ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 154.

An Act for more effectually amending, widening, and keeping in Repair, the Roads leading from the Town of *Northampton* to *Chain Bridge*, near the Town of *Market Harborough*, and from the Direction Poſt in *Kingſthorpe*, in the County of *Northampton*, to *Welford Bridge* in the ſame County. [2d *June* 1810.]

WHEREAS an Act was paſſed in the Eighteenth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for more effectually amending, widening, and keeping in Repair the Roads leading from the Town of* Northampton *to* Chain Bridge, *near the Town of* Market Harborough, *and from the Direction Poſt in* Kingſthorpe, *in the County of* Northampton, *to* Welford Bridge *in the ſaid County; and for repealing ſeveral Acts made in the Eighth Year of King* George *the Firſt, and the Twelfth and Twenty-third Years of his late Majeſty, relating to the ſaid Roads:* And whereas the Truſtees appointed in or by virtue of the ſaid recited Act, have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby granted: But the ſaid Roads cannot be properly amended and kept in Repair, nor the Money ſo borrowed be repaid, unleſs the Term granted by the ſaid recited Act be further continued: And it would be more convenient to the Truſtees for executing this Act and beneficial to the ſaid Roads if the ſaid recited Act were

18 G. 3. c. 112.

were repealed, and further and other Powers granted inſtead thereof; May it thereof pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Second *Monday* next after the paſſing of this Act, the ſaid recited Act ſhall be and the ſame is hereby declared to be repealed; and that on the ſame Day this Act ſhall commence and take Effect in lieu and inſtead thereof, and ſhall continue in Force and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of amending, widening, improving, and keeping in Repair the ſaid Roads leading from the Town of *Northampton* to *Chain Bridge*, near the ſaid Town of *Market Harborough*, and from the Direction Poſt in *Kingsthorpe* to *Welford Bridge* in the ſaid County of *Northampton*; and this Act and the Term and Tolls hereby granted ſhall be and are hereby made ſubject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or on account of the ſaid Roads, together with all Intereſts due and to grow due thereon, as fully and effectually to all Intents and Purpoſes as if ſuch Monies had been borrowed and become due and owing on the Credit or on account of this Act.

repealed.

Truſtees.

II. And be it further enacted, That the Right Honourable *John Charles Spencer*, commonly called *Viſcount Althorpe*; *Robert Andrew*, *John Armytage*, Eſquires; *James Allen* Clerk; *Robert Abbey*, *William Atterbury*, *Thomas Armfield*; the Honourable *Edward Bouverie*, *Edward Bouverie* the younger, *Robert Willis Blencowe*, *William Buller*, *John Buxton*, *Edward Bull*, *John Benton*, *Robert Lloyd Breton*, *Everard Bouverie*, Eſquires; *George Boulton*, *Robert Charles Blayney*, *Robert Baxter*, *John Buckby*, —— *Bicknell*, Clerks; *Henry Bullivant*, *Jeremiah Briggs*, *Thomas Butcher*, *William Birdſall*, *William Brown*, *John Bliſſard*, *John Barrett*, *Thomas Burnham*, *Joſeph Biggs*, *William Butlin*, *Daniel Boſworth*, *George Baker*, *Richard Buſwell*; *William Ralph Cartwright*, *Andrew Corbett*, *Thomas Chapman*, Eſquires; *Nathaniel Cotton*, *John Clarke*, *Robert Crowther*, *John Lloyd Crawley*, Clerks; *Joſhua Cooch*, *Joſeph Coxe*, *Philip Conſtable*, *John Chambers*, *William Cullen*, *John Bull Collins*, *John Cole*, *Nathaniel Cotton* the younger, *Robert Carr*; Sir *William Dolben* Baronet; *William Somerſet Dolben*, *Francis Delaval*, Eſquires; *John Dixon* Clerk; *John Drayton*, *Benjamin Drayton*, *John Drayton* the younger, *William Dunkley*, *John Dunkley*, *James Dunkley*; *John Eyſton*; *Richard Farrer*, —— *Fiſher*, Clerks; *Edward Farndon*, *Charles Freeman*, *William Gibſon*, Eſquires; *Edward Griffen* Clerk; *William Gates*, *John Gates*, *John Gee*, *Thomas Goodacre*; *William Hanbury*, *Andrew Hacket*, *Grey Heſilrige*, *George Hanbury*, *John Hanbury*, *Francis Beynon Hacket*, *Joſeph Harden*, *Thomas Hall*, Eſquires; *Thomas Hornſby*, —— *Hollidge*, Clerks; *John Hall*, *Samuel Holt*, *Temple Hillyard*, *Clark Hillyard*, *John Slater Hall*, *Richard Howes*, *Richard Hall*, *George Harriſon*, *Joſeph Hall*, *John Hayes*, *John Heygate*, *Charles Heygate*, *Robert Heygate*, *Thomas Heygate*, *John Hollick*, *George Herbert*; Sir *Juſtinian Iſham* Baronet; *Samuel Iſted*, *George Iſted*, *Juſtinian Iſham*, Eſquires; *Euſeby Iſham*, *Vere Iſham*, *Henry Iſham*, Clerks; *Theophilus Jeyes*, *Thomas Johnſon*, *Nathaniel Jones*, *Fredericus Tertius Jeyes*, *Ferdinando Jeyes*; *John Kipling* Eſquire; *William Kerr* Doctor of Phyſic; *William King*, *William James King*, *John Kightley*, *Luke Kirſhaw*; Sir *William Langham* Baronet; *James Langham*, *John Langton*, *William Lucas*, *Peter*

Peter John Luard, *Francis Litchfield*, *John Litchfield*, *Peter Augustus Lefargue*, Esquires; *Thomas Lockton* Clerk; *Henry Locock*, *Barnard Levi*, *Charles Longstaff*, *Thomas Lovell*, *Thomas Lovell* the younger, *William Lovell*, *William Lovell* the younger, *William Hanwell Lucas*, *William Lantsbury*; the Mayor of *Leicester* for the Time being; *Thomas Cecil Maunsell*, *William French Maior*, *Rowland Mainwaring*, Esquires; *Charles Marshall*, *John Mastin*, —— *Metcalfe*, *Francis Montgomery*, Clerks; *James Miller*, *Francis Mulliner*, *Barlett Miller*; the Mayor and Aldermen of *Northampton* for the Time being; *John Nethercoat* Esquire; *Marmaduke Newby*; *Henry Otway* Esquire; —— *Ord* of *Langton* Clerk; *Francis Osborn*, *George Osborn*, *George Osborn* the younger, *William Odell*, *John Odell*, *John Orton*, *Thomas Orton*; Sir *John Palmer* Baronet; *John Payne*, *Nathaniel Pearce*, *George Payne*, *Samuel Peach*, Esquires; *Joseph Proctor*, *Richard Pearce*, Clerks; *George Peach*, *William Paine*, *Martin Pearson*, *John Packwood*, *John Perkins*, *George Perkins*, *John Percival*, *John Percival* the younger; Sir *George Robinson* Baronet; *George Robinson*, *James Weltden Roberts*, *Langham Rokeby*, Esquires; *Langham Rokeby*, *Thomas Reynolds*, Clerks; *Walter Strickland*, *William Sawbridge*, *Thomas Samwell Watson Samwell*, *Henry Sawbridge*, *Christopher Smyth*, *William Sutton*, Esquires; *William Stanton*, *Thomas Sykes*, *John Stanton*, *William Stockdale*, Clerks; *Ambrose Salsbury*, *William Tyler Smyth* the younger, *Richard Scriven*, *John Shaw Smith*, *John Steevenson*, *Smith*, *Charles Smith*, *Michael Smith*, *John Shelton*, *George Smith*, *Charles Samuel Stanton*, *William Spencer*, *Samuel Smeeton*, *William Smith*, *Thomas Reeve Thornton*, *Samuel Tibbetts*, *John Harvey Thursby*, Esquires; *Thomas Thomas*, *Robert Thornton*, *George Thomas*, *Charles Henry Tuffnell*, Clerks; *Thomas Taylor*, *David Thomas*, *Samuel Tilley*; *Richard William Howard Vyse* Esquire; Sir *William Wake* Baronet; *Thomas Wade*, *William Zouth Lucas Ward*, *William Wartnaby*, *William Ward*, *Robert Ward*, Esquires; *James Wykes*, *Thomas Wright*, *Edward Collins Wright*, *William Wilson*, *John Wright*, *Thomas Watts* Vicar of Saint Sepulchre, Northampton, *John Watts*, Clerks; *Edward Watkin*, *Charles Whitworth*, *Samuel Wilson*, *Nathan Wilson*, *John Wilkinson*, *William Wilkinson*, *John Watson*; and *Robert Young*, Clerk; and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

Power to choose new Trustees.

III. And be it further enacted, That in case any Trustee named in or to be appointed by virtue of this Act shall die, or by Writing under his Hand delivered to the Clerk to the said Trustees, refuse or decline to act, it shall be lawful for any Seven or more of the surviving or remaining Trustees by Writing under their Hands (at any Meeting whereof at least Ten Days Notice shall have been given upon all the Toll Gates erected or to be erected upon the said Roads, and in some Newspaper published or circulated in the said County of *Northampton*, specifying that an Appointment of new Trustees is intended to be made at such Meeting) to nominate and appoint some other Person to be a Trustee in the room of such Person so dying or refusing to act as aforesaid; and every Person so nominated and appointed (being qualified as herein-after mentioned) shall have the like Powers and Authorities to act as a Trustee in the Execution of this Act, as the Person in whose stead he shall be appointed was vested with.

Qualification of Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt

Receipt of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of Fifty Pounds, or ſhall be Heir Apparent of ſome Perſon having an Eſtate of the clear yearly Value of Two hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount or Value of One thouſand Pounds, nor (except in adminiſtering the Oath following) until he ſhall have taken and ſubſcribed the Oath following before any Two or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That I truly and *bonâ fide* am 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 Lands, Tenements or Hereditaments, of the clear yearly Value of Fifty Pounds, [*or*, Heir Apparent of a Perſon ſeiſed of an Eſtate of Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds] *or*, poſſeſſed of or entitled to a Perſonal Eſtate alone; *or*, Real and Perſonal Eſtate together of the Amount or Value of One thouſand Pounds. So help me God.'

Penalty on Perſons acting, if not qualified.

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

No intereſted Truſtees to act.

Validating Acts of unqualified Truſtees before Conviction.

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

Truſtees may ſue &c. in the Name of their Clerk.

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

Clerk to be reimburſed his Expences

shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees or any Five or more of them, shall meet together at the *Swan* Inn, in the Parish of *Lamport*, in the said County of *Northampton*, on the said Second *Monday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed in the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves, to meet at the same or any other Place upon or near to the said Roads, as the said Trustees, or any Five or more of them, shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution, so that no Business shall be begun or proceeded upon at any Meeting of the said Trustees before Ten of the Clock in the Forenoon, or any Adjournment to be made to any later Hour than Two of the Clock in the Afternoon: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only, and that in case a competent Number of Trustees shall not appear at any Time and Place appointed for a Meeting of the Trustees for putting this Act into Execution, either then to act or to adjourn to another Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Toll Gates upon the said Roads, and inserted in some Newspaper published or circulated in the said County of *Northampton*, at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was to have been held, on such future Day as shall be specified in such Notice, not exceeding One Calendar Month after the Day on which such last-mentioned Meeting was held or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Two of the Trustees (although not assembled at a Meeting) at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, to cause a Notice in Writing to be signed by their Clerk for the Time being, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at such Time and Place upon or near the said Roads as they shall think proper, not exceeding Twenty-one Days, nor less than Six Days from the Time of affixing or inserting such last-mentioned Notice.

Meetings on Emergencies.

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

Truſtees ſhall at all Meetings defray their own Charges; and all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except in ſuch Caſes as are hereby otherwiſe particularly mentioned), and that no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees (except only in ſuch Caſes where they ſhall be perſonally intereſted).

Proceedings to be entered in a Book.

IX. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, or the major Part of them, or by their Clerk by their Order; which ſaid Book or Books, and alſo the Books herein-after mentioned and directed to be kept for regiſtering the Mortgages and Aſſignments of Tolls hereby intended to be granted, or Tranſcripts thereof ſigned by the Clerk to the ſaid Truſtees, ſhall and may be read and admitted in Evidence in all Caſes of Appeal, and in all Actions or Suits touching any Thing done or to be done in purſuance of this Act: Provided always, that no Order made by any Five or more of the ſaid Truſtees at any of their Meetings, ſhall be revoked or altered at any ſubſequent Meeting, unleſs Seven Truſtees at the leaſt ſhall be preſent at ſuch laſt-mentioned Meeting, and Five or more of them ſhall concur therein, and unleſs Notice ſhall have been given in Manner before directed for a Meeting for the Purpoſe of taking into Conſideration the ſaid Order, with a View to revoke or alter the ſame; and in ſuch caſe Notice ſhall be given by the Clerk Seven Days at the leaſt before ſuch Meeting to ſuch Truſtees as were preſent when the Order was made, of the Intention to revoke or alter the ſame; and in caſe of an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the caſting Vote.

No Order to be revoked, unleſs Seven Truſtees preſent, and Five concur.

Truſtees to appoint Officers.

X. And be it further enacted, That the ſaid Truſtees or any Five or more of them, at their Firſt or any ſubſequent Meeting, as Occaſion ſhall require, ſhall and may by Writing under their Hands elect and appoint or continue a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of ſuch Money as ſhall be due and payable by virtue of this Act, and take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the ſaid Truſtees or any Five or more of them ſhall think reaſonable, and alſo a Surveyor or Surveyors, and all ſuch other Officers as they the ſaid Truſtees or any Five or more of them ſhall think neceſſary or proper to be employed in the Execution of this Act; and ſhall have Power from Time to Time to remove all ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion; but no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees, or of acting as a Truſtee, who ſhall ſell any Ale, Wine, or Spirituous Liquors by Retail; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed or continued, for and in conſideration of the Care and Pains reſpectively

ſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem proper; and all ſuch Officers and Perſons ſhall, from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, render and deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected or received, and how and to whom, and for what Purpoſe the ſame hath been paid and applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall verify ſuch Accounts upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter); and alſo ſuch Officers and Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint to receive the ſame; and if the ſaid Officers or Perſons, or any of them, ſhall refuſe or neglect to render and give ſuch Account, or to verify the ſame in Manner aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in his or their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to any Five or more of them, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, or any Five or more of them, or by ſuch other Perſon or Perſons, all Books, Papers, or Writings in their Cuſtody or Power, relating to the Execution of this Act, then and in every ſuch Caſe, Complaint being made by the ſaid Truſtees, or any Five or more of them, or by any Perſon or Perſons on their Behalf, of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and he is hereby authorized and required, by any Warrant or Warrants under his Hand, to cauſe ſuch Officer or Officers, Perſon or Perſons to be brought before him, and upon his or their appearing or not being to be found to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or 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 Officers, Perſon or Perſons ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of

Officers to account, or be puniſhed.

Receipts

Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts and of the Articles thereof on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid; then and in either of the Caſes aforeſaid, the ſaid Juſtice may and he is hereby authoriſed and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons to the Gaol or Houſe of Correction of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame upon Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they have compounded with the ſaid Truſtees, or any Five or more of them for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make) or until he or they ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon for any longer Time than Three Calendar Months.

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

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

Truſtees may appoint temporary Collectors.

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Two or more of the ſaid Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty or abſconding or abſenting himſelf; and in ſuch Caſe, and alſo in caſe any ſuch Collector or Receiver ſhall die, ſuch Truſtees ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls to continue until the next Meeting of the Truſtees, in the Stead of ſuch Collector or Receiver as ſhall die or be diſcharged; and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had or would have been ſubject to; and that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentative or Repreſentatives of any Collector or Receiver of any Collector who ſhall die

or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Roads for the Space of Two Days after Demand thereof made and Notice in Writing given for that Purpose by any Five or more of the said Trustees, although not assembled at any Meeting, or by their Clerk or Clerks, or Treasurer or Treasurers for the Time being; then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace of the said County of *Northampton*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Five or more of them, or such new-appointed Collector or Receiver, into the Possession thereof.

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

XIII. And be it further enacted, That the said Trustees or any Five or more of them, shall and may as they think proper, continue or remove all or any of the Toll Gates and Weighing Machines erected or continued by virtue of the said recited Act, and may erect and set up any other Toll Gate or Toll Gates, Weighing Machine or Weighing Machines, Bar or Bars, Chain or Chains in, upon, or across any Part or Parts of the said Roads by this Act directed to be repaired or either of them, and upon the Sides thereof, and also across any Lane or Way leading into or out of the same respectively; and may also continue, erect, or provide a Toll House, with suitable Out-buildings and Conveniences, at or near each Toll Gate and Weighing Machine, and may from Time to Time afterwards remove, alter, or discontinue the Toll Gates, Weighing Machines, and Toll Houses or any of them, as they the said Trustees or any Five or more of them shall think expedient; and may also take in and inclose from the said Roads or either of them, or any Part of either of them, convenient Garden Spots for each of the said Toll Houses, not exceeding One Eighth Part of an Acre, as the said Trustees or any Five or more of them shall direct and appoint; provided always, and it is hereby declared, that no Turnpike or Gate shall in pursuance of this Act be erected or any Toll collected or taken within Two Miles of the said Town of *Northampton*, any Thing herein contained to the contrary notwithstanding; and that the respective Tolls following shall be demanded and taken at each and every of such Toll Gates by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time authorize or appoint, or to whom the said Tolls shall be leased, or his or their Agent or Servants, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same; (that is to say),

Tolls may be taken.

Tolls.

For every Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such like Carriage drawn by more than Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Nine-pence:
For every Two-wheeled Carriage so fixed, the Sum of Sixpence:
For every Drug so constructed as that the Distance between the Axletrees thereof shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence over and above the Toll or Duty payable for each of the Horses or Beasts of Draught drawing the same:
For every Horse, Mare, Gelding, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Sum of Three-pence Halfpenny:
For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny; and
For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score; and so in Proportion for any less Number: and,
For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score; and so in Proportion for any less Number.

Manner of Recovery.

XIV. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied and disposed of as herein-after directed; and if any Person subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls, or the Person or Persons farming the same, by himself or themselves respectively, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage, in respect of the Horses or Beasts drawing which Carriage such Toll is by this Act imposed; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Two Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horses, Beasts, Cattle, Carriage, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Certain Parishioners not to be charged with Tolls in particular Cases.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge any of the Parishioners of *Welford*, *Elkington*, *Cold Ashby*, *Thornby*, *Cottesbrooke*, *Nortoft*, *Hollowell*, *Great Creaton*, *Little Creaton*, *Spratton*, or *Chapel Brampton*, with any Tolls by this Act imposed and to be hereafter demanded and taken during the Time any Toll Gate shall or may be erected or set up within their said several and particular Towns, Parishes, or Places, except only in respect of Horses or Carriages travelling Post or for Hire; provided also, that any Toll Gate erected or to be set up in any one of the said Towns, Parishes, or Places, shall not exempt or excuse any of the Parishioners of the said other Towns, Parishes or Places, from Payment of Toll thereat.

XVI. And

Trustees may vary the Tolls.

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

XVII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees or any Five or more of them to cause more than Two full Tolls to be demanded or taken for the Passage of the same Cattle, Carriages, or Beasts, through all the Toll Gates or Side Gates erected or to be erected on the said Road leading from the said Town of *Northampton* to *Chain Bridge* aforesaid on the same Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), nor shall more than Two full Tolls be demanded or taken for the Passage of the same Cattle, Carriages, or Beasts, through all the Toll Gates or Side Gates erected or to be erected on the said Road leading from the said Direction Post in *Kingsthorpe* aforesaid to *Welford Bridge* aforesaid on the same Day, (to be computed as aforesaid.)

Tolls to be paid only once a Day at each Gate.

XVIII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any Toll Gate continued or to be erected by virtue of this Act, the same Persons shall upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate, (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver *gratis* on Demand to every Person paying the same), be permitted to pass Toll-free with the same Horses, Cattle, Beast, or Carriage, through the same Toll Gate, at any Time or Times during the same Day, to be computed as aforesaid.

Disputes concerning Toll to be settled by a Justice of the Peace,

XIX. Provided always, and be it further enacted, That if any Dispute shall happen about the Amount of Toll due or the Charges of the keeping of any Distress, it shall be lawful for the Collector or Collectors, or Person or Persons distraining, to retain the same, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due and Charges of seizing, distraining, keeping, and selling (as the Case may be), shall be ascertained by one or more Justice or Justices of the Peace having Jurisdiction in the Place where the Cause of Dispute shall arise, who upon Application made to him or them for that Purpose, shall examine the said Matter

Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice or Juſtices; all which Sums ſo determined or aſſeſſed ſhall be paid to the ſaid Collector or Collectors or other Perſon or Perſons, before he or they ſhall be obliged to return the Diſtreſs or Overplus, after the Sale thereof or of any Part thereof.

Collectors of Tolls competent Witneſſes.

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

Power to leaſe the Tolls.

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

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

XXII. And be it further enacted, That in caſe the Tolls ariſing from all or any of the Toll Gates erected or to be erected on the ſaid Roads or either of them, ſhall at any Time or Times during the Continuance of this Act be demiſed or let to farm to any Perſon or Perſons whomſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for letting the ſame; then and in either of thoſe Caſes the ſaid Truſtees or any Five or more of them, or their Clerk, Treaſurer, or Surveyor, or other Perſon, authorized by Writing under the Hands of any Five or more of them, ſhall be at Liberty and they are hereby authorized to enter into and take Poſſeſſion of the Toll Houſe or Toll Houſes, with the Buildings, Gates and Appurtenances thereto belonging, ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers, from the Poſſeſſion thereof, and from the Collection of the Tolls there payable, and that thereupon it ſhall be lawful for the ſaid Truſtees or any Five or more of them (if they ſhall think fit), to vacate and determine the Contract or Agreement for leaſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes (ſave as to the Covenants

or Agreements for Payment of the Rent or Rents thereby reserved), as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees or any Five or more of them, in every such Case to demise or let to Farm the said Tolls again to any other Person or Persons, or cause them to be taken and collected as if no former Contract or Agreement had been entered into relative thereto.

Penalty on evading Tolls.

XXIII. And be it further enacted, That if any Person or Persons shall go or pass with, or ride or drive any Horse, Cattle, or Beast, or ride in, or drive any Carriage whatsoever through or over any Land, Ground, or Place, lying by the Side of, or near to any Part of the said Road (the same not being a public Highway); or if any Person or Persons owning or occupying any such Lands, Ground, or Place, shall knowingly or wilfully permit or suffer any Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof by this Act granted, or whereby or by Means whereof any such Evasion shall take Place or be effected; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (other than the Person or Persons appointed to collect the said Tolls), any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, or make use of any such forged or counterfeited Note or Ticket, knowing the same to have been so forged or counterfeited, whereby the Payment of all or any Part of the said Tolls shall be avoided; or if the Driver or Owner of any Oxen, Beast, Hogs, Calves, Sheep, or other Cattle, after having been or past Five hundred Yards on the said Roads, shall with any such Oxen, Beast, Hogs, Calves, Sheep, or other Cattle, quit and turn from or out of the same, with the Intent or Purpose of evading Payment of any of the said Tolls; or if any Person shall forcibly or wilfully pass through any such Turnpike with any Horse or other Cattle, Beast, or Carriage, without Payment of Toll; or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, either before or after having passed through any Toll Gate; or after having passed through any Toll Gate shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through the said Toll Gates or any of them, with Intent to avoid the Payment of any of the said Tolls or any Part thereof, or with such Intent shall unload or cause to be unloaded any Goods from any Horse, Cattle, Beast, or Carriage; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls or any Part thereof, such Persons and every of them shall for every such Offence forfeit and pay any Sum of Money not exceeding Five Pounds, exclusive of the Tolls hereby directed to be taken, and over and besides such Damages and Punishments as they shall otherwise be liable to by Law, and be recovered in such Manner as is herein-after mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when raised shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Trustees may compound for Tolls.

XXIV. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby authorized and empowered from Time

Time to Time, as often as they ſhall think fit, to compound and agree by the Year or otherwiſe with any Perſon or Perſons (common Carriers and the Proprietors of Stage Coaches only excepted), who uſually reſide in any Pariſh or Townſhip in which the ſaid Roads lie, for paſſing through all or any of the Gates or Turnpikes erected or to be erected upon the ſaid Roads or either of them, or any Lane or Way leading to the ſame reſpectively with any Cattle or Carriage, for any Sum of Money for or in lieu of the Payment of the Tolls hereby granted; which Compoſition Money ſhall always be paid in advance to the ſaid Truſtees or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and ſhall be applied in the ſame Manner as the Tolls are in and by this Act directed to be applied.

Penalty on Collectors permitting Waggons, &c. to paſs Turnpikes without weighing.

XXV. And be it further enacted, That if any Collector of the Tolls hereby granted at any of the ſaid Turnpikes where a Weighing Machine is or ſhall be erected as aforeſaid, ſhall permit any Waggon or other Carriage liable to be weighed at any ſuch Machine, to paſs through any ſuch Turnpike without weighing the ſame, every ſuch Collector ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

General Exemptions from Toll.

XXVI. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken, or paid at any of the Toll Gates erected, or to be erected or continued upon the ſaid Roads or either of them, for any Carriage, Horſe, or other Cattle, which ſhall be employed in the Conveyance of any Stone, Gravel, or other Materials, for the repairing of any Road or Highway in any Town, Pariſh, or Place, through which the ſaid Roads or either of them lead, or for going to ſuch Employment or returning after having been ſo employed; or in the Carriage of any Lime (or Limeſtone actually and *bonâ fide* to be burnt for Manure), Dung, Mould, Soil, or Compoſt of any Kind, for the manuring of any Garden or other Land or Ground in any Pariſh or Hamlet through which the ſaid Roads or either of them paſs; nor for any Horſe or other Cattle employed in the ploughing, ſowing, tilling, cultivating, or ſtocking of any Land or Ground in any ſuch Town, Pariſh, or Places; or in the Carriage of any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of nor carrying to be ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, or Grounds of the Owner or Owners thereof, or returning from having been ſo employed; or in the drawing or conveying any Plough, Harrow, Dray, or other Implements of Huſbandry, or any Thing whatſoever that ſhall be uſed or employed in Huſbandry, or in the manuring or ſtocking of Land in any of the ſaid Pariſhes, Hamlets, or Places; nor for any Horſe or other Cattle going to or from Water or Paſture, or to or from being ſhoed or farried; nor for any Horſe or other Beaſt carrying any Perſon or Perſons being Owner or Occupier of any Farm or Lands in any Pariſh or Place contiguous to any or either of the ſaid Turnpikes to his or their Farm or Lands only to view the ſame, not going or travelling from or out of the Pariſh or Place where ſuch Farm or Lands are ſituate; nor for any Horſes or other Beaſts, or any Carriage of what Deſcription ſoever, employed in carrying the Mail or Packet and Expreſſes which ſhall be made up under the Authority or Direction of His Majeſty's Poſtmaſter General; nor for any Horſe or other Cattle employed in the paſſing of Vagrants travelling with legal Paſſes; nor for any Horſes or Carriages belonging to Officers or Soldiers on their March or upon Duty; nor for any Horſe,

Horſe, Cattle, or Carriage, which ſhall be employed in the Carriage or Conveyance of the Arms or Baggage of any ſuch Officers and Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo uſed or employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or 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 for the Uſe of His Majeſty's Forces; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Northampton* on the Day or Days of Election, or on the Day before ſuch Election ſhall begin, or on the Day after the ſame ſhall be concluded; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners, nor from any Perſon or Perſons going to or returning from his or their Parochial Church, Chapel, or other Place of Divine Worſhip, upon *Sundays* or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated; nor for any Perſon or Perſons going to or returning from any Funeral of any Perſon or Perſons who ſhall die and be buried in any of the Pariſhes or Places in which any Part of the ſaid Roads or either of them do lie; nor ſhall any Toll be demanded or taken of or from any Surveyor or Surveyors of the ſaid Roads or either of them when attending his or their Duty on the ſame; nor for any Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Roads or either of them only, or ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exerciſe, Inſpection or Review, provided that ſuch Perſon is in the Uniform of his Corps and has his Arms, Furniture, and Accoutrements according to the Regulation appointed for ſuch Corps at the Time of claiming ſuch Exemption; nor ſhall any Perſon be charged with any of the Tolls aforeſaid for paſſing through the Turnpike or Toll Gate erected at or near the North Side of *Brampton Bridge*, with any Horſes, Cattle, or Carriages carrying, drawing, or conveying any Goods, Wares, or Merchandizes to or from *Boughton Green*, or *Boughton Green* Fair (belonging to *Richard William Howard Vyſe* Eſquire), on any of the Five Days immediately preceding *Midſummer Day*, in any Year, or on *Midſummer Day*, or the Three Days then next following, or for paſſing at any Time or Times through the ſame Turnpike with any Horſes, Cattle, or Carriages carrying or drawing any Hay, Corn, Grain, or Straw for Sale or otherwiſe, belonging to the Inhabitants of the Hamlet of *Chapel Brampton*, in the ſaid County of *Northampton*; nor ſhall any Perſon be charged with any of the Tolls aforeſaid for paſſing through the Turnpike or Toll Gate at or near *Piſford Bridge*, with any Horſes, Cattle, or Carriages carrying or drawing any Hay, Corn, Grain, or Straw for Sale or otherwiſe, belonging to the Inhabitants of the Pariſh of *Brixworth*, in the ſaid County of *Northampton*; and if any Perſon ſhall fraudulently claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

XXVII. And

Owners or Drivers of Waggons conveying Military Stores not ſubject to Penalties for Overweight.

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, or 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 ſuch 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 this Act contained to the contrary notwithſtanding.

Penalties on Collectors taking greater or leſs Tolls than allowed.

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

Toll Gates, &c. veſted in Truſtees.

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

For borrowing Money and aſſigning Tolls.

XXX. And be it further enacted, That the ſaid Truſtees or any Seven or more of them, at any Meeting to be holden for that Purpoſe, whereof Twenty-one Days Notice ſhall be given in Writing affixed upon all the Toll Gates then erected upon the ſaid Roads, and inſerted in ſome one Newſpaper publiſhed or circulated in the ſaid County of *Northampton*, may and they are hereby empowered from Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls ariſing by virtue of this Act, ſuch Sum or Sums of Money as they ſhall think needful; and they are alſo hereby empowered, either at ſuch Meeting or afterwards by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the ſaid Tolls or any Part or Parts thereof, and the Turnpikes and Toll Houſes

for collecting the ſame (the Coſts and Charges of ſuch Aſſignments or Mortgages to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees or any Seven or more of them upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgage ſhall be made in the following Form, or in any other Form of Words to the like Effect; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of the Act*] We, Seven of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to *A. B.* the Treaſurer of the ſaid Roads, in Hand paid by *C. D.* of at or before the Sealing and Delivery of theſe Preſents, as appears by the ſaid Treaſurer's Receipt indorſed on the Back of theſe Preſents, do grant, bargain, ſell, and demiſe unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing and to be collected by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum advanced or ſecured on the Credit thereof, to be had and holden to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, from the Day of laſt paſt, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum* ſhall be ſooner repaid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of One thouſand eight hundred .'

Mortgages may be transferred.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Aſſignment or Aſſignments of Tolls may have been made, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the ſaid Mortgage, and the Principal Money and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, either by a ſeparate Inſtrument or by Indorſement on ſuch Security before One credible Witneſs by the following Words, or Words to the like Effect; (that is to ſay).

Form of Transfer.

'I *A. B.* do hereby transfer the within Mortgage or Security [*if by Indorſement, or, if by a ſeparate Inſtrument*, a certain Mortgage or Security, *ſhortly ſtating it, as the Caſe may be*] and all my Right and Title to the Principal Money and Intereſt thereby ſecured unto *C. D.* of his Executors, Adminiſtrators, and Aſſigns. Dated this Day of Witneſs *C. D.* *A. B.*

Which ſaid Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his,

his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons to whom the ſame ſhall be laſt transferred, to make void, releaſe, or diſcharge the original Security, or any Monies thereby due or any Part thereof.

No Priority of Mortgages.

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

Old Mortgages may be called in and new ones granted.

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

For paying the Expences of this Act.

Application of the Remainder of the Money.

XXXIII. And be it further enacted, That out of any Monies already received by virtue of the ſaid recited Act, or out of the Firſt Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees or any Five or more of them ſhall in the Firſt Place pay and diſcharge all the Expences and Coſts relative to procuring and paſſing this Act; and the Remainder of ſuch Monies ſhall from Time to Time be employed in erecting Turnpikes, Toll Houſes, and Weighing Machines, and in amending, widening, and improving the ſaid Roads and keeping the ſame in Repair, and in defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Money by this Act charged or to be borrowed, and the Intereſt due or to grow due thereon.

XXXIV. Provided always, and be it further enacted, That the Monies ariſing from Time to Time from the different Toll Gates erected or to be erected on the ſaid Roads, ſhall not be appropriated by any fixed Portions for the Repair of either of the ſaid Roads in particular, but that ſuch Monies ſhall be allotted and expended at the Diſcretion of the ſaid Truſtees at their Meetings from Time to Time for repairing of the ſaid Roads as Occaſion ſhall require.

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

XXXV. And be it further enacted, That it ſhall be lawful for the preſent or any future Surveyor or Surveyors to be appointed by the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and carry away any Materials for completing or repairing the ſaid Roads or either of them out of any Waſte or Common, River or Brook, in or near which any Part of the ſaid Roads or either of them lie, without paying any Thing for ſuch Materials, they the ſaid Surveyors or Surveyor, or other Perſon or Perſons, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks whence ſuch Materials

shall be taken, or railing or fencing such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for and with such Materials, (such Damage to be ascertained as herein-after mentioned); and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, and take away the like Materials in or out of the private Grounds of any Person or Persons (not being a Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Paddock, Park, or planted Walk or Avenue to any House or inclosed Ground, planted and set apart or used as a Plantation or Nursery for Trees), paying or tendering such Recompence and Satisfaction for the Damages done to the Owners or Occupiers of the respective Grounds through and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference between the said Trustees, Surveyors, or other Persons appointed and employed as aforesaid, and the Owners or Occupiers of private Grounds or any of them, touching such Payments and Satisfactions as aforesaid, the Justices of the Peace for the said County of *Northampton*, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County, on Eight Days Notice thereof being given in Writing by either Party to the other, shall upon Application for that Purpose by or on behalf of either Party hear, settle, and determine the Matter of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Out of private Grounds.

XXXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person under the Authority of this Act, to dig, gather, get, take or carry away any Materials for any of the Purposes of this Act, out of, or from any inclosed Lands or Grounds, until Notice in Writing under the Hand of the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the Land Owner, or his or her known Agent, or to the Occupiers of such Lands or Grounds from which such Materials are intended to be taken, or left at such Occupier's usual or last Place of Residence, to appear before the said Trustees or any Five or more of them, or any Two Justices of the Peace for the said County, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials should not be had and taken from such Lands or Grounds; and in case such Land Owner, Agent or Occupier, shall attend in pursuance of uch Notice, the said Trustees or any Five or more of them, or the said Justices (as the Case may be) shall if they think fit authorize such Surveyor or Surveyors or other Persons as aforesaid to dig for, gather, take, and carry away such Materials, at such Time or Times as to the said Trustees or any Five or more of them, or to such Justices shall seem proper; and if such Land Owner or Occupier shall (except for some reasonable Excuse) neglect or refuse to appear by himself, herself, or his or her Agent, the said Trustees or any Five or more of them, or such Justices shall and may make such Order therein as they shall think fit, and the same shall be as effectual to all Intents and Purposes as if such Owner or Occupier or his

Notice to be given to the Occupiers of private Grounds before any Materials are taken therefrom.

or

or her Agent had attended; and the Order of such Trustees or Justices respectively shall be final and conclusive to all Parties.

Power to search for Materials without giving Notice.

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

Penalty on taking away Materials got by the Surveyors.

XXXVIII. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug, gotten, or gathered for the Purpose of repairing and amending the said Roads or either of them, or shall raise or carry away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads or either of them, before the said Surveyor or Surveyors to the said Trustees, or his or their Workmen, shall have discontinued working therein, for the Space of Twelve Calendar Months, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

XXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being, and such Person or Persons as he or they shall appoint, at proper Seasons of the Year to remove all Annoyances on the said Roads or either of them, and to cut down Trees or Bushes growing on the said Roads or in the Hedges or Banks adjacent thereto, (except such Trees or Bushes as are planted for Shelter or Ornament to any House or Building, or in any Garden, Orchard, Yard, Paddock, Park, Home Close, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Plantation or Nursery for Trees), and to cut or plash such Hedges, the Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances, for the Space of Ten Days after Notice given in Writing for that Purpose under the Hand or Hands of the said Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to cut or plash such Hedges, or to remove such Annoyances as aforesaid; and in case such Owners or Occupiers shall not upon Demand pay and reimburse to the Surveyor or Surveyors, such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Northampton*, from Time to Time to levy the Charges thereof upon such Owners or Occupiers by Distress and Sale of his or their Goods and Chattels, rendering the Overplus (if any be) to the Owners thereof upon Demand, after all Charges paid; and if after the Removal

of any of the said Annoyances any Person or Persons shall again offend in the like Manner, every such Person so offending and being thereof convicted upon Oath before any Two or more Justices of the Peace for the County or Place where the Offence shall be committed, shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

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

XL. And be it further enacted, That if any Person or Persons who of right ought to cleanse and scour any Ditch, Drain or Watercourse, which shall adjoin to or lead into or out of any Part or Parts of the said Roads or either of them, shall not in a proper Manner cause the same to be scoured and cleansed within the Space of Ten Days next after Notice in Writing shall for that Purpose be given to him, her, or them respectively, or shall be left at his, her, or their respective Place or Places of Abode by the said Surveyor or Surveyors, then the said Surveyor or Surveyors may cause such Ditches, Drains and Watercourses to be scoured and cleansed, and pay for scouring and cleansing the same; and if such Person or Persons shall not repay the Money paid by such Surveyor or Surveyors on Demand thereof upon him or them respectively, by Writing to be left at his, her or their respective Place or Places of Abode, the said Money and every Part thereof, upon the Proof of the cleansing and scouring the said Ditches, Drains or Watercourses, and Payment of the said Money and Demand thereof made, and Non-payment thereof as aforesaid, by the Oath of One or more Witness or Witnesses before any Justice of the Peace of the County or Place where such Person or Persons respectively shall live, shall and may by Warrant or Warrants under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any be) to the Owner or Owners thereof upon Demand, after all Charges are paid.

Surveyor may make Causeways, Bridges, &c.

XLI. And be it further enacted, That the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, such Surveyor having an Order for that Purpose from the said Trustees or any Five or more of them, may and is and are hereby authorized and empowered to make or cause to be made any Causeways or Footpaths in or along the Side of any Part or Parts of the said Roads or either of them, and to cut or cause to be cut any Watercourse in, through or across any Lands or Grounds, in order to drain or prevent the said Roads or either of them, or any Part or Parts thereof, from being overflowed; and also by such Order to build and erect any Bridges or Arches upon any Part or Parts of the said Roads, and across any Stream, River, Brook, Water, Ditch or Drain therein or contiguous thereto; and also to make or cause to be made a Road or Way by, through or over the adjoining Grounds of any narrow or ruinous Parts of the said Roads hereby intended to be repaired or either of them (not being the Scite of or Ground whereon any House or Houses stand, or any planted Walk, Park, Paddock or Avenue to any House), to be made use of by all Passengers with Carriages and Cattle, or otherwise as a publick Highway whilst the old or ruinous Road is undergoing Repair, and till such Time as it shall be convenient and safe for Carriages and Cattle to pass the same, making such reasonable Satisfaction to the Owners or Occupiers of such Lands and Grounds for the Damages thereby sustained as to the said Trustees or any Five or more of them shall seem

reaſonable; and in Caſe of any Difference between the ſaid Truſtees and ſuch Owners or Occupiers concerning ſuch Damages, the Juſtices of the Peace for the ſaid County of *Northampton*, at the General Quarter Seſſions of the Peace for ſuch County next after ſuch Difference ſhall ariſe, and on ſuch Notice to be given as before mentioned, ſhall hear, ſettle, and determine the Matter of the ſaid Damages and the Coſts attending the hearing and determining of the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Common or Waſte Ground.

Not to divert any Watercourſe feeding Ponds, &c.

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

Truſtees may turn the Roads and contract for the Purchaſe of Lands.

XLIII. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and may and they are hereby authorized and empowered, from Time to Time as they ſhall think proper, to widen, divert, turn or alter the Courſe or Path of any Part or Parts of the ſaid Roads or either of them, and that any Variation of Road may be made through any Common or Waſte Ground without making any Satisfaction for the ſame, and through any private Lands or Grounds, making Satisfaction to the Owners thereof and to the Perſons intereſted therein for the Loſs or Damage they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees or any Five or more of them from Time to Time aſſembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of or Perſons intereſted in any Lands or Hereditaments, for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, and alſo for Executors, Adminiſtrators, and all other Truſtees not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or any other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who

are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments under any Manner of Right or Title whatſoever, to contract with the ſaid Truſtees or any Five or more of them for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them or any Five or more of them, all or any of ſuch Lands or Hereditaments or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales or Conveyances, which ſhall be made in Writing and ſealed and delivered by any Five or more of the ſaid Truſtees in purſuance of any Order or Orders at any Meeting or Meetings to be holden under this Act, ſhall be valid to all Intents and Purpoſes, any Law, Statute or Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations, Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, Executors, Adminiſtrators and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: Provided always, that in widening, turning, or diverting the Courſe of the ſaid Roads or either of them, nothing ſhall be done which ſhall or may in any wiſe injure or damage any Houſe or Building, or any Yard, Garden, Orchard, Park, Plantation or Nurſery for Trees, or any Walk of Trees or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto.

Where Perſons refuſe to treat, the Damage to be ſettled by a Jury.

XLIV. And be it further enacted, That if any ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees, Executors or Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments (upon Notice under the Hands of any Five or more of the ſaid Truſtees, to him, her or them for that Purpoſe given or left at the Dwelling Houſe or Houſes, or laſt Place or Places of Abode of ſuch Perſon or Perſons, or of the Principal Officer of any ſuch Body Politic or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of the ſaid Roads or either of them is intended to be widened, diverted, turned or altered), ſhall for the Space of Thirty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat or ſhall not agree in the Premiſes, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees or any Five or more of them ſhall cauſe ſuch Damage and Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Northampton*; and in order thereto the ſaid Truſtees or any Five or more of them, are hereby empowered and required from Time to Time as Occaſion ſhall be, to ſummon and call before ſuch Jury and examine on Oath any Perſon or Perſons whomſoever, (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and ſuch Truſtees or any Five or more of them ſhall, by ordering a View or otherwiſe, uſe all ſuch Ways and Means as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damages or Recompence, they the ſaid Truſtees or any Five or more of them ſhall thereupon order, adjudge and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, which Verdict or Inquiſition and Judgement, Order or Determination thereon, ſhall be final, binding and concluſive to all Intents and Purpoſes againſt

all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, or Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury the ſaid Truſtees or any Five or more of them are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Northampton*, requiring him to impannel, ſummon and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees or any Five or more of them at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them ſhall and they are hereby empowered and required to draw by ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees or any Five or more of them are hereby alſo empowered and required, from Time to Time as Occaſion ſhall be or require, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo as that no ſuch Fine be more than Five Pounds on any One Perſon for One Offence.

Jurors may be challenged.

If Jury give more Damages than the Sum tendered the Truſtees to pay Coſts.

XLV. And be it further enacted, That in Caſe any ſuch Jury or Juries ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for ſuch Damages than what ſhall have been offered or tendered by the ſaid Truſtees or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning the ſaid Jury or Juries, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees out of the Money in his Hands ariſing by virtue of this Act; but if any ſuch Jury or Juries ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money as a Recompence or Satisfaction for ſuch Damages than ſhall have been offered or tendered by the ſaid Truſtees or any Five or more of them, before the ſummoning and returning the ſaid Jury or Juries, then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons

Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County, not being intereſted in the Matter in Queſtion, (who is hereby empowered and required to examine, aſcertain and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees by ſuch Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating about ſuch Recompence and Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

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

XLVI. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence and Satisfaction to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Toll or out of the Monies to be raiſed by virtue of this Act, and that upon Payment or Tender thereof to the Perſon or Perſons entitled thereto, or his, her or their Agents, or, upon depoſiting the ſame in the Bank of *England*, in the Manner by this Act directed, as the Caſe may be, it ſhall be lawful for he ſaid Truſtees or any Five or more of them, their Surveyors, Workmen or Agents, to extend, widen, divert or turn the ſaid Roads or either of them, or any Part thereof, through or over ſuch Lands, or Hereditaments, and to do all and every Act, Matter or Thing with relation to ſuch Lands or Hereditaments as the ſaid Truſtees or any Five or more of them ſhall think fit; and the ſaid Truſtees or any Five or more of them ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be widened, diverted or turned through any private Ground, to be ditched or otherwiſe fenced from the adjoining Lands, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Roads by virtue of this Act, ſhall be deemed for ever thereafter to all Intents and Purpoſes a common Highway, and ſhall be repaired and kept in Repair as ſuch; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Lands conſtituting the old or former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act (unleſs leading over ſome Common or Waſte, or to ſome Town, Village, or Place to which ſuch new Road doth not lead), ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees or any Five or more of them for the beſt Price that can be gotten for the ſame, or may be exchanged for other Lands uſed for the Purpoſe of this Act, and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the Purpoſes of this Act; and the Sale and Conveyance to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees or any Five or more of them, and enrolled with the Clerk of the Peace for the ſaid County of *Northampton*, ſhall be good, valid and effectual in the Law to all Intents and

Former Roads may be ſold.

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

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

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

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

Perſons whoſe Lands adjoin to have the Preference.

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

XLIX. And

Application of Compensation Money when exceeding 200l.

XLIX. 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 by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or Person or Persons not having the Power to sell without the Authority of this Act, Feoffees in Trust, Guardians, Committees, or other Trustees, or to any Femes or Feme Covert, or other incapacitated Persons or Person, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of such Money when less than 200l.

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any such Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy

fancy 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 Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Truſtees for executing this Act or any Five or more of them, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of ſuch Money when under 20l.

LI. 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, Tenements or Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; or in caſe of Infancy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c. Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery.

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make out a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any Sum or Sums of Money into the Bank as aforeſaid.

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands at the Time of ſuch Purchaſe ſhall be deemed entitled thereunto.

LIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

LV. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets and Places, and the Inhabitants thereof, Bodies Politic and Corporate, who before the making of this Act hath or have uſed, or of right ought by reaſon of the Tenure of any Lands, Tenements or Hereditaments, or any other Account or Accounts to repair any Part or Parts of the ſaid Road, or any Bridge, Drain, or Watercourſe in or upon the ſame, ſhall notwithſtanding this Act be ſubject and liable to ſuch Repairs, in the ſame Manner as they and every of them have or hath heretofore uſually been or would have been in caſe the ſaid recited Act or this Act had not been made.

Perſons liable to repair the Roads to continue ſo.

LVI. Provided always, and be it further enacted, That all Perſons who by Law are liable to Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid County of *Northampton*, and they are hereby required

Statute Labour.

required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 any Five or more of them, or to their Treaſurer or Treaſurers; and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices reſpectively, 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 every 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 ſo paid, which Liſt of Names ſhall be made in Manner and under ſuch Regulations and Reſtrictions as is or may be directed by any Law or Statute in force and Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices reſpectively ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to the Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices reſpectively ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or any Five or more of them, or to their Treaſurer or Treaſurers, at ſuch Time or Times as they the ſaid Juſtices reſpectively 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 this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of 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 and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off 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 Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes 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, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

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

Trustees may contract for Repair of the Road.

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

Mile Stones to be erected.

LIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them from Time to Time to cause the said Roads to be measured, and Stones or Posts to be set up and placed in or near the Sides of the said Roads, with Inscriptions thereon denoting the Number of Miles and Distance of Places, and also such and so many Direction Posts as they shall think proper; and if any Person or Persons shall wilfully break or pull up any of the said Stones or Posts erected or fixed, or to be erected or fixed in or near the Sides of the said Roads or either of them, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway or Path adjoining to, or made on the Side of, or upon the said Roads or either of them, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon,

Penalty for defacing them.

or

or ſhall cauſe any Damage to be done to any ſuch Footway; or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Roads any Tree or Piece of Timber, or any Stone (otherwiſe than upon Wheeled Carriages), or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon Wheeled Carriages, to drag upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up or damage the ſaid Roads or either of them, or any Part thereof, or the Fences, Hedges, Bankings, or Copſes on either Side thereof; or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt to be and remain looſe on the ſaid Roads or either of them; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon the ſaid Roads or either of them, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Roads, or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Roads or either of them, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his or their Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet fire to, or let off, or throw any Squib, Serpent, Rocket, or Firework whatſoever on any Part or Parts of the ſaid Roads or either of them; or if any Perſon or Perſons ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Roads or either of them, (longer than may be neceſſary to load or unload the ſame), either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Roads or either of them, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of any Perſon or Perſons travelling thereon; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on obſtructing the Execution of this Act.

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

For ſecuring tranſient Offenders.

LXI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his, her, or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint in Manner by this Act directed.

LXII. And

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

Form of Conviction.

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

Recovery and Application of Penalties.

LXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (if the Manner of levying and recovering be not herein otherwiſe particularly directed), ſhall upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County or Place wherein the Offender ſhall be a Reſident, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby empowered and required to grant for that Purpoſe), and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when levied and paid, ſhall be (where not otherwiſe directed to be applied by this Act) from Time to Time paid to the Treaſurer to the ſaid Truſtees and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, or Fines, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice of the Peace as aforeſaid and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, (and for which no particular Method of Relief hath been already appointed), ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Northampton*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Eight clear Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Four Days after ſuch Notice entering into

Recognizance before ſome Juſtice of the Peace for the ſaid County of *Northampton*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſions may alſo by their Order or Warrant levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Gaol or Houſe of Correction for the ſaid County of *Northampton*, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

Diſtreſs not to be unlawful for Want of Form.

LXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Defects or Want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; bnt the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if ſufficient Tender of Amends hath been made by or on the Behalf of the Party diſtraining before ſuch Action brought.

No Proceeding to be quaſhed for Want of Form, or removed by Certiorari.

LXVI. And be it further enacted, That no Order to be made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be vacated or quaſhed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until after Thirty Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid and tried in the ſaid County of *Northampton* and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Thirty Days Notice thereof had been given as aforeſaid, or

after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid; or if ſuch Action ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law.

Publick Act.

LXVIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick 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.

LXIX. And be it further enacted, That this Act, and all the Tolls and Powers hereby granted and given, ſhall commence and take Effect on the ſaid Second *Monday* next after the paſſing of this Act, and ſhall be put in Execution and continue in Force from thenceforth for and during the Term of Twenty-one Years then next enſuing, and from thence to the End of the then next Seſſion of Parliament.

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