counties of *Northampton* and *Warwick*, or One of them, as the Caſe ſhall happen to be, at their next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt to be holden for the ſaid County in which ſuch Difference ſhall ariſe, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

XXXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, get, take or carry away any Materials for making or repairing any Part of the ſaid Road out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Land Owner or his known Agent, or to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them, or any Two Juſtices of the Peace acting for the County or Place wherein ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Land Owner, Agent, or Occupier, ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Truſtees, or to ſuch

Juſtices, ſhall ſeem proper; and if ſuch Land Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, the ſaid Truſtees, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent had attended; and the Order of ſuch Truſtees or Juſtices reſpectively ſhall be final and concluſive to all Parties.

Power to ſearch for Materials without giving Notice.

XXXIV. Provided always, and be it further enacted, That nothing hereinbefore contained ſhall hinder or prevent any ſuch Surveyor as aforeſaid from boring or digging in any incloſed Lands for the Purpoſe of ſearching for ſuch Materials as aforeſaid (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Plantation or Nurſery for Trees) without giving any ſuch Notice as aforeſaid, ſuch Surveyor doing thereby as little Damage as may be, and making full Satisfaction and Compenſation for any ſuch Damage, to be aſcertained in Manner aforeſaid.

Penalties on taking away Materials got by the Surveyors.

XXXV. And be it further enacted, That if any Perſon or Perſons 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 One Year (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 any pay a Sum not exceeding Ten Pounds.

Power to make Cauſeways.

XXXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors or any Perſon or Perſons by them, or either of them appointed or employed, may, and is and are hereby authorized and empowered, to make or cauſe to be made any Cauſeway or Footpath in or along the Side of any Part or Parts of the ſaid Road, and to cut or cauſe to be cut any Watercourſe in, through, or acroſs any Lands or Grounds, in order to drain or prevent the ſaid Road, or any Part or Parts thereof, from being overflowed, and to erect Bridges over ſuch Drains or Watercourſes if neceſſary, and alſo to make or cauſe to be made a Road or Way by, through, or over the adjoining Grounds of any narrow or ruinous Parts of the ſaid Road hereby intended to be repaired (not being the Scite of or Ground wheron any Houſe or Houſes ſtand, or any planted Walk, Yard, Park, Paddock, or Avenue to any Houſe) to be made uſe of by all Paſſengers with Carriages and Cattle or otherwiſe as a public Highway, whilſt the old or ruinous Road is undergoing Repair, and till ſuch Time as it ſhall be convenient and ſafe for Carriages and Cattle to paſs the ſame, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Lands and Grounds for the Damages thereby ſuſtained, as to the ſaid Truſtees or any Five or more of them, ſhall ſeem reaſonable.

XXXVII. Provided

Not to divert any Watercourse, Feeding Ponds, &c.

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

Surveyor may remove Annoyances.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, at proper Seaſons of the Year, to remove all Annoyances on the ſaid Road, and to cut down Trees or Buſhes growing on the ſaid Road, or in the Hedges or Banks adjacent thereto, and to cut or plaſh ſuch Hedges, the Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpoſe, under the Hand or Hands of the ſaid Surveyor or Surveyors, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees and Buſhes, or to cut or plaſh ſuch Hedges, or to remove ſuch Annoyances as aforeſaid; and in caſe ſuch Owners or Occupiers ſhall not, upon Demand, pay and reimburſe to the Surveyor or Surveyors ſuch Charges as aforeſaid, it ſhall and may be lawful for ſuch Surveyor or Surveyors by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace for the Counties of *Northampton* and *Warwick* (as the Caſe may happen to be) from Time to Time, to levy the Charges thereof upon ſuch Owners or Occupiers, by Diſtreſs and Sale of his or their Goods and Chattles, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Charges paid; and if after the Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Manner, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before Two or more Juſtices of the Peace for the County or Place where the Offence ſhall be committed, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees any Sum not exceeding Five Pounds.

Owners of Watercourſes neglecting to ſcour the ſame, after Notice given,

XXXIX. And be it further enacted, That if any Perſon or Perſons who of Right ought to ſcour and cleanſe any Ditch, Drain, or Watercourſe, which ſhall adjoin to, or lead into or out of any Part or Parts of the ſaid Road, ſhall not in a proper Manner cauſe the ſame to be ſcoured and cleanſed within the Space of Ten Days next after Notice

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in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains, and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if such Person or Persons shall not repay the Money paid by such Surveyor or Surveyors, on Demand thereof upon him or them respectively, by Writing, to be left at his, her, or their respective Place or Places of Abode, the said Money, and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains, or Watercourses, and Payment of the said Money, and Demand thereof made, and Nonpayment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may, by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person and Persons, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges are paid.

