ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 63.

An Act for more effectually repairing the Road from *Hardingſton* to *Old Stratford*, in the County of *Northampton*. [18th *April* 1810.]

WHEREAS an Act was paſſed in the Eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the Road from the Way-poſt in the Pariſh of* Hardingſton *in the County of* Northampton, *to* Old Stratford *in the ſaid County*: And whereas another Act was paſſed in the Thirteenth Year of the Reign of His ſaid Majeſty, intituled, *An Act for continuing the Term and enlarging the Powers of an Act paſſed in the Eighth Year of His preſent Majeſty's Reign, for repairing and widening the Road from the Way-poſt in the Pariſh of* Hardingſton *in the County of* Northampton, *to* Old Stratford, *in the ſaid County*: And whereas the Truſtees appointed by or in purſuance of the ſaid Acts have made great Progreſs in carrying into Execution the Powers and Authorities thereby veſted in them, and ſeveral Sums of Money borrowed upon the Credit of the Tolls authorized to be taken on the ſaid Road, have together with the Tolls been duly applied, and now remain due and owing, which Money cannot be repaid nor the ſaid Road effectually amended, improved, and kept in Repair unleſs the Term granted by the ſaid Acts be enlarged; and as the Powers and Proviſions thereof have been found in many reſpects defective and inſufficient, it would be more convenient to the Truſtees and beneficial to the ſaid Road if the ſaid Acts were to be repealed, and further and more effectual Powers granted for the ſame Purpoſes: May it therefore pleaſe Your Majeſty, that it may be enacted;

8 G. 3. c. 52.

13 G. 3. c. 102.

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 Acts of the Eighth and Thirteenth Years of the Reign of His present Majesty shall be, and the same are hereby delared to be repealed, and that from thenceforth this Act shall commence and take Effect, and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of repairing, widening, and improving the said Road; and that this Act and the Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized by the said recited Acts to be taken on the said Road, and of all Monies which may hereafter be borrowed on the Credit of the Tolls hereby granted, and all Interest due and to grow due thereon respectively.

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

Trustees.

II. And be it further enacted, That the Right Honourable *Charles Fitzroy*, commonly called Lord *Charles Fitzroy*, the Right Honourable *John Charles Spencer*, commonly called Lord Viscount *Althorp*, the Right Honourable *George Ferdinand*, Lord *Southampton*, the Honourable *Edward Bouverie*, the Right Honourable *Spencer Perceval*, the the Honourable and Reverend *Thomas Lawrence Dundas* Clerk, *Robert Andrew*, of *Harleston*, *John Armytage*, *Edward Bayley* D. D. *Edward Bouverie*, the Younger, *Robert Willis Blencowe*, *John Bright* Clerk, *William Butlin* Clerk, *Thomas Butcher*, *William Ralph Cartwright*, *Francis Clarke*, Sir *William Dolben* Baronet, *John English Dolben*, *William Somerset Dolben*, *Thomas Ewesdin*, *John Thomas Flesher* Clerk, *Gilbert Flesher*, *William Gurden*, the Elder, *William Gurden*, the Younger, *John Hey* D. D. *Benjamin Hill* Clerk, *William Harris*, *Thomas Horton*, