ANNO PRIMO

GEORGII III. REGIS.

Cap. lxxx.

An Act for enlarging the Term and Powers of several Acts of His Majesty King *George* the Second, and of an Act passed in the Thirty-ninth Year of the Reign of His late Majesty, for repairing the Road leading from *Market Harborough*, in the County of *Leicester*, to the *Pound* in the Parish of *Brampton*, in the County of *Huntingdon*. [15th *July* 1820.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road leading from* Market Harborough *in the County of* Leicester, *through* Desborough, Rowell, Kettering, Barton Seagrave, *and* Thrapston, *in the County of* Northampton, *and through* Bythorne, Spaldwick *and* Ellington, *to the* Pound *in the Parish of* Brampton, *in the County of* Huntingdon: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said Majesty, intituled *An Act for explaining, amending, and rendering more effectual an Act made in the Twenty-fifth Year of His present Majesty's Reign, for repairing and widening the Road leading from* Market Harborough *in the County of* Leicester, *through* Desborough, Rowell, Kettering, Barton Seagrave, *and* Thrapston, *in the County of* Northampton, *and through* Bythorne, Spaldwick, *and* Ellington, *to the* Pound *in the Parish of* Brampton, *in the County of* Huntingdon: And whereas another Act was passed in the Thirty-third Year

25 G. 2. c. 57.

27 G. 2. c. 28.

33 G. 2. c. 38. of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers granted by an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for repairing and widening the Road leading from* Market Harborough *in the County of* Leicester, *to the* Pound *in the Parish of* Brampton *in the County of* Huntingdon, *and by One other Act made in the Twenty-seventh Year of the Reign of His present Majesty, for explaining, amending, and rendering more effectual the said former Act:* And whereas another Act was passed in the Thirty-ninth Year of the Reign of His late Majesty

39 G. 3. c. 50. King *George* the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and amending the Powers of Three several Acts passed in the Twenty-fifth, Twenty-seventh, and Thirty-third Years of the Reign of His late Majesty King* George *the Second, for repairing and widening the Road leading from* Market Harborough *in the County of* Leicester *to the* Pound *in the Parish of* Brampton, *in the County of* Huntingdon: And whereas the Trustees appointed in or by virtue of the said Acts have from Time to Time proceeded to put the same in Execution, and have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which are now owing and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions thereof altered and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Acts further continued. and by the Authority of the same, That the said recited Acts passed in the Twenty-fifth, Twenty-seventh, and Thirty-third Years of the Reign of His said Majesty King *George* the Second, and in the Thirty-ninth Year of the Reign of His late Majesty, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein respectively contained (except such of them as are varied, altered, or repealed, or as are repugnant to any of the Clauses or Provisions herein contained), shall be and continue in full force and effect, and shall be executed for and during the Term herein-after mentioned for repairing, improving, and keeping in Repair the Road therein mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act with relation thereto, but subject nevertheless to such Alterations and Amendments as are herein

Subject to the existing Debts. contained; and this Act and the Tolls and additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Security or on the Credit or Account of the said former Acts or any of them, or which may hereafter be borrowed or become due and owing on the Credit of the said Acts and this Act, and all Interest due and to grow due for the same respectively.

Power in 25 G. 2. for appointing new Trustees repealed. II. And be it further enacted, That so much of the said recited Act of the Twenty-fifth Year of the Reign of His said Majesty King *George* the Second, as enacts that when and as often as any Trustee or Trustees shall die or refuse to act, it shall be lawful for the surviving Trustees or any Nine or more of them, by any Writing or Writings under their Hands and Seals, to nominate or appoint One or more fit Person or Persons residen tin the said County of *Leicester*, in the Room of such Trustee or

Trustees so deceased or refusing to act, who resided within the said County of *Leicester*, as also One or more fit Person or Persons resident in the said County of *Northampton*, in the Room of such Trustee or Trustees so deceased or refusing to act, who resides in the said County of *Northampton*, as also One or more fit Person or Persons resident in the said County of *Huntingdon*, in the Room of such Trustee or Trustees so deceased or refusing to act, who resides in the said County of *Huntingdon*, shall be and the same is hereby repealed.

Power to require Officers to account on Oath repealed.

III. And be it further enacted, That so much of the said recited Act of the Twenty-fifth Year of the Reign of His said Majesty King *George* the Second, as requires any Collectors, Clerks, Treasurers, Surveyors, or other Officers or Persons to deliver their Accounts upon Oath, and as subjects them to any Penalty for refusing to verify the same upon Oath, and as authorizes the said Trustees to administer any such Oath, shall be and the same is hereby repealed.

Repealing certain Parts of 39 G. 3. directing Repairs of certain Parts of the Road.

IV. And be it further enacted, That so much of the said recited Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, as enacts that so much and such Part of the said Road as extends from *Market Harborough* aforesaid to a Post or Obelisk in *Keyston Lane*, should be repaired and amended by the Trustees of the *Northamptonshire* Division, and that so much and such Parts of the said Road as extends from the said Post or Obelisk in *Keyston Lane* to the *Pound* in the Parish of *Brampton* aforesaid, should be repaired and amended by the Trustees of the *Huntingdonshire* Division, shall be and the same is hereby repealed and made void.

Account of Money paid off to be produced at General Yearly Meetings, repealed.

V. And be it further enacted, That so much of the said recited Act passed in the Thirty-ninth Year of the Reign of His said late Majesty King *George* the Third, as enacts that the Treasurers acting in and for the said respective Divisions should produce at every General Yearly Meeting of the said Trustees, Accounts of the Produce and Application of the Tolls arising within their respective Divisions, and of the Balances then remaining in their Hands, which should be applied and disposed of in such Manner as the Trustees then present or any Nine or more of them should order and direct, shall be and the same is hereby repealed and made void.

Former Application of Tolls repealed.

VI. And be it further enacted, That so much of the said recited Act passed in the Thirty-ninth Year of the Reign of His said late Majesty King *George* the Third, as enacts that the Tolls to be taken and received in both the said Divisions of Road shall be paid into the Hands of the Treasurer or Joint Treasurers to be appointed according to the Directions of the said Acts, so as to make One General Fund, and shall be applied in defraying the Expence of repairing and amending the said Roads, and in discharge of the Sum of Thirteen thousand and sixty-six Pounds Five Shillings, then due and owing on the Credit of the Tolls granted by the said recited Acts, and also in discharge of the Principal and Interest of any further Sum of Money which might thereafter be borrowed on the Credit of the Tolls thereby granted, shall be and the same is hereby repealed and made void.

VII. And

Qualification of Trustees by former Acts repealed.

VII. And be it further enacted, That so much of the said recited Acts as relate to the Qualification of Trustees, shall be and is hereby repealed, and from and after the Commencement of this Act, no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before one or more of the said Trustees an Oath, (or being one of the People called Quakers) an Affirmation, in the Words or to the Effect following; that is to say,

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm], that I am truly and *bonâ fide* in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, *or* am the Heir Apparent of *A. B.* who to the best of my Knowledge is in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; *or* that I am possessed of a Personal Estate alone, or of a Real and Personal Estate together, of the Amount or Value of Four thousand Pounds. So help me GOD.'

And if any Person not being qualified as above-mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person 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 by Action of Debt or on the Case, or by Bill, Suit, or Information 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 the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts, and this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of the said recited Acts and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Acts good until Conviction.

Trustees Names.

