ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xli.

An Act for amending and keeping in Repair the Road from *Kettering* to the Town of *Northampton*, in the County of *Northampton*.

[19th *May* 1819.]

WHEREAS the preſent Highway or public Carriage Road leading from the Eaſt End of a certain Lane called *Hall Lane*, in the Pariſh of *Kettering* in the County of *Northampton*, through the ſeveral Pariſhes and Townſhips of *Kettering*, *Broughton*, *Pytchley*, *Walgrave*, *Orlingbury*, *Hannington*, *Sywell*, *Overſtone*, *Moulton*, *Weſton Favel*, *Abington* and *Kingſthorpe*, and the Pariſh of *Saint Giles* in the Town of *Northampton*, to the Eaſt End of *Abington Street* in the ſaid Town, is in a ruinous Condition; and it would be an Advantage and Convenience to the Public if the ſaid Road were effectually improved and kept in good Repair; but the ſame cannot be effected by the Laws in being for the Amendment and Preſervation of public Highways: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable *John Charles Spencer* commonly called Viſcount *Althorp*, the Right Honourable *Spencer Joſhua Alwyna Compton* commonly called Earl *Compton*, Sir *John Engliſh Dolben* Baronet, Sir *Juſtinian Iſham* Baronet, Sir *John Henry Palmer* Baronet, Sir *George Robinſon* Baronet, Sir *James Langham* Baronet, Sir *Richard Brooke de Capel Brooke* Baronet, *Edward Bouverie*, *Arthur Brooke*, *John Booth*, *Stamp Brookſbank*, *Richard Booth*, *Thomas Butcher*, Truſtees.

Butcher, William Ralph Cartwright, Philip Conſtable, the Honourable *James Douglas* Clerk, *William Drayſon, John Freke Evans, Robert Edmonds, Eyles, Brice William Fletcher* Clerk, *Fitton* M.D., *John E. Freake* M.D., *Peter Fearnhead, Edward Griffin* Clerk, *Charles Gibbon, John Cooper Gotch, William Hanbury, John Hanbury, George Finch Hatton, George Hanbury* Clerk, *George Edward Hanmer* Clerk, *Richard Howes, Henry Henſman, Samuel Iſted, John Kipling, William Kerr* M.D., *John Keep, Thomas Keep, James Kempſton, Joſeph Keep, Thomas Philip Maunſell, Monckton, Henry Nicholſon* D.D., *Henry Hoyle Oddie, Henry Hoyle Oddie* the younger, *Littleton Charles Powys* Clerk, *Samuel Woodford Paul, Samuel Payne, Edward Bryan Pell, Walton Pell,* Captain *Walton Pell, John Capel Roſe, William Villiers Robinſon* Clerk, *William Roughton* ſenior, *William Roughton* junior, the Honourable *George Spencer,* the Honourable *Richard Bruce Stopford* Clerk, *Richard Stanton* Clerk, *William Sawbridge, Chriſtopher Smyth, William Tyler Smyth, Thomas Reeve Thornton, Charles Tibbits, Richard John Tibbits, Thomas Tryon, John Harvey Thurſby,* the Honourable *George Watſon,* the Honourable *Henry Watſon,* the Honourable *George John Watſon,* the Honourable *Henry Watſon* the younger, *John Laycock Wetherall* Clerk, *Matthew Wilſon, John Patrick Worters, Joſeph Wright, Allen Edward Young, John Young* Clerk, and all His Majeſty's Juſtices of the Peace acting in and for the County of *Northampton* for the Time being, together with ſuch other Perſons not exceeding the Number of Ten, as the ſaid Truſtees ſhall elect in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for amending, improving and keeping in repair the ſaid Road, and for carrying into Execution the ſeveral Powers, Purpoſes, and Truſts of this Act.

Power to appoint new Truſtees.

II. And be it further enacted, That upon the Death, Incapacity, or Refuſal to act of any of the ſaid Truſtees, it ſhall be lawful for the ſaid Truſtees hereby appointed, and to be appointed as herein-after mentioned, to elect and appoint, in the Room of ſuch Truſtee or Truſtees ſo dying, being incapable or refuſing to act, ſuch Perſon or Perſons as they ſhall think proper; provided that Notice of the Time and Place of Meeting for the Election of ſuch Truſtee or Truſtees ſhall be given, by affixing the ſame, in Writing or Print, on all the Turnpike Gates which ſhall be then erected on the ſaid Road, at leaſt Ten Days before ſuch Meeting; and every Perſon ſo to be appointed a Truſtee ſhall and may act as Truſtee as fully as if he had been nominated a Truſtee in this Act.

Truſtees may act.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by the major Part of the Truſtees hereby appointed, and to be elected and appointed as aforeſaid, who ſhall be preſent at their ſeveral Meetings to be holden in purſuance of this Act, the whole Number preſent not being leſs than Five, except only in caſes herein-after mentioned as requiring a greater or leſs Number of them; and all Acts, Matters and Things ſo done and executed by ſuch major Part of the ſaid Truſtees ſo preſent, ſhall be as good, valid, and effectual as if done by all the Truſtees.

Qualification of Truſtees.

IV. Provided always, 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 be in his own Right, or in the Right of his Wife, ſeiſed or poſſeſſed of and in the actual Receipt of the Rents and Profits of Meſſuages,

Lands, Tenements, Tithes, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed or poſſeſſed of Meſſuages, Lands, Tenements, Tithes or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate to the Amount or Value of Four thouſand Pounds; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of this Act, he ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that all Acts and Proceedings by any ſuch Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Acts of unqualified Truſtees, previous to Conviction valid.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit, or be concerned or intereſted in any Contract or Contracts under this Act, or ſhall be a Tavern-keeper, Inn-keeper or Victualler, or a Dealer in Ale, Wine, Cider, or Spirituous Liquors by Retail; and that all ſuch Truſtees who are Juſtices of the Peace may act as Juſtices of the Peace within their reſpective Juriſdictions, in the Execution of this Act, notwithſtanding their being Truſtees, except only in Caſes where they ſhall be perſonally intereſted; and that no Perſon poſſeſſed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act ſhall on ſuch Account only be diſqualified from acting as a Truſtee.

Reſtriction as to Truſtees acting.

VI. And be it further enacted, That the Truſtees ſhall and may meet at the Houſe of *Charles Thomas*, known by the Sign of the *George Inn* in *Kettering* aforeſaid, or ſome other convenient Houſe near to the ſaid Road, on the Second *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be; and the Truſtees ſhall proceed to the Execution of this Act, and ſhall then, and from Time to Time afterwards, adjourn themſelves for the better carrying this Act into Execution, as they ſhall think proper, to any Place upon or near to the ſaid Road; and in caſe a ſufficient Number of the ſaid Truſtees ſhall not attend any ſuch Meeting, or at the Annual Meeting herein-after mentioned, then it ſhall be lawful for the Clerk to the ſaid Truſtees, to be appointed as herein-after mentioned, to adjourn the ſaid Meeting in ſuch and the ſame Manner as the ſaid Truſtees could or might have adjourned the ſame.

Truſtees Meetings.

VII. Provided always, and be it further enacted, That for the better carrying this Act into Execution, a General Meeting of the Truſtees of the ſaid Road ſhall yearly and every Year, during the Continuance of this Act, be held at the *George Inn* in *Kettering* aforeſaid, or ſome other convenient Houſe near to the ſaid Road, on the Firſt *Monday* in the Month of *October*.

Annual Meeting.

VIII. Pro-

Meeting on Emergency.

VIII. Provided alſo, and be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhall be appointed than the Day appointed by ſuch Adjournment, or in caſe no Adjournment ſhall have been regularly made, then and in either of the ſaid Caſes the Clerk to the ſaid Truſtees ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſe of ſuch Meeting (ſuch Time not being leſs than Ten Days after ſuch Notice), and ſuch Meeting ſhall and may be held accordingly; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees to pay their own Expences.

Truſtees Proceedings.

IX. And be it further enacted, That all Orders, Determinations, and Proceedings of the ſaid Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except herein otherwiſe particularly directed); and no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein; and that no Order made by the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting, unleſs by a Majority of Truſtees at a Meeting where Nine at leaſt ſhall be preſent, and Six of them ſhall concur therein.

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

X. And be it further enacted, That all Acts, Orders, and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept by the Clerk or Clerks to the ſaid Truſtees for that Purpoſe; and ſuch Acts, Orders, and Proceedings ſhall be ſigned by Five or ſo many of the Truſtees as the Caſe may require, and being ſo ſigned ſhall be deemed to be Originals; which Book or Books, and alſo the Book or Books hereinafter directed to be kept for the entering Mortgages of the Tolls, and Transfers thereof, ſhall be admitted and received as Evidence.

Truſtees may appoint Officers.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint One or more fit and proper Perſon or Perſons to be Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers and other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them, to appoint others in their Stead; and the ſaid Truſtees are hereby authorized, out of the Monies ariſing by virtue of this Act, to pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors and other Officers, and to ſuch other Perſon and Perſons as ſhall be aſſiſting them, or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when required by the ſaid Truſtees, deliver to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact and perfect Accounts in Writing under their reſpective Hands upon Oath (which Oath any Juſtice of the Peace is hereby empowered to adminiſter), of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed by them, and for what Purpoſe, with proper Vouchers for ſuch Payments and Diſburſements, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint

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to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to pay the Money due upon ſuch Account, in Manner aforeſaid, or to deliver up to the Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers or Writings in his or their Cuſtody or Power, relating to the Execution of this Act, then and in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place where the Officer or Perſon making Default ſhall be or reſide, upon Complaint thereof made to him by any Two or more of the Truſtees, of any ſuch Neglect or Refuſal, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and upon his 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 Accounts, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon the Confeſſion of the Officer or Perſon againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to the ſaid Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice may and is hereby authorized upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Monies to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon reſpectively, and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of making and taking ſuch Diſtreſs, and of ſelling the ſame, or if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to make out and deliver to the ſaid Juſtice the ſeveral Vouchers and Receipts relative to ſuch Account, 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 Warrant under his Hand and Seal, to commit ſuch Officer or Perſon to the Common Gaol or Houſe of Correction of the County or Diſtrict where he ſhall live or reſide, there to remain without Bail or Mainprize until he ſhall have delivered in and ſettled his Account, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Monies which ſhall appear to be in his Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive), or until he ſhall have delivered up all ſuch Books, Papers and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon by virtue of this Act for any longer Time than Three Calendar Months.

Treaſurers, &c. to give Security.

XII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized, directed and required, to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors

lectors to be appointed by virtue of this Act, for the due Execution of their Offices respectively, as the said Trustees shall think proper.

Same Person not to be Clerk and Treasurer.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance shall be allowed.

Accounts of Receipts and Disbursements to be open to Inspection of Trustees and Creditors.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Clerks of the said Trustees, in which Book or Books, such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money respectively received, paid, laid out and expended for or on account of the said Road, and of the several Articles, Matters and Things for which such Sums of Money shall have been disbursed, laid out and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and every of them, and to the several Creditors on the Tolls hereby granted, or any of them, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from any of the said Books, without paying any Thing for the same; and in case any such Clerk or Clerks shall refuse to permit, or shall not permit any of such Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, every Clerk so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Collectors to deliver Tickets gratis.

XV. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall on receiving of such Tolls deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates (if any) to be freed from Toll by such Payment.

Regulations as to Toll Collectors.

XVI. And be it further enacted, That every Toll Collector being appointed either by the said Trustees, or by any Lessee or Lessees of the Tolls, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black

Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of this Act, or the Orders and Regulations of the ſaid Truſtees, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall hinder any Perſon or Perſons from reading ſuch Chriſtian and Surname, or ſhall refuſe to tell his Chriſtian and Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in Anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or upon the legal Toll being paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous, abuſive or blaſphemous Language to any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

How Truſtees may ſue and be ſued.

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

Power to erect Toll Gates.

XVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch other Perſon or Perſons as they ſhall direct and appoint, ſhall and may erect or cauſe to be erected ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo upon or acroſs any Lane or Bye Way that doth or ſhall lead into or out of the ſame, as they the ſaid Truſtees ſhall think proper and expedient, ſubject to the Reſtrictions and Directions hereinafter mentioned concerning the ſame; and alſo ſhall and may erect or provide a Toll Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Conveniences, and incloſe from the ſaid Road convenient Garden Spots for the ſame, not exceeding Half a Rood for each ſuch Toll Houſe, and ſhall and may pull down and remove the ſame, or any of them, to any other Place or Places, when and as often as the ſaid Truſtees ſhall think proper, upon giving Twenty Days previous Notice of the Meeting

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to be held for the Purpoſe of determining upon the Propriety of removing any ſuch Toll Gate or Toll Gates reſpectively; provided that no Toll Gate or Turnpike ſhall be erected or placed within the Limits of the Town of *Northampton* aforeſaid.

Property veſted in Truſtees.

XIX. And be it further enacted, That the Right, Intereſt and Property of and in all the Toll Gates or Turnpikes and Toll Houſes which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and all Materials which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees for the Time being, and they are hereby empowered to ſell, aſſign, transfer, apply and diſpoſe of the ſame as occaſion ſhall require, and to bring, or cauſe to be brought, any Action or Actions, and to prefer and proſecute any Indictment and Indictments againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure or damage, any of the Toll Gates or Turnpikes and Toll Houſes, or any of the Conveniences or Appurtenances thereunto belonging, or any of the Materials aforeſaid, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act; and in any ſuch Action, Indictment or other Proceeding for the Purpoſes aforeſaid, it ſhall be ſufficient to ſtate any of the Matters or Things hereby declared to be veſted in the ſaid Truſtees, to be the Property of the ſaid Truſtees for executing an Act paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [here ſet forth the Title of this Act] without naming or otherwiſe deſcribing them.

How Poſſeſſion of Toll Houſes may be recovered.

XX. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls hereby granted, or any Perſon or Perſons claiming under him or them, ſhall, after the Expiration of the Term for which ſuch Tolls ſhall be leaſed, or for the Space of Seven Days after the Demiſe, Leaſe or Agreement for letting ſuch Tolls ſhall be declared void, refuſe to deliver up the Poſſeſſion of the Toll Houſe or Toll Houſes, Buildings and Premiſes which ſhall have been demiſed to him or them, with the Tolls ſo leaſed, it ſhall be lawful for any Juſtice of the Peace for the County or Place where ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes ſhall be ſituated reſpectively, by Warrant under his Hand and Seal, to order the Conſtable, or other Peace Officer of the Pariſh or Place where ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes ſhall be ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, with proper Aſſiſtants, to enter into ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes reſpectively in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods and Chattels, out of ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, and to put any Perſon or Perſons whom the ſaid Truſtees ſhall appoint, in Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Buildings and Premiſes, ſo that the Tolls payable thereat may from thenceforth be received and taken for the Uſe of the ſaid Truſtees.

Truſtees may take the following

XXI. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall and may be demanded and taken at each and every of the Toll Gates, Turnpikes and Side Gates, to be erected by virtue of this Act, by ſuch Perſon or Perſons as the ſaid Truſtees, or their Leſſee

or

or Leſſees for the Time being, ſhall from Time to Time appoint for that Purpoſe (except as herein-after is expreſsly directed or provided to the contrary), before any Horſe, Beaſt, Cattle, or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls. For every Horſe or other Beaſt, drawing any Chaiſe, Chair, Coach or other ſuch Carriage, the Sum of Nine-pence:

For every Horſe or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Score of Oxen, Cows, Calves, or other Neat Cattle, the Sum of One Shilling and Eight-pence, and ſo in proportion for a greater or leſs Number:

For every Score of Sheep, Lambs, Hogs, or Swine, the Sum of Ten-pence, and ſo in proportion for a greater or leſs Number:

For every Horſe or other Beaſt (except an Aſs), drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth ſo flat or level as not to deviate more than Half an Inch from a flat Surface, the Sum of Four-pence; and for every Aſs drawing any ſuch Carriage the Sum of Two-pence:

For every Horſe or other Beaſt (except an Aſs), drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling ſuch Surface as aforeſaid, the Sum of Five-pence; and for every Aſs drawing any ſuch Carriage the Sum of Two-pence Halfpenny:

For every Horſe or other Beaſt (except an Aſs), drawing any Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Six Inches, the Sum of Eight-pence; and for every Aſs drawing any ſuch Carriage the Sum of Four-pence:

And for every Horſe, Beaſt, Cattle, and Carriage, which ſhall paſs through any ſuch Turnpike, Toll Gate, or Side Gate as aforeſaid, on any *Sunday*, to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night, an additional Toll or Sum equal to One Half Part of the Toll or Sum which might on the preceding *Saturday* be demanded and taken for the ſame reſpectively:

Power of Diſtreſs. Which ſaid reſpective Sums ſhall and may be demanded and taken in the Name of and as a Toll, by ſuch Perſon or Perſons as the ſaid Truſtees, or their Leſſee or Leſſees for the Time being, ſhall from Time to Time authorize, empower, or appoint to receive the ſame; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall, after Demand thereof made by any Collector or Collectors appointed to receive the ſame, neglect or refuſe to pay the ſaid Tolls, or any of them, or any Part or Parts thereof, it ſhall be lawful for the ſaid Collectors, or any of them reſpectively, or any other Perſon or Perſons whom they ſhall reſpectively take to their Aſſiſtance therein, to diſtrain any Horſe or Beaſt for or upon which any of the ſaid Tolls are by this Act impoſed, or any of the Harneſs or Accoutrements thereof reſpectively, except the Bridle or Halter, apart from the Horſe or other Beaſt, or any other of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, with the reaſon-

able Charges of ſuch Diſtreſs, and of keeping the ſame, ſhall not be paid within the Space of Four Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Beaſt, Harneſs, Accoutrements, Goods and Chattels ſo diſtrained, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

Carriages on Wheels not rolling a flat Surface, to be conſidered as Carriages with narrow Wheels.

XXII. And be it further enacted, That every Waggon, Wain, Cart, or other ſuch Carriage paſſing on the ſaid Road, or any Part thereof, the Wheels whereof ſhall not roll a flat or level Surface, or a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface, or the Interior Diameter of the Wheels whereof ſhall deviate from the Exterior Diameter thereof more than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, ſhall be conſidered and deemed as a Carriage on Wheels rolling a Surface leſs than Six Inches, and ſhall and may be weighed at any Weighing Engine to be erected on the ſaid Road, or any Part thereof, and ſhall pay the ſame Tolls and Penalties for Overweight, and ſhall be ſubject to the ſame Regulations and Reſtrictions with reſpect to Weights, as any Waggon, Wain, Cart, or Carriage or Wheels rolling a Surface leſs than Six Inches is by Law ſubject and liable to.

Exemptions by 55 G. 3. not to be affected.

XXIII. Provided always, and be it further enacted, That all Waggons, Carts, and other ſuch Carriages, having the Wheels and Axletrees formed as directed by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Caſes*, and the Horſes and other Cattle drawing the ſame, ſhall have and enjoy the Privileges and Exemptions granted thereby.

Diſputes about Tolls to be ſettled by a Juſtice.

XXIV. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, until the Quantity of the Tolls, or the Charges of the Diſtreſs, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for the County wherein the Cauſe of Diſpute ſhall ariſe, who upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Quantity of the Tolls due; and it ſhall be lawful for ſuch Juſtice to aſſeſs and award ſuch Coſts to be paid by either of the Parties to the other of them as he ſhall think juſt and reaſonable; and in caſe of Nonpayment thereof on Demand, ſuch Coſts ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice.

Collectors not incompetent Witneſſes.

XXV. 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 by the ſaid Truſtees 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 acting under the Authority of the ſaid Truſtees.

XXVI. Pro-

Number of Tolls limited.

XXVI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to empower the ſaid Truſtees, or any of them, to cauſe the ſaid Tolls to be taken more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next Night) for the paſſing of the ſame Horſe, Carriage, or Cattle through the ſame Toll Gate or Turnpike; and that no more than One Toll ſhall be taken within the Diſtance of Four Miles upon the ſaid Road; and that no more than Two Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with the ſame Horſe, the ſame Carriage, or the ſame Cattle, through all the Toll Gates or Turnpikes to be erected by virtue of this Act; and all and every Perſon or Perſons having paid ſuch Toll or Tolls as aforeſaid, and producing a Ticket or Tickets denoting the Payment thereof (which Tickets the ſaid Collectors are hereby required to give *gratis*, on the Receipt of ſuch Toll), and which Ticket ſhall ſpecify the particular Toll Gate or Toll Gates to be free from Toll on the Production thereof, ſhall paſs and repaſs with the ſame Horſe, the ſame Carriage, or the ſame Cattle, Toll-free during ſuch Day, through the ſame Toll Gate, or ſuch Toll Gate or Toll Gates, according to the Circumſtances, as herein-before directed or mentioned.

Carriages in His Majeſty's Service exempt from Regulations.

XXVII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horſes or Oxen, but it ſhall be lawful to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage for drawing the ſame, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

General Exemptions from Toll.

XXVIII. And be it further enacted, That no Toll hereby authorized to be taken ſhall be demanded, taken, or received at any of the Toll Gates or Toll Bars to be erected by virtue of this Act, for any Horſe or other Beaſt of Draught, Cattle or Carriage whatſoever, when uſed or employed in carrying or conveying any Stone, Bricks, Timber, Wood, Heath, Gravel, Sand, or other Materials for making or repairing the ſaid Road, or any Part thereof, or any other Highways or public Roads within any Pariſh, Townſhip, or Place in which the ſaid Road, or any Part thereof, doth or may lie, or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Road under this Act, or going or returning unladen in that Employment, or when uſed and employed in carrying or conveying any Hay, Graſs, Saintfoin, Fodder, Straw, or Corn in the Straw, Turnips or Potatoes, or other Produce of Lands not ſold or diſpoſed of, nor going to be ſold or diſpoſed of or purchaſed, but paſſing to be laid up, placed in the Houſes, Outhouſes, Barns, Yards, or on the Lands of the Owners thereof; nor for carrying or conveying any Dung, Mould, Soil, Manure, or Compoſt (other than Lime or Limeſtone) to be uſed only for the manuring of Lands and Gardens, or going or returning unladen

laden in that Employment; nor for any Horſe, Beaſt of Draught, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Implement of Huſbandry be alſo laden with ſome other Things not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt or Cattle, nor for any Horſes or Beaſts of Draught, Mules, Aſſes, or Cattle going or returning from Work in cultivating the Lands within any of the ſaid Pariſhes, Townſhips, or Places aforeſaid; nor for any Horſe, Beaſt or Cattle, Calves, Sheep, or Lambs, paſſing to or repaſſing from Water or Paſture, or when going to be or returning from being ſhoed or farried, provided they do not travel beyond the Diſtance of Two Miles on the ſaid Road; nor ſhall any Toll be paid by any Rector, Vicar, or Curate, going to officiate, or returning from officiating at any Church, Chapel, or other Place of religious Worſhip, or when viſiting his ſick Pariſhioners, or upon other parochial or miniſterial Duty, or by any other Perſon or Perſons reſiding in any of the Pariſhes, Townſhips, or Places aforeſaid, who ſhall paſs through any of the ſaid Turnpikes, Toll Gates, or Toll Bars in going to or returning from his, her, or their parochial Church or Chapel, or other uſual Place of religious Worſhip tolerated by Law, 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, Townſhip, or Place in which any Part of the ſaid Road doth lie; nor for any Horſe or Carriage belonging to or attending His Majeſty or any of the Royal Family; nor for any Horſes 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 Poſt Maſter General, either when employed in conveying, fetching, or guarding the ſame, or on returning from conveying the ſame; 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 the Arms or Baggage of any ſuch Officers or Soldiers, nor for carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; or for any Horſe furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them; nor for any Carriage conveying Volunteer Local or Militia Infantry, in going to or returning from the Places appointed for and on the Days of Exerciſe or other Duty; provided that ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption; nor for any Waggon, Wain, Cart, Military Cart, or other Carriage whatſoever, or for the Horſe or Horſes, Beaſts or Cattle, drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Carriage, Horſe or other Beaſt employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning therefrom; nor for any Horſe, Cattle, Beaſt or Carriage whatſoever, uſed or employed for the Purpoſes only of carrying or conveying any Perſon or Perſons to vote, or returning from voting at any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Northampton*, during the Time of ſuch Election, or on the Day before

or

or Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever whereby the Payment of any of the said Tolls, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half thereof shall be applied for the Purposes of this Act.

Penalty on evading Tolls.

XXIX. And be it further enacted, That if any Person or Persons shall with any Horse, Carriage, Cattle, or Beast, pass through or over any Land or Ground, not being the Owner or Occupier thereof, or his, her, or their Servant or Servants, or of his, her, or their Family, near any of the Turnpikes which shall be erected by virtue of this Act (the same not being a common Road), with Intent to avoid the Payment of the said Tolls, or any Part or Parts thereof; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse, Carriage, Cattle, or Beast whatsoever, to pass over or through the same with such Intent as aforesaid; or if any Person or Persons shall give to or receive from any Person or Persons (except as aforesaid), other than a Collector of the said Tolls, a Ticket, or shall forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be evaded; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike with any Horse, Carriage, Cattle or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, or any other Cattle or Beast, and afterwards put on the same, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Carriage, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit any Sum of Money not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Forfeitures or Penalties are herein-after directed to be applied.

Power to stop up Roads to prevent Tolls being evaded:

XXX. And be it further enacted, That it shall and may be lawful to and for any Two or more Justices of the Peace of the said County of *Northampton*, at any Special Session or Meeting, by Order under their Hands and Seals, to stop up and discontinue any Bye Lane or Road opening into or communicating with the Road to be made by virtue of this Act, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they shall think it proper so to do, but subject to such private or occupation Roads (if any) as they shall think necessary, in the same Manner as by an Act passed in the Fifty-fifth Year of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads,* is directed with respect to the stopping up of unnecessary Roads; which Order shall be subject to Appeal in like Manner as in the said last-mentioned Act is provided or mentioned with respect to Orders for stopping up unnecessary Roads.

And to make Fences for the like Purpose.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required to cause Fences and Ditches to be erected and made over such Parts of any open Fields, Commons, and Waste Grounds, in or through which the said Road passes, not exceeding the Length or Distance of One hundred Yards, in order to prevent Payment of the said Tolls being evaded; and if any Person or Persons shall pull down, or otherwise displace, or carry away any such Fence, or any Part thereof, or shall fill up any such Ditch, such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to lease the Tolls.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, after giving Twenty-one Days previous Notice thereof in Writing, to be affixed upon all the Turnpikes erected across the said Road, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, for the best Rent or Price that can be reasonably gotten for the same, payable at such Times and in such Manner, and with, under, and subject to such Covenants, Conditions, and Agreements, as the said Trustees shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such other sufficient Security for Payment of the Rents to be reserved by, and for the Performance of the Covenants to be contained in such Lease or Leases, as the said Trustees shall think fit.

Power to determine Leases of Tolls in certain Cases.

XXXIII. And be it further enacted, That if upon or after any Letting, or Agreement for letting the said Tolls, or any Part thereof, any Default shall be made in Payment of the Rent agreed to be paid for the same, or any Part thereof, on the Days appointed for Payment thereof by such Letting or Agreement, then and in such Case the said Trustees may and they are hereby empowered, if they shall think fit, at any Meeting, after Notice of the holding of such Meeting shall have been given to the Lessee or Lessees of the said Tolls, and shall have been also affixed upon all the Turnpike Gates erected or standing upon or across the said Road, Seven Days at least before such Meeting, to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, void, and such Lease, Contract, or Agreement shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages and Expences which the said Trustees, or their Treasurer for the Time being, shall or may pay, sustain, or be put unto by reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement on the Part of such Lessee or Lessees.

Trustees may compound for Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, as they shall see convenient and think proper, to compound and agree for any Term not exceeding One Year at One Time, with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places in or through which the said Road passes, for the passing of his, her, or their Horses, Cattle or Carriages, through all or any of the Toll Gates or Turnpikes to be erected on the said Road, or on the Sides thereof, which Composition Money shall be paid in advance, and in default thereof the Composition shall be void.

XXXV. And

Tolls may be varied.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled for that Purpoſe, and they are hereby authorized and empowered from Time to Time, as they ſhall ſee Occaſion, to reduce or leſſen all or any of the Tolls or Duties hereby granted, ſo as Twenty-one Days Notice, in Writing or Print, be fixed upon the ſeveral Turnpike Gates which ſhall be erected in, upon, or acroſs the ſaid Road, declaring the Intention of the ſaid Truſtees to reduce or leſſen the ſame, and ſo as ſuch Reduction be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Four Fifth Parts of the Money due upon the Credit and Security of the ſaid Tolls, and afterwards from Time to Time to raiſe ſuch Tolls, or any of them, or any Part thereof, as they ſhall think neceſſary, ſo as the ſame be not in any Caſe raiſed higher than the Tolls made payable by virtue hereof; and ſuch Tolls ſo reduced or raiſed again ſhall be collected, recovered, or levied, and applied in the ſame Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

Recovery of Subſcriptions.

XXXVI. And be it further enacted, That the ſeveral Perſons who have become Subſcribers towards defraying any Part of the Expences of obtaining and paſſing this Act, and carrying the ſame, or any Part of it, into Execution, and every of them, and all and every other Perſon or Perſons who ſhall hereafter become a Subſcriber or Subſcribers for the Purpoſes aforeſaid, and his, her, or their Heirs, Executors or Adminiſtrators, ſhall within Twenty Days next after Notice in Writing, under the Hand of the Treaſurer or Clerk to the ſaid Truſtees, ſhall have been given or delivered to him, her, or them, or left at his, her, or their Dwelling or uſual Place of Abode, make full Payment of the reſpective Sums of Money ſo by him, her, or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, or ſuch Part or Parts thereof as may be required in ſuch Notice; and in caſe any ſuch Perſon or Perſons, his, her, or their Executors or Adminiſtrators, ſhall refuſe, neglect, or fail to make ſuch Payment as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt or on the Caſe, Bill, Plaint, or Suit, againſt the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and ſuch Notice being given as laſt aforeſaid, ſuch reſpective Sum or Sums ſo ſubſcribed or agreed to be ſubſcribed, or ſo much thereof as ſhall be required to be paid by ſuch Notice, ſhall be recovered, with full Coſts of Suit.

Power to borrow Money.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting, to borrow and take up at Intereſt, upon the Credit of the Tolls to be collected on the ſaid Road, in ſuch Manner as they ſhall think proper, not only the Sums already ſubſcribed, or to be ſubſcribed, but alſo ſuch other Sum or Sums of Money as they ſhall think fit, not exceeding the Sum of Three thouſand Pounds; and they are hereby empowered, by any Writing or Writings under their Hands and Seals, from Time to Time to demiſe, mortgage, or aſſign the ſaid Tolls, or any Part or Parts thereof, during the Continuance of this Act, as a Security or Securities to any ſuch Subſcriber or Subſcribers as aforeſaid,

or other Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, their reſpective Executors, Adminiſtrators and Aſſigns, for the Money ſo ſubſcribed or to be ſubſcribed, or lent and advanced, with Intereſt for the ſame; which Writing or Writings may be made in the Form or to the Effect following; that is to ſay,

Form of Security.

'BY virtue of an Act of Parliament paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] We of the Truſtees appointed for carrying into Execution the ſaid Act, in Conſideration of the Sum of paid by of to the Treaſurer of the ſaid Road, do hereby bargain, ſell, and aſſign unto the ſaid ſuch Proportion of the Tolls to ariſe upon the ſaid Road as the Sum of doth or ſhall bear to the whole Sum now due or hereafter to become due on Security thereof; to hold the ſame unto the ſaid Executors, Adminiſtrators, and Aſſigns, from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with lawful Intereſt for the ſame, after 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 .'

Copies to be entered.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; which Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; but no Money ſhall be borrowed upon Security of the Tolls after the Firſt Meeting of the ſaid Truſtees, unleſs Twenty Days previous Notice ſhall be given, by affixing ſuch Notice, in Writing or Print, upon all the Turnpikes then erected upon the ſaid Road, and alſo by inſerting the ſame in One or more of ſuch Newſpapers as aforeſaid; and it ſhall be lawful for all and every Perſon and Perſons to whom any Mortgage or Security ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt in or to ſuch Mortgage or Security, and the Principal Money thereby ſecured, to any Perſon or Perſons whomſoever, in the Form or to the Effect following, to be indorſed on or annexed to ſuch Mortgage or Security, and ſigned in the Preſence of and atteſted by One or more credible Witneſs or Witneſſes; (*videlicet*),

Securities may be transferred.

Form of Transfer.

'I *A. B.* of, &c. (*or*, I *C. D.* of, &c.) Executor (*or* Adminiſtrator of *A. B.* late of, &c. deceaſed, (*or otherwiſe, as the Caſe may happen*), in Conſideration of the Sum of to me paid by *E. F.* of, &c. do hereby aſſign and transfer unto the ſaid *E. F.* Executors, Adminiſtrators, and Aſſigns, a certain Mortgage or Security, bearing Date the Day of in the Year of our Lord One thouſand eight hundred and under the Hands and Seals of of the Truſtees for carrying into Execution an Act of Parliament paſſed in the Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], with all my Right and Title to the Principal Sum of thereby ſecured, and all Intereſt now due and hereafter to grow due thereon. Dated this Day of in the Year of our Lord One thouſand eight hundred and .'

Which

Which Transfer ſhall be produced to the Clerk of the ſaid Truſtees within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the Book or Books laſt mentioned, for which Entry the Clerk ſhall be paid the Sum of Two Shillings and Sixpence and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage or Security, and he, ſhe, or they may in the like Manner aſſign and transfer the ſame, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons, other than the Perſon or Perſons to whom the ſame ſhall be laſt transferred, his, her, or their reſpective Executors or Adminiſtrators, to releaſe, diſcharge, or make void the original Mortgage or Security, or the Monies due thereon, or any Part thereof; and all Perſons to whom any Mortgage or Security ſhall be made as aforeſaid, their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall, in proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing their Monies, or of the Dates of their reſpective Securities.

Transfers to be entered.

XXXVIII. And be it further enacted, That all Monies which ſhall ariſe and be produced by or from ſuch Subſcriptions as aforeſaid, and by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall from Time to Time be borrowed upon the Credit of the Tolls, and all other Monies which ſhall ariſe or be produced under or by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall be applied in the Order and Manner following; *videlicet*, in the firſt Place, in paying the Coſts, Charges, and Expences attending the preparing, obtaining and paſſing this Act, and of preparing Securities for the Sums ſo ſubſcribed, or to be ſubſcribed or borrowed; in the ſecond Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houſes and other Buildings, and repairing the ſame, and of erecting and making neceſſary and convenient Bridges over the ſaid Road, and of repairing the ſaid Road, and otherwiſe in executing the ſeveral other Powers and Purpoſes of this Act; in the third Place, in paying the Intereſt accruing upon the ſeveral Sums of Money ſecured, or which ſhall from Time to Time be ſecured upon the Credit of the Tolls to ariſe on the ſaid Road; and laſtly, in reducing, paying off, and diſcharging the ſame ſeveral Principal Sums; and it ſhall be lawful for the ſaid Truſtees, from Time to Time, if they ſhall think fit, to aſcertain the Order and Priority in which the ſame ſeveral Principal Sums ſhall be reduced or paid off and diſcharged by Ballot.

Application of the Money.

XXXIX. Provided always, and be it further enacted, That if at any Time or Times the Majority in Value of the Creditors upon the ſaid Road ſhall think it right or neceſſary to lower or totally ſuſpend the Payment of the Intereſt due or payable upon the ſeveral Sums of Money ſecured upon the Credit of the Tolls for a certain Time, then and in ſuch Caſe the Intereſt of all Sums of Money ſecured on the Credit of the Tolls of the ſaid Road ſhall be lowered, or totally ſuſpended, from ſuch Time or Times as ſuch Majority ſhall order, direct, or determine; any thing herein contained to the contrary notwithſtanding.

Majority of Creditors may lower or ſuſpend the Intereſt.

An Action of Ejectment may be supported by One Mortgagee.

XL. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, and Toll Houses, shall seek to obtain the Possession of the said mortgaged Premises, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Premises, to obtain such Possession; but the Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said mortgaged Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortagees.

Power to get Materials.

XLI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials proper for the repairing of the said Road, out of and from any Commons or Waste Grounds, Common Rivers and Brooks, in any Parish, Township or Place in or through which the said Road, or any Part thereof, lies or passes, or any adjoining Parish, without paying any Thing for the same, such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can conveniently be had in such Commons or Waste Grounds, Common Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township or Place in or through which the said Road or any Part thereof lies or passes, not being a Garden, Orchard, Yard, Park, Paddock, or a Plantation, or a Nursery for Trees (except as herein-after is mentioned), making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, Common Rivers or Brooks, or private Grounds, shall be conveyed, as any Two or more Justices of the Peace within their respective Jurisdictions shall, in case of any Difference between such Owners and Occupiers and the said Trustees, judge reasonable.

Materials not to be taken from inclosed Grounds, without an Order of Justices.

XLII. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons under Authority of this Act, to dig, gather, take, and carry away any Materials for repairing and amending the said Road, in or from any inclosed or private Grounds or Quarries, without the Consent of the Owners and Occupiers of such Grounds or Quarries, until after Ten Days previous Notice in Writing, signed by the said Surveyor, or some other Officer of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively; requiring

requiring them to appear before Two or more Justices of the Peace acting for the County or District wherein the said Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away any such Materials, at such Time or Times and in such Manner as to such Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

Penalty on taking away Materials.

XLIII. And be it further enacted, That if any Person or Persons shall take, carry away, or remove any Materials which shall have been dug or gathered for the Purpose of making or amending the said Road, or shall dig or take any Materials out of or from any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of the Ground, and who may work and get Materials therein for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyor may make Causeways and Drains.

XLIV. And be it further enacted, That it shall be lawful for the said Surveyor, and any other Person or Persons, by Order of the said Trustees, to cut and make Ditches, Drains, and Watercourses in, upon, and on the Sides of the said Road, and also through any Grounds lying contiguous thereto, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, and to erect and rebuild and keep in Repair Bridges and Arches upon the said Road, and across any such Ditch, Drain, or Watercourse as aforesaid, and to make sufficient Barriers or other Erections on any Part or Parts of the said Road, in order to prevent the same from being flooded or overflowed with Water, as the said Surveyor shall judge necessary; and also to make or cause to made any temporary Road or Roads through, over, or along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (except as herein-after is mentioned), to be made use of as a Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers; making such Satisfaction to the Owners and Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which such Owners or Occupiers respectively shall sustain thereby, as the said Trustees shall judge reasonable.

Trustees may purchase Lands for making new Road.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby fully empowered, from Time to Time as they think proper, to make, repair, widen, vary, or alter the Road through or over any Common or Waste Ground not exceeding the Width of Thirty Feet, without making any Satisfaction for the same, and through or over any private or inclosed Lands, Tenements, or Hereditaments (except as herein-after mentioned) not exceeding the Width of Thirty Feet, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall

and

and may be lawful for the ſaid Truſtees or their Clerk, or any other Perſon or Perſons by them duly authorized, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands, Tenements, and Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by making, widening, diverting, turning, or altering any Part or Parts of the ſaid Road; and the Lands, Tenements, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by the Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Road, in ſuch Manner as ſuch Truſtees ſhall think convenient, and ſhall by ſuch Perſon or Perſons as they ſhall order and appoint be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after ſuch Lands or Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall to all Intents and Purpoſes whatſoever, become and be and be deemed and taken to be a public and common Highway, and to be Part of the Road to be amended, widened, and kept in Repair by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means, and in ſuch Manner as the old Roads were and ought to have been kept in Repair; and after any ſuch Lands ſhall be made Part of the ſaid Roads as aforeſaid, the Lands or Grounds compriſed in or conſtituting the former Road, in lieu whereof ſuch Land or Ground ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can be reaſonably had or gotten for the ſame, and the Conveyance thereof, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County of *Northampton*, ſhall be good and effectual to all Intents and Purpoſes.

Corporations empowered to treat.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunatics, and Huſbands, and all other Truſtees whomſoever, for and on behalf of any Infants, Femes Covert, or Ceſtuique Truſts, Idiots, Lunatics, or any other Perſons under any Diſability of acting for themſelves, and for all and every Perſon or Perſons who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any Lands, Tenements or Hereditaments, as Tenant or Tenants for Life or Lives, or for any other particular Eſtate, to treat or agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein; and that all Contracts, Agreements and Sales which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes, any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Huſbands and Truſtees, Bodies Politic, Corporate or Collegiate, Aggregate or Sole, and other Perſons, are and ſhall be indemnified for what they do by virtue or in purſuance of this Act.

In caſe of Perſons not treating a Jury to ſettle the Recompence.

XLVII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Perſon or Perſons intereſted in any Lands, Grounds, or Hereditaments, which the ſaid Truſtees ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for the Purpoſes of this Act, or any ſuch Body Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Huſbands, Committees or other Truſtees, Tenant or Tenants

Tenants for Life or Lives, or for any other Eſtate in ſtrict or other Settlement, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Place of Abode of ſuch Perſon or Perſons, or of the Clerk or Head Officer of any ſuch Body Politic, Corporate or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the ſaid Premiſes, ſhall, by the Space of Twenty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees ſhall cauſe it to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Northampton* (which Oaths the ſaid Truſtees, or any Three or more of them, are hereby empowered to adminiſter), what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owner, Proprietor, Occupier, or other Perſon or Perſons intereſted, for or upon account of taking or uſing ſuch Lands, Tenements, or Hereditaments for the Purpoſes of this Act; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time to ſummon and call before them all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine ſuch Witneſs or Witneſſes before the ſaid Jury upon Oath (which Oath the ſaid Truſtees, or any Three or more of them, are hereby empowered and required to adminiſter), and they ſhall order and cauſe the ſaid Jury to view the Place in queſtion, and uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have ſo aſcertained and ſettled ſuch Damages and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners, Proprietors, or Occupiers of the ſaid Lands, Tenements, or Hereditaments, or other Perſons ſo intereſted therein, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgment, Order and Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever, againſt all Parties and Perſons claiming in Poſſeſſion, Reverſion, Remainder or otherwiſe; and all and every ſuch Owners, Proprietors, Occupiers and Perſons anywiſe intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall thereby be from henceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame; and for ſummoning and returning any ſuch Jury the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants, ſigned by them to the Sheriff of the County of *Northampton*, thereby commanding and requiring ſuch Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff, or his Deputy, is hereby required thereupon to impannel, ſummon, and return ſuch Twenty-four Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve Perſons, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured or ſummoned to attend that Service, to the Number of Twelve; and all Perſons concerned

Verdict of Jury to be final.

Jury may be challenged.

shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on any such Sheriff or his Deputy who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, unless prevented by Sickness or other sufficient Cause, or after having appeared shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges and Expences, shall refuse to be sworn, or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Five Pounds upon any One Person for One Offence.

Sheriff or Mayor may be fined for Neglect of of Duty.

By whom Expences of Jury to be paid.

XLVIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money than shall by or on behalf of the said Trustees have been offered before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest or Property, or Damage as aforesaid, then the Costs and Charges of summoning and maintaining the Jury and Witnesses shall be borne and paid by such Trustees out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall by or on behalf of the said Trustees have been offered, before the summoning and returning of such Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property or Damage as aforesaid, then and in every such Case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons who declined to accept such Offer; which Costs and Expences, being settled by some Justice of the Peace, (who is hereby authorized to settle the same), shall be recoverable by such Ways and Means as Penalties and Forfeitures are hereby authorized to be recoverable: Provided always, that in case any Person shall by reason of Absence from *England* have been prevented from treating, such Costs and Expences shall be paid by the said Trustees.

Restriction not to deviate more than 100 Yards from the present Road.

XLIX. And be it further enacted, That no Alteration shall be made in the said Road, by which the same shall be made to deviate from the present Line thereof more than One hundred Yards, without the previous Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall for the Time being be seized or possessed of the Lands or Tenements through which such Deviation shall be made.

Houses, &c. not to be taken without Consent.

L. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any other Person or Persons, to purchase, take, or damage any Dwelling House or other Building, or to purchase, take, or damage any Garden, Orchard, Yard, Walk or Avenue to a House, or Plantation or Nursery of Trees, without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Orchard, Yard, Walk, Avenue,

Avenue, or Plantation or Nurſery of Trees, reſpectively under their reſpective Hands for that Purpoſe firſt had and obtained.

Lands, &c. to be Part of the Road on Payment of the Purchaſe Money.

LI. And be it further enacted, That on Payment or Tender of ſuch Sum or Sums of Money as ſhall have been contracted and agreed between the Parties, or aſſeſſed by ſuch Jury in Manner aforeſaid, for the Purchaſe of any Lands, Tenements or Hereditaments as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands, Tenements or Hereditaments, or to ſuch other Perſon or Perſons as ſhall appear to be intereſted therein, or entitled to receive ſuch Money, or on paying ſuch Sum or Sums of Money into the Bank of *England* in ſuch Manner as by this Act is directed (as the Caſe may be), all Parties and Perſons whomſoever ſhall be from thenceforth diveſted of all Right and Title to ſuch Lands, Tenements or Hereditaments; and ſuch Payment or Tender ſhall not only bar all the Eſtate, Right, Title, Intereſt, Claim and Demand whatſoever of the Perſon or Perſons to whoſe Uſe the ſame ſhall be or ought to have been made, but ſhall alſo bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and all other Eſtates in Reverſion or Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein; and after Ten Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands and Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall for ever afterwards be deemed a common Highway, and ſhall be deemed Part of the Road by this Act directed to be repaired; and after ſuch new Road ſhall be formed and completed, then the Land, not being Common or Waſte Land, compriſed in or conſtituting the old or former Road, ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired, unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupance of any Lands or Tenements to which the ſame may lead, or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands, being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County of *Northampton*, ſhall be good and effectual to all Intents and Purpoſes.

New Road to be fenced by Truſtees.

LII. And be it further enacted, That in all Places where the ſaid Truſtees ſhall widen, turn, or alter any Part or Parts of the ſaid Road, or make any new Line of Road, the ſaid Truſtees ſhall make or cauſe to be made proper Walls or Quickſet Fences where neceſſary, as the Caſe ſhall require, ſo as effectually to guard and fence off the Lands adjoining to the ſaid Road; and alſo proper Gates, Bridges, and Arches where neceſſary, out of the ſaid Road into the Lands adjoining; and ſhall keep the Quickſet Fences ſo to be made in good Order and Repair for the Term of Three Years from the Time that ſuch Quickſet Fences ſhall have been made.

Power to reſell Land not wanted.

LIII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered to make by virtue of this Act, they may happen to be ſeized of ſome Piece or Pieces of Ground or Hereditaments over and above what

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 to ſell and diſpoſe of ſuch Pieces or Parcels of Ground and Hereditaments, 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.

Owner of the adjoining Land to have the firſt Offer.

LIV. Provided always, and be it further enacted, That when any Grounds ſhall be ſold by the ſaid Truſtees in purſuance of the Powers of this Act, the ſame ſhall be firſt offered at a fair and reaſonable Price to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, his, her, or their Heirs; or in caſe of the Sale of Part of an old Road, the ſame ſhall be firſt offered at a reaſonable Price to ſuch Perſon or Perſons as ſhall have Lands adjoining thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame, an Affidavit to be made and ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by and on behalf of the ſaid Truſtees, and that ſuch Offer was not then and there agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was 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 the ſame, and he, ſhe, or they, and the ſaid Truſtees 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 herein-before directed with reſpect to the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*.

Application of Money when amounting to 200l.

LV. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed, taken, or uſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons, or of any Perſon or Perſons ſeiſed for Life or Lives of any other Eſtate in ſtrict or other Settlement, ſhall, in caſe the ſame 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, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands 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 or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe 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 and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſes or Settlements were made.

Where leſs than 200l. and above 20l.

LVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, or belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall 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 or Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two or more Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved by the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

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

or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Purchase Money to be paid into the Bank of England in certain Cases.

LVIII. 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 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 in case the 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 or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the 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 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 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 of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise as to the Title to Money.

LIX. 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 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 any 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 be 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 and Interest 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

LX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled

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 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 as much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with all neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expences of Purchaſes to be paid by Truſtees.

LXI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors for the Time being, and ſuch Perſon and Perſons as he or they ſhall or may appoint from Time to Time, to prevent all Nuiſances or Annoyances on any Part or Parts of the ſaid Road, by Timber, Stone, Carriages, Sawpits or other Pits, Dung, Filth, Rubbiſh, or otherwiſe, and to turn any Watercourſe, Gutters, Conduits or Drains running into the ſame to the Prejudice thereof, and to open, ſcour and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit or Watercourſe adjoining or near the ſaid Road, or any Part or Parts thereof, and alſo to cut down, lop or top any Branches or Buſhes growing in the Hedges, Fences, or Grounds adjoining thereto (ſo as to reduce ſuch Hedges to any Height not leſs than Three Feet), and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Ten Days next after Notice in Writing given for that Purpoſe under the Hand of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid, and ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances any Perſon ſhall offend again in the like Manner, every ſuch Perſon ſhall for every ſuch ſubſequent Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing Nuiſances,

LXII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed or employed by him, by Order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes in and upon the ſaid Road, and alſo through any Grounds lying contiguous thereto, not being a Garden, Orchard, Yard, Park, Paddock, or a Plantation or Nurſery for Trees, and to make ſufficient Barriers and other Erections on any Part or Parts of the ſaid Road, in order to prevent any River or Current of Water from flooding the ſame, as the ſaid Truſtees or Surveyor ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over, or along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, not being a Garden, Orchard, Yard, Park, Paddock, or a Plantation, or Nurſery for Trees, to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for travelling, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds to be uſed, cut through, or built upon, for the Damage which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable.

and Obſtructions.

LXIII. And

Gates to swing inwards.

LXIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Road, shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees, or any Two or more of them, to order all such Gates as are now erected, or may hereafter be erected, and open and swing outward towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards toward the said Road, shall, after Ten Days Notice from any Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inward, refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Damaging Road, &c.