Surveyors may cleanse them.

Trustees may contract for purchasing Land.

XL. And be it further enacted, That they the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and empowered from Time to Time, as they shall think proper, to widen and divert, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, and that any Variation of Road may be made through any Common or Waste Ground, without making any Satisfaction for the same, and through any private Grounds or Hereditaments, making Satisfaction to the Owners thereof, and to the Persons interested therein, for the Damages they may sustain thereby; and it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of or 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 and diverting, turning, shortening, varying, and altering the Course or Path of any Part or Parts of the said Road through such Lands and Hereditaments; and it shall be lawful for all such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Trustees, and Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Infant Wards, Cestuique Trusts, Lunatics, Idiots, or Persons of unsound Memory and Understanding, and to and for all Femes Covert, who are or shall be seized or interested in their own Right, and to and for every Person or Persons whomsoever who are or shall be seised or possessed of 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 sell and convey unto them, or any Five or more of them, all or any such Lands or Hereditaments, or any Part thereof, for any the Purposes aforesaid; and all Contracts, Sales, or Conveyances, which shall be made in Writing, and sealed and delivered by any Five or more of the said Trustees, in pursuance of any Order or Orders at any Meeting or Meetings to be holden under this

Act,

Act, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, 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: Provided always, that in widening, turning, or diverting the Course of the said Road, nothing shall be done which shall or may in anywise injure or damage any House or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nursery of Trees, or any Walk of Trees or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Where Persons neglect or refuse to treat Damages to be settled by a Jury.

XLI. And be it further enacted, That if any such Bodies Politic, Ecclesiastical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them, given or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of indifferent Men of the County wherein such Lands shall lie, and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from time to time, as Occasion shall be, to summon and call before such Jury, and examine on Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all such Ways and Means, as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damages or 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 said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which Verdict or Inquisition, and Judgment, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, or Persons under any Disability whatsover, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, as well as all other Persons whomsoever; and for summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrants to the Sheriff of the County wherein such Lands shall lie, requiring him to impannel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the

said Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured, to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo as that no ſuch Fine be more than Five Pounds on any one Perſon for one Offence.

How Expences of the Jury ſhall be paid.

XLII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than what ſhall have been agreed and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satiſaction for any ſuch Right, Intereſt, and Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money in his Hands to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace of the ſaid County, not intereſted in the Matter in queſtion (who is hereby required to examine

examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees, by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures.

Money agreed upon or assessed for Lands, how to be paid and tendered.

XLIII. And be it further enacted, That all and every such Sum or Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, according to the Directions hereinafter contained, either into the Bank of *England*, or as the Case may require, to the Parties or Persons respectively entitled to such Monies, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, or in case of Refusal to accept, the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons; and after Thirty Days Notice thereof given to such Parties or Persons or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to extend, widen, divert or turn the said Road through or over such Lands or Hereditaments, and to do all and every Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwise fenced from the adjoining Lands, in such Manner as the said Trustees, or any Five or more of them, shall direct, and all Lands and Hereditaments which shall be made a Part or Parts of the said Road by virtue of this Act, shall to all Intents and Purposes, be deemed a common Highway, and shall be repaired and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of the Right and Title to such Lands and Hereditaments; and the Lands constituting any former Roads in lieu whereof some new Roads shall be made by virtue of this Act unless leading over some Heath, Common, Moor, or Waste Ground or to some Village, Town, Hamlet, or Place to which the respective new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, or may be exchanged for other Lands used for the Purpose of this Act, and the Money arising by such Sale shall be applied to the Repair of the Road by this Act directed to be repaired; and all Deeds of Exchange or Conveyance executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County wherein such Lands or Grounds shall lie, shall be good and effectual

Former Roads may be sold.

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This Act not to extend to the taking down of Houſes, &c.

in the Law, to all Intents and Purpoſes: but this Act ſhall not extend to the taking down of any Dwelling Houſe or other Buildings, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houſe, or any Yard, Park, Paddock, planted Walk, incloſed Nurſery for Trees, or Avenue to a Houſe, or any Part thereof, without the Conſent of the Owners or Proprietors thereof reſpectively in Writing firſt had and obtained.