VIII. And be it further enacted, That *Poyntz Owsley Adams*, the Right Honourable *Charles Arbuthnot*, *William Allington* Clerk, *George Ashby*, *John Baker*, *John Thomas Baumgarten* M. D., *Edward Bates*, *W. L. Batley* Clerk, *John Booth*, *Robert Booth* Clerk, *George Boulton* Clerk, *Bridges* D. D., Sir *Richard De Capel Brooke Brooke* Baronet, *Arthur Brooke*, *Stamp Brooksbank*, *Thomas Brown*, *Charles Bryant*, *J. W. Buller*, *Chartres* Clerk, *James Cole*, *Samuel Edward*

Edward Cooch, *Charles Cooch*, *Thomas Day*, *William Day*, *John Saville Dobyns*, Sir *John English Dolben* Baronet, *John Dore*, the Honourable and Reverend *James Douglass*, *John Driver*, *Robert Edmonds*, *Edward Edwards* Clerk, *George Eland*, *William Elderkin*, *Valentine Ellis* Clerk, *Charles Thomas Ellis*, *Thomas Evanson* Clerk, *Thomas Eyles*, the Reverend *Richard Farrer* Clerk, *William Ferney*, the Reverend *B* *William Fletcher* Clerk, *William Claudius Fonnereau* Clerk, *John George*, the Honourable *George Germaine*, *Charles Gibbon*, *William Gibbon*, *Robert Godby*, *Henry Godby*, *John Cooper Gotch* Clerk, *Tobias Green*, the Reverend *Edward Griffin* Clerk, *Grimshaw* Clerk, *William Hanbury*, *George Hanbury* Clerk, *Henry Hensman*, *William Herbert*, the Reverend Sir *Thomas Hewett*, *John Hewson*, *John Hodgson*, *Holdich* Clerk, *Henry Hungerford Holdich*, *Thomas Peach Holdich*, the Reverend *Samuel Heyrick* Clerk, *William Horner* Clerk, *Edward Hunt*, *Thomas Hurst* Clerk, *Philip Hurstwait*, *Philip Hurstwait* junior, *Benjamin Hutchinson*, *Thomas Inkersole*, Sir *Justinian Isham* Baronet, *Vere Isham* Clerk, *Francis Jones* Clerk, *John Keep*, *James Kempston*, *John Knight*, *William Ladds* of *Ellington*, *William Ladds* of *Spaldwick*, *Henry Leet*, *Charles Lewin*, *William Lindsell*, *William Loveday*, *David Mackie*, *William French Major*, *Edmund Major*, *William Margetts*, *Charles Margetts*, *James Mann*, *Mann* Surgeon, *Edward Martin*, *John Maule*, *George Maule*, *James Morton* M.D., *William Munton*, *Christopher Newton*, *John Nicholls*, *Henry Hoyle Oddie*, *Henry Hoyle Oddie* junior, Sir *John Henry Palmer* Baronet, the Reverend *Henry Palmer* Clerk, *Charles Pasheller*, *Samuel Pasheller*, *Thomas Pasheller*, *John Pasheller* of *Molesworth*, *George Perkins* Clerk, *Henry Perkins*, the Honourable and Reverend *Littleton Powys*, the Honourable and Reverend *Frederick Powys*, *Charles Proby* Clerk, *John Pumfret*, *George Betts Pumfret*, the Reverend *Thomas Reynolds* Clerk, *Roberts* Clerk, the Reverend *Robert Roberts* D.D., Sir *George Robinson* Baronet, *G* *T* *Robinson*, *Langham Rokeby*, the Reverend *William Role*, *Roles* Clerk, *William Roughton*, *William Roughton* junior, *John Capel Rose*, *Thomas Samwell*, *Watson Samwell*, *Samuel Sarjeant*, *Thomas Saunderson* Clerk, *Robert Sherard*, *Caryer Sherard*, *Charles Slow*, *John Smith*, *John South*, *Thomas Sparke*, *John Sutton* Clerk, *Henry Sweeting*, *John Sweeting*, *Charles Sweeting*, *Charles Tibbitts*, the Reverend *John Tibbitts*, *James Tyley* Clerk, *Robert Morgan Vane* Clerk, *Edward Vardy* Clerk, *David Veasey*, *David Veasey* junior, *Charles Veasey*, *James Veasey*, *William Walcott*, the Reverend *Richard Walker* Clerk, the Reverend *David Wanchope*, the Reverend *Thomas Wartnaby* Clerk, *William Wartnaby*, *George Wartnaby*, the Honourable *George Watson*, the Honourable *George Watson* junior, the Honourable and Reverend *Henry Watson*, *John Laycock Weatherall* Clerk, *Samuel Wells*, *Benjamin Welstead*, *George Whitlark*, *Benjamin Whitney*, *Jonah Wilson*, *Mathew Wilson*, *Ralph Wilson*, *John Patrick Worters*, *James Wright*, *William Yorke*, *John Yorke*, *James Yorke*, *John Young* Clerk, and all the Justices of the Peace acting for the respective Counties of *Northampton*, *Huntingdon*, and *Leicester*, together with such other Persons as shall be appointed Trustees according to the Directions of this Act, shall be and are hereby nominated and appointed the Trustees for carrying the said recited Acts and this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees at their First Annual General Meeting, to elect, nominate, and appoint any Number of fit Persons not exceeding Ten to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and