LXIV. And be it further enacted, That if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining to the said Road, or shall lead or drive any Horse, Beast or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon 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 and damage the said Road, or the Fences on either Side thereof; or if any Person shall

Cattle grazing on Road.

turn or suffer any Horse, Ass, Beast, or Swine to be or remain upon the said Road, or to graze or depasture on the Sides thereof; or if any Person

Riding on Shafts.

driving any Carriage upon the said Road shall ride on the Shafts, or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or near Side of the said Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off,

Fireworks.

or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Twenty Yards from the Centre of any Part of the said Road, or play at Football or any other Game or Games on any Part of the said Road

Leaving Carriages on Road.

to the Annoyance of any of the Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side 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 (and then such Carriage shall be placed as near to the Side of the said Road as conveniently may be); or shall lay any Timber, Stones, Chalk,

Laying Timber, &c. on Road.

Marle, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences now standing or hereafter to be erected on the Sides thereof; or after having locked or stopped any Carriage in going up any Hill or other rising Ground, shall leave or suffer or permit

permit to be and remain on the ſaid Road, or any Part thereof, the Stone or other Thing uſed in the blocking or ſtopping ſuch Carriage; or ſhall plough up, dig up, or break up any of the Soil between any Part of the ſaid Road and ſuch Fences as aforeſaid, for the Purpoſe of making Compoſt or Manure, or otherwiſe ſhall ſcrape off any Soil or other Thing from the ſaid Road or the Sides thereof, or ſhall take up and carry away any ſcraping thereof, or any Dung, Mould, Soil, Compoſt or Manure, from the Sides thereof, except ſuch as may be lying in his own Ground, and be carried away without being brought over any Part of the ſaid Road, or that the ſame be done at ſuch Times and under ſuch Regulations as the Truſtees or their Surveyor ſhall direct and order, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Scraping Road without Conſent of Truſtees.

LXV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor, and ſuch Perſon or Perſons as he ſhall appoint, from Time to Time, without giving any previous Notice, to remove all ſuch Earth, Trees, Roots of Trees, and other Things as ſhall ſuddenly ſlide, fall, or be blown down from any Hedge, Bank or Land, into or upon any Part of the ſaid Road, ſo as to narrow or obſtruct the Paſſage along the ſame, and to carry and place the ſame on any Waſte Ground near thereto, ſo as to be no Annoyance to Travellers; and ſuch Surveyor or Surveyors ſhall forthwith give Notice thereof to the Owners or Occupiers of the Lands from whence ſuch Earth, Trees, Roots, or other Things ſhall ſo ſlide or fall, or be blown down as aforeſaid, and the Charges of carrying away the ſame (to be ſettled by the ſaid Truſtees), ſhall be reimburſed and paid to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered in ſuch Manner as Penalties and Forfeitures for Offences againſt this Act are hereby directed to be recovered.

Surveyor empowered to remove ſudden Obſtructions without Notice.

LXVI. And be it further enacted, That no Windmill ſhall be erected within One hundred Yards from any Part of the ſaid Road.

Windmills.

LXVII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required and empowered to cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides thereof, at the Diſtance of One Mile each from the other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees ſhall ſeem meet; and if any Perſon ſhall wilfully or maliciouſly damage, break, or pull up any of the Stones or Poſts which ſhall be erected and ſet up upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, and ſhall be convicted thereof, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace for the County or Place wherein any ſuch Stone or Poſt ſo damaged, broken, pulled up, or defaced ſhall be (which ſaid Oath the ſaid Juſtice is hereby empowered and required to adminiſter), every ſuch Perſon ſo offending, and being thereof convicted as aforeſaid, ſhall reſpectively forfeit and pay, over and above the Amount of Damages occaſioned, any Sum not exceeding Five Pounds for every ſuch Offence, to be levied and recovered in ſuch Manner as Penalties and Forfeitures are hereby directed to be levied and recovered; One Moiety

Road to be meaſured, and Mileſtones erected.

of such Forfeitures to be paid to and for the Use of the Informer, and the Residue thereof to be applied for the Purposes of this Act.

Bridges, &c. to be repaired as before.

LXVIII. Provided always, and be it further enacted, That where the said Road, or any particular Part or Parts thereof, or any Bridges, Arches, Drains, Sewers, or Watercourses in and upon the same Road, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or by the said County of *Northampton*, or by any Parish or Township therein respectively, or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, Sewers and Watercourses, shall from Time to Time be maintained and kept in repair by such Person and Persons, Bodies Politic and Corporate, Corporations, Wards, Parishes or Townships, and in such and the same Manner as the same ought to have been maintained and kept in repair in case this Act had not been made.

Statute Work.

LXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them by the said Trustees, or any Two or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order

and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such respective Parishes or Places, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is authorized or directed to be recovered by this Act; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with 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 remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Power to compound for Statute Duty.

LXX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree, by the Year or otherwise, with the Owners and Occupiers of any Lands, Tenements, and Hereditaments liable or chargeable with or towards the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also for the respective Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, and Places in which the said Road lies, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by the Inhabitants of such Parishes, Townships, Hamlets, and Places, upon any Part of the said Road, all which Composition Monies shall be paid in advance; and such respective Surveyors shall be repaid or reimbursed all the Composition Monies which shall be so paid by them, and may recover the same in like Manner as Surveyors of the Highways are by Law enabled to recover the Monies by them expended in buying Materials for repairing the said Highways.

LXXI. And

Recovery and Application of Penalties.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed, or authorized to be impoſed, the Manner of recovering and levying of which is not herein otherwiſe particularly directed, ſhall, upon Proof of the Offences reſpectively, before any One or more Juſtice or Juſtices of the Peace for the County of *Northampton*, either by the Confeſſion of the Party or Parties offending, or by the Oaths of any One or more credible Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby required to grant for thoſe Purpoſes, and to adminiſter ſuch Oath; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned, on Demand, to the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties, Forfeitures, and Fines, when ſo levied (if not otherwiſe directed by this Act), ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied in the Execution of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Gaol or Houſe of Correction for the County wherein the Offence ſhall have been committed, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

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

Form of Conviction.

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

Proceedings not to be quaſhed for want of Form, nor removed by Certiorari.

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

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

Appeal. LXXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Order, Determination, Proceeding, Matter or Thing made or done in purſuance of this Act (ſave and except any Order, Determination, Proceeding, Matter or Thing herein-before directed to be final), for which no particular Relief hath been herein-before provided, ſuch Perſon or Perſons may, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace of any General Quarter Seſſions of the Peace for the County of *Northampton* aforeſaid, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Clerk or Treaſurer of the ſaid Truſtees, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of and pay ſuch Coſts as ſhall be awarded againſt him, her, or them by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at their Seſſions, on due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed in, hear, and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as the ſaid Juſtices reſpectively ſhall think proper, and their Determination ſhall be final and concluſive to all Intents and Purpoſes.

Limitation of Actions. LXXV. Provided always, 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, after Six Calendar Months next after the Fact being committed; and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall or may at his or their Election plead ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought before Twenty-one Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or 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 Suit 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 recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes of Law.

General Iſſue.

Treble Coſts.

Plaintiffs not to recover after Tender of Amends. LXXVI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, unleſs

Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Public Act.

LXXVII. 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 Act.

LXXVIII. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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