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

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

Perſons whoſe Lands adjoin to have the Preference.

XLV. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Road, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Land ſhall adjoin thereto, and that the ſaid Truſtees, before they ſhall ſell or diſpoſe of the ſaid Piece or Pieces of overplus Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit, to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County in which ſuch Piece or Pieces of old Road ſhall lie, by ſome Perſon or Perſons no ways interreſted in the ſaid Piece or Pieces of old Road or other Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, or any Five or more of them, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons, to whom the ſame was ſo offered, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, or any Five or more of them, ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in manner hereinbefore directed with reſpect to diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as hereinbefore directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable

countable for any Misapplication or Non-application of such Money.

Application of Compensation when exceeding 200l.

XLVI. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, not having the Power to sell without the Authority of this Act, Feoffees in Trust, Guardians, Committees or other Trustees, or from any Femes or Feme Covert, or other incapacitated Persons or Person, 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 to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other 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 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 Lands, Tenements, 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 or 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 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 Lands, Tenements, or Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

Application when Money does not amount to 200l and shall exceed 20l.

XLVII. Provided always, and be it further 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 such Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall amount to or 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, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act, or any Five or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner hereinfore directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XLVIII. 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 the Sum of 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, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, 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.

In case of not making out Titles;

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

XLIX. 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 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 for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, and to order Distribution thereof, or Payment of

Subject to the Order of the Court of Chancery on Motion or Petition.

the

the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

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

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

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

LI. 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 this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from time to time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons liable to repair the Roads to continue so.

LII. And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who, before the making of this Act, hath or have used, or of Right ought by reason of the Tenure of any Lands, Tenements, or Hereditaments, or any other

Account

Account or Accounts, to repair any Part or Parts of the said Road, or any Bridge, Drain, or Watercourse, in or upon the same, shall, notwithstanding this Act, be subject and liable to such Repairs in the same Manner as they and every of them have or hath heretofore usually been, or would have been in case the said recited Act or this Act had not been made.

Statute Work.

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

with the Costs and Charges of recovering the same; and the said Forfeitures, Costs, and Charges shall and may be levied and recovered, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County or Place where such Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby empowered and required to grant upon Confession of the Party, or upon the Testimony of one or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby required and empowered to administer.

Penalty on Persons neglecting to do Statute Work.

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

Justices to determine Statute Work.

LV. And be it further enacted, That the Proportion of the Money received, or which ought to be received by the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place as aforesaid, in lieu of or as a Composition for such Statute Work as aforesaid, and adjudged and determined by such Two Justices as aforesaid to be by such Surveyor or Surveyors, paid to the said Trustees, or their Surveyor or Surveyors, shall be so paid to them or him at such Time or Times as such Two Justices as aforesaid shall direct or appoint; and in Default of Payment thereof, the same, together with all reasonable Costs and Charges of the Recovery thereof, shall and may from time to time be levied, on the Application of the said Trustees, or any Five or more of them, or their said Surveyor or Surveyors, by Distress and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways of such Parish, Township, or Place, by Warrant under the Hand and Seal or Hands and Seals of one or more Justice or Justices of the Peace for the County or Place where the Defaulter or Defaulters shall reside.

Trustees to compound for Statute Work.

LVI. Provided always, and be it further enacted, That it shall and may 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,

Occupiers, Grantees, Truſtees, Feoffees, and Committee of Lands, Tenements, and Hereditaments, who are and ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons, for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall and may be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places firſt had at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and agree for a certain Sum of Money by the Year or otherwiſe, in lieu of the Statute Work to be done upon any Part or Parts of the ſaid Road, all which Compoſition Monies ſhall be from time to time paid in advance, and ſhall be applied in Repair of the ſaid Road; and all ſuch Highway Surveyors ſhall be reimburſed the Money ſo by them paid in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for Repair of the Road.

LVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered, from time to time, to contract and agree with any Perſon or Perſons for the repairing, widening, altering, turning, or amending the ſaid Road, or any Part or Parts thereof, or for doing any other Work to be done in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more them, ſhall think proper.

Truſtees may erect Mile Stones, &c.

Penalty for defacing them.