and appointed, Six of whom shall be Persons Inhabitants of the County of *Northampton*, and Four of the County of *Huntingdon*.

Power to elect other Trustees on Death, &c.

X. And be it further enacted, That when any of the Trustees hereby appointed, or to be elected and appointed in Manner herein mentioned, shall die or be disqualified to act, or by Writing under their Hands shall refuse to act in the Execution of the said recited Acts and this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time at their Annual General Meeting to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, or refusing to act as aforesaid, such Notice being given thereof as is required by the said first recited Act for the Election of new Trustees; provided that every Person so to be elected a Trustee in the Room or Place of any Trustee so dying, becoming disqualified, or refusing to act, and who shall have been an Inhabitant of the County of *Northampton*, be at the Time of his Election an Inhabitant of the County of *Northampton*, and that every Person so to be elected a Trustee in the Room or Place of any Trustee so dying, becoming disqualified, or refusing to act, and who shall have been an Inhabitant of the County of *Huntingdon*, be at the Time of his Election an Inhabitant of the County of *Huntingdon*; and all and every Person and Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of the said recited Acts and this Act, to all Intents and Purposes as if he or they had been named and appointed a Trustee or Trustees in and by the said recited Acts or this Act.

Power to appoint general Treasurer and Surveyor.

XI. And be it further enacted, That at the First General Meeting of the Trustees for executing the said recited Acts and this Act, or at any Special Meeting to be called for that Purpose, giving such Notice as is required for any Special Meeting to be held by virtue of the said recited Acts, it shall be lawful for the Trustees, if they shall think fit, to elect and appoint one general Treasurer and one general Surveyor for the whole Line of the said Road, and from Time to Time to remove such Treasurer or Surveyor at any Annual General Meeting, but not otherwise, and on the Death or Removal of any Treasurer or Surveyor so to be appointed, to elect and appoint at such General Annual Meeting some other Person in his Stead as often as Occasion may require; the said Trustees taking such Security from every such Treasurer and Surveyor as they shall think necessary for the faithful Discharge of his Office.

Same Person not to be Clerk and Treasurer.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Five or more of them, to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or this Act or any of them, or the Partner of any such Clerk, the Treasurer for the said recited Acts and this Act, or any of them, or to appoint or continue 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 the said recited Acts and this Act, or any of them, 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 the said recited Acts and this Act, or any of them, 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.

XIII. 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 the said recited Acts and 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.

Other Tolls may be taken in lieu of the present.

XIV. And be it further enacted, That the several Tolls and Duties granted and made payable by the said recited Act of the Thirty-ninth Year of His said late Majesty, shall continue to be collected and received until the First Day of *September* next after the passing of this Act, and from thenceforth in lieu thereof the several Tolls herein-after mentioned shall be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates continued or erected by virtue of the said recited Acts or this Act, or such of them as the said Trustees shall direct, and by such Person or Persons as the said Trustees, or any Five or more of them, or their Lessees, shall from Time to Time appoint for that Purpose, 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 Coach, Chariot, Landau, Chaise, Hearse, Curricle, Gig, or other such Carriage, the Sum of Sixpence:

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 Halfpenny:

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 Five-pence; and so in proportion for a greater or less Number:

For every Horse or other Beast 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

Surface of that Breadth so flat or level as not to deviate more than an Inch from a flat Surface, the Sum of Four-pence:

For every Horse or other Beast 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 Four-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 a less Breadth or Gauge than Six Inches, the Sum of Four-pence Halfpenny; and for every Ass drawing any such Carriage as last aforesaid, the Sum of Three-pence.

Which said respective Tolls and Duties hereby granted or made payable, or any of them, shall not be increased in respect of narrow Wheels, by the Provisions of any general Statute or Act of Parliament now in force.

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

XV. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels of the Width and Descriptions and the Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late 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.

General Exemptions from Toll.

XVI. And be it further enacted, That none of the Tolls authorized to be taken by virtue of the said recited Acts or this Act shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horse, Cattle, Beast, or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the said Road, when employed in carrying or conveying Stone, Bricks, Timber, Wood, Heath, Gravel, or other Materials, to be used in or about the said Road, or the public Bridges on the said Road, or any of the Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon the said Road, or returning empty when so employed, or when employed in carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, nor going to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns or Yards, or on the Lands of the Owners thereof, or any Ploughs, Harrows or other Implements of Husbandry to be used in the Cultivation of Lands, or any Dung, Compost, or other Manure to be used or laid upon Lands, or returning empty after having been so employed; nor for any Horses, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes, Townships, Districts or Places, or any of them; nor for any Horses, Mules, Asses, Cattle, Sheep, Lambs or Hogs going to or returning from Pasture in the Commons or other grazing Grounds or Watering Places, or Blacksmiths Shops to be shoed or farried, or having been shoed or farried; 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 any other Parochial or Ministerial

sterial Duty, or by any other Person or Persons residing in the said Parishes, Townships, Districts or Places, who shall pass through any of the said Turnpikes or Toll Gates to or from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their 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 who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts or Places; 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 Postmaster General, either when employed in conveying, fetching, or guarding the same, or on returning from conveying the same, or for the Horses of Soldiers on the March or on Duty, or Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of any such Soldiers, or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise; provided 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 or other Carriage whatsoever, or for the Horse or Horses or other 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; or 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 going with any Elector or Electors to vote, or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Northampton* and *Huntingdon* respectively, on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; one Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied for the Purposes of the said recited Acts and this Act.

Carriages on His Majesty's Service not to be subject to Regulation for Overweight.

XVII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, 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 being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Acts or this Act contained to the contrary notwithstanding.

Restricting Trustees from taking Toll between Market Harborough and St. Mary's Bridge.

XVIII. And whereas the Trustees for executing the said Acts have collected Tolls at a Toll Gate erected on that Part of the said Road leading from *Market Harborough* to *Saint Mary's Bridge* in the Parish of *Great Bowden*, in the County of *Leicester*, and have not expended any Part of such Tolls in putting that Part of the said Road in Repair; and it is expedient that the Trustees for executing the said recited Acts and this Act should be restricted from taking Toll between the Town of *Market Harborough* and *Saint Mary's Bridge* aforesaid; be it therefore further enacted, That it shall not be lawful for the Trustees for executing the said recited Acts or this Act to demand or take, or cause to be demanded or taken, at any Time after the Commencement of this Act, any Toll on that Part of the said Road which lies between the Town of *Market Harborough* and *Saint Mary's Bridge* aforesaid; any thing contained in the said recited Acts or this Act, or any of them, to the contrary notwithstanding.

If Trustees keep in Repair that Part of the Road between Market Harborough and St. Mary's Bridge, they shall be allowed to take One Half the Toll granted by former Act.