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from time to time, to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction Poſt or Mile Stone erected or fixed, or to be erected or fixed in or near the Side of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall ride upon any Footway or Path adjoining to or made on the Side of or upon the ſaid Road, 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 Road, 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 Road, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer the ſame to root up or damage the ſaid Road, or any Part thereof, or the Fences, Hedges, Bankings, or Copſe, on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt, to be and remain looſe on the ſaid Road, or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the

the ſaid Road, or if any Perſon ſhall in any Manaer willfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet Fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſover, on any Part or Parts of the ſaid Road; or if any Perſon or Perſons ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Road (longer than may be neceſſary to load or unload the ſame) either with or without any Horse or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſover, on any Part of the ſaid Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not not exceeding Ten Pounds.

Penalty on obſtructing the Execution of this Act.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, hindered or interrupted, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

For ſecuring tranſient Offenders.

LX. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers, appointed to put this Act into Execution; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his, her, or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed, and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at the next Petty Seſſions to be holden within or for the County, Place, or Diſtrict, in which ſuch Offence or Offences have been committed, to anſwer the ſaid Complaint; and the Juſtices preſent at ſuch Petty Seſſions, 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 One Calendar Month, 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 Charges attending the Conviction and Commitment.

LXI. And

Form of Conviction.

LXI. And be it further enacted, That for the more ſpeedy Conviction of Offenders againſt this Act, all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words (as the Caſe ſhall happen) or in any other Form of Words to the ſame Effect:

County of } 'BE it Remembered, That on the Day of
to wit. } in the Year of His Ma-
'jeſty's Reign, *A. B.* is convicted before me
One of His Majeſty's Juſtices of the Peace
'for the County of *Warwick*, [or *Northampton as the Caſe may be*]
'by virtue of an Act of Parliament made in the Forty-ſixth Year of
'the Reign of His Majeſty King *George* the Third, intituled [*here ſet*
'*forth the Title of the Act, and ſpecify the Offence, and the Time and Place*
'*when and where the ſame was committed, as the Caſe may be*] Given
'under my Hand and Seal [*or*, our Hands and Seals] the Day and
'Year aforeſaid.'

For putting a certain Piece of Road under the joint Care of the Truſtees appointed by this Act, and the Truſtees of the Warwick and Daventry Road.

LXII. And whereas it is by the ſaid recited Act directed that the Road from the Town of *Northampton* to the Way Poſt, at or near the South Eaſt End of *Great Bulley Cloſe*, ſhould be repaired at the joint Expence of the Truſtees for executing the ſaid recited Act, and alſo of the Truſtees for executing Two Acts made in the Fifth and Sixteenth Years of the Reign of His preſent Majeſty, for repairing and widening the Road from the Great Bridge in the Borough of *Warwick* through *Southam* and *Daventry*, to the Town of *Northampton*; be it therefore enacted, That the ſaid Road ſhall, for the future, continue under the joint Care and Direction of the Truſtees for putting the ſaid Acts of the Fifth and the Sixteenth Years of His preſent Majeſty, and this Act in Execution; and all Money which ſhall hereafter be expended by the ſaid reſpective Truſtees towards keeping the ſaid Road in Repair, ſhall be equally defrayed out of the Monies ariſing by virtue of the ſaid recited Acts of the Fifth and Sixteenth Years of His preſent Majeſty, and this Act.

Penalties, how to be recovered and applied.

LXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed) ſhall upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County or Place wherein the 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 that Purpoſe); and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and recovered (if not otherwiſe directed to be applied by this Act) ſhall be from time to time paid to the Treaſurer to the ſaid Truſtees, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith

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 Gaol or House of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXIV. 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, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of *Northampton* or *Warwick*, in which soever the Cause of 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 Eight Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before a Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereof, 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 entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes: and the said Justices at such Sessions may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same, and for Want of sufficient Distress, commit such Person or Persons to the Gaol or House of Correction for the said Counties of *Northampton* or *Warwick* (as the Case may happen to be) for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form.

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

may recover full Satisfaction for the Special Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXVI. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until after Thirty Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the Counties of *Northampton* or *Warwick* or ſuch of them wherein the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence in any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Thirty Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County than as aforeſaid, 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 Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Public Act.

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

Commencement and Continuance of this Act.

LXVIII. And be it further enacted, That this Act ſhall commence upon the Second Monday after the paſſing thereof, and ſhall have Continuance for and during the Reſidue now to come of the Term granted and continued by the ſaid recited Act of the Twenty-firſt Year of His preſent Majeſty's Reign, and from the Expiration thereof for and during the further Term of Twenty One-Years, and from thence to to the End of the then next Seſſion of Parliament.

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