XIX. Provided always, and be it further enacted, That in case the said Trustees shall at any Time hereafter be required to repair, and shall actually put into good and effectual Repair, that Part of the said Road between *Market Harborough* and *Saint Mary's Bridge* aforesaid, and keep and continue the same at all Times in good Repair, then and in such Case it shall be lawful for the said Trustees from thenceforth to demand and take, or cause to be demanded and taken, One Moiety or Half Part of the Tolls granted by the said recited Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, for or in respect of Horses, Cattle, Carts and Carriages passing or travelling on the said Road from *Market Harborough* to *Saint Mary's Bridge* aforesaid, any thing herein or in the said recited Acts contained to the contrary hereof notwithstanding.

Power to reduce Tolls and raise them again.

XX. And be it further enacted, That the said Trustees or any Seven or more of them may and they are hereby authorized and empowered, at their Annual General Meeting, from Time to Time, as they shall think proper, to lessen or reduce all or any of the Tolls granted or authorized to be taken by the said recited Acts or this Act, and to raise them again to any Sum not exceeding the Tolls respectively hereby granted or authorized to be taken, provided that such Reduction in the Tolls, and any subsequent Advancement thereof, be made throughout the whole Line of Road, and not partially on any particular Part thereof, and provided that every such Reduction be made with the Consent of the Persons who shall be entitled to Five-sixths Parts at least of the Money then due on the Credit of such Tolls; and that Notice in Writing be given of a Meeting to be held for that Purpose by affixing the same upon all the Turnpike Gates then erected on the said Road Ten Days before the Meeting for making such Reduction; and such Tolls so lessened, varied, or reduced, or raised again, shall be vested in the said Trustees, and shall be collected in such Parts and Proportions at such of the Turnpike Gates on the said Road, as they the said Trustees or any Seven or more of them shall direct, and shall be collected, recovered, paid, and applied in the same Manner as the Tolls hereby granted or authorized to be taken are directed to be collected, recovered, and applied.

XXI. And

Collectors to deliver Tickets gratis.

XXI. And be it further enacted, That the several Collectors of the Tolls granted by the said recited Act and this Act shall, on Receipt 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.

Number of Tolls limited;

XXII. Provided always, and be it further enacted, That no greater Number of Tolls than next herein-after mentioned, shall be demanded or taken from any Person or Persons passing and repassing on the same Day, with the same Horses, Cattle, Beasts and Carriages through all the Toll Gates or Turnpikes to be continued, erected, or provided by virtue of the said recited Acts or this Act, on the several Parts of the said Road herein-after mentioned; that is to say, no more than Two Tolls between *Market Harborough* and *Kettering*, and no more than Two Tolls between *Kettering* and *Thrapston*, and no more than Two Tolls between *Thrapston* and *Brampton* aforesaid; but all and every Person and Persons having paid such Tolls, and producing a Ticket or Tickets denoting the Payment thereof, (which Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of such Tolls) shall pass and repass with the same Horses, Cattle, Beasts and Carriages Toll-free on the same Day through all the other Toll Gates or Turnpikes to be erected or provided on such several Parts of the said Road as aforesaid.

except by Stage Coaches, &c.

XXIII. Provided always nevertheless, and be it further enacted, That the Benefit of Exemption from the Payment of the Tolls hereby granted more than once on the same Day, shall not extend or be construed to extend to any Stage Coach or other public Carriage whatsoever, although the same shall return and repass with the same Horses, nor to any Coach, Chaise, or other such Carriage, which shall return and repass with different Horses, nor to any Post Chaise or other Carriage let out on Hire when any new Hiring thereof shall be made, on a Ticket being produced denoting such Hiring; any thing herein contained to the contrary notwithstanding.

Disputes as to Tolls to be settled by a Justice.

XXIV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of seizing, distraining, keeping or selling such Distress (as the Case may happen), shall be ascertained by a 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 into the said Matter, upon the Oath of the Parties, or any Witness or Witnesses, and determine the Amount 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 forthwith 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, rendering the Overplus, if any, on Demand, after Payment of such Costs and Charges and the Costs and Charges of making such Distress and Sale, to the Person

Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Regulations as to Toll Collectors.

XXV. 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 the said recited Acts or 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 or Surname, or shall refuse to tell his Christian or 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 Five Pounds for every such Offence.

An Action of Ejectment may be supported by One Mortgagee.

XXVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Toll Gates, Bars, Chains, Toll Houses, and Buildings erected or to be erected by virtue of the said recited Acts or this Act, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, or of the Tolls authorized to be collected thereat, 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 Tolls and Premises, to obtain such Possession; but such 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 Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of Tolls, &c.

XXVII. And be it further enacted, That out of the Money arising by the Tolls, or out of any other Monies to be received under and by virtue

of the said recited Acts and this Act, save and except the Money hereinafter authorized to be borrowed for repairing the Road, the Costs, Charges, and Expences relative to or attending the obtaining and passing of this Act, with Interest for all Monies advanced for that Purpose, shall be first paid and discharged; and in the next Place all Officers employed by the Trustees in the Execution of the said recited Acts and this Act, and also all Interest in Arrear at the Time of the passing of this Act, and then all Interest which may become due after the passing of this Act, on the Principal Monies borrowed or raised under or by virtue of the said recited Acts or any of them, or which shall hereafter be borrowed upon the Credit of this Act, shall be paid; and subject to such Payments, all the Residue of the said Monies shall be applied in the first Place in repairing and improving the whole Line of Road, and in the next Place in paying off and discharging the Principal Monies which may have been borrowed and shall be due and owing on the Security of the said recited Acts and this Act, together with all Interest due thereon.

For paying Creditors by Lot.

XXVIII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them or any Five or more of them, at any Special Meeting to be holden at *Thrapston*, Notice of such Meeting and of the Purpose thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said Counties of *Northampton* and *Huntingdon*, if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

Power to borrow further Sum of Money.

XXIX. And whereas it is expedient, from the very dilapidated State of the greater Part of the Road, that a further Sum of Two thousand Pounds should be forthwith raised for putting the same in a good and effectual State of Repair; be it therefore further enacted, That it shall and may be lawful for the said Trustees to borrow and take up at Interest any Sum not exceeding Two thousand Pounds, on the Security of the Tolls granted by the said recited Acts and this Act, and to apply such Monies in effectually repairing and improving the said Road, or such Parts thereof as most require Repair.

Treasurer and Surveyor to deliver Accounts at Quarterly Meetings.

XXX. And be it further enacted, That every Treasurer and Surveyor appointed or to be appointed by virtue of the said recited Acts or this Act or any of them, shall and he is hereby required to deliver in to the Clerk to the said Trustees at the Quarterly Meetings of the Trustees to be holden according to the Directions of the said recited Act passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, a full Statement and Particular in Writing of all Sums of Money received by him since the last Quarter Day for the Purposes of the said recited Acts and this Act, and to whom and in what Manner the same may have been expended, and shall also state the Balance of Money then remaining in his Hand; and all such Accounts shall be kept and filed by the Clerk

or Clerks to the said Trustees, and be produced at the General Annual Meeting of the Trustees directed to be holden at *Thrapston* aforesaid.

Gates to swing inwards.

XXXI. 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 Five 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 towards 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 inwards, 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.

XXXII. 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 drive or lead any Horse, Beast or Swine, or wheel any Hand Cart, Barrow, or other 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 turn any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine upon the said Road, to graze or depasture on the Sides thereof; or if any Person shall tether any Horse, Cow, Mule, Ass, Beast, Swine, or other Cattle on the Sides of the said Road; or if any Higler, Cricker, Hawker, Pedlar, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, shall place or leave the same or shall pitch any Tent or encamp upon or by the Side of any Part of the said Road; or if any Person 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, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Road the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; 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 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

Games to the Annoyance of any Passenger or Passengers on any Part of the said Road; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Windows to the Front of the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Road; or if any Person shall place or 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, Marl, 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 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 Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof; or if the Surveyor or Surveyors of the said Road, or any Contractor or Contractors for the Repairs of the said Road or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Road or the Sides thereof, or upon any Part of the said Road, any Heaps of Stones or other Materials for repairing the said Road or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Road; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by the said recited Acts and this Act directed to be recovered and applied.

Cattle found straying may be impounded.

XXXIII. Provided always, and be it further enacted, That it shall be lawful for any Trustee, or the Surveyor, Clerk, or Treasurer of the said Road, or any Person employed to work thereon, to take, lead, and drive away and impound any Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle found tethered or straying or grazing or depasturing on the Side or Sides of the said Road; and unless such Penalty shall be paid within Five Days after such taking and impounding, such Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle may be sold to satisfy such Penalty, and the Overplus of the Money (if any) to arise by any such Sale shall, after Payment of all the Costs and Charges of taking and keeping such Horse or other Cattle, and making such Sale, be paid, on Demand, to the Owner or Owners of the Horse or other Cattle so impounded and sold as aforesaid.

Clauses in former Acts for getting Materials, repealed.

XXXIV. And be it further enacted, That so much of the said recited Acts as authorizes the Surveyor appointed by the said Trustees and such other Person or Persons as shall be employed by such Surveyor to cut, gather, dig, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper or convenient for repairing the said Road, in, upon, out of and from any Lands or Grounds therein mentioned, and as respects the making of Compensation and Satisfaction for

for the Damages occasioned thereby, shall be and the same is hereby repealed.

Power to get Materials.

XXXV. 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 lies or passes, or any adjoining Parish, Township, or Place, 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 lies or passes, or any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Paddock, or a Plantation or a Nursery for Trees, 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, Commons, common Rivers or Brooks, or private Grounds, shall be conveyed, as any Two Justices of the Peace within their respective Jurisdictions shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

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

XXXVI. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons, under the Authority of the said recited Acts or this Act, to dig, 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 of such Grounds or Quarries, until after Ten Days previous Notice in Writing, signed by the Surveyor or some other Officer of the said Trustees, shall have been given to the respective Owners and Occupiers of the Lands or Grounds from whence such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before Two or more Justices of the Peace acting for the County or District wherein such 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 (in case sufficient Cause shall not be shewn to the contrary), 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.

Deviation not to exceed more than One hundred Yards from the present Road.

XXXVII. Provided always, and be it further enacted, That the said Trustees, in diverting, altering, or improving any Part of the said Road under the Powers of the said recited Acts and this Act, shall not deviate more than One hundred Yards of Three Feet each from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Application of Money when amounting to 200*l.*

XXXVIII. 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 the said recited Acts and 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 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 the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or 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 Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

Where less than 200l. and above 20l.

XXXIX. 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.

XL. 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 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.

XLI. 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 the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or 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.

XLII. 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 the said recited Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of 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 or 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 Expences of Purchases to be paid by Trustees.

XLIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of the said recited Acts and 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 the said recited Acts and this Act, or so 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.

Statute Work.

XLIV. And be it further enacted, That so much of the said recited Acts as relate to the Performance of Statute Work on the said Road, shall be and the same is hereby repealed; and 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

main liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees or any Three or more of them, or by their Treasurer, Clerk, or Surveyor by their Order, and also upon giving at least Four Days previous Notice in Writing to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Road passes of such Application, 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, Townships, 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, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition 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 appoint and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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, within the said respective Parishes, Townships, or Places, as the said Trustees or any Three or more of them, 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 the Highways of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer at such Time or Times as such Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Five Days Notice in Writing given to or left for him, her, or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as

such

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 or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay such Composition or any Part thereof in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and all such Statute Work may be compounded for and the Composition Money recovered as in the said recited Acts is provided or mentioned in that Behalf.

Recovery of Penalties and Forfeitures.

XLV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by any of the said recited Acts or this Act, may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County, Town, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such County as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal to cause such Offender or Offenders to be committed to the Gaol of such County, there to remain without Bail or Mainprize for

any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Public Act.

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

Commencement and Continuance of this Act.

XLVII. And be it further enacted, That this Act shall commence and take Effect upon the First Day of *September* next after the passing thereof, and the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall be put in force and be executed for and during the Residue then to come of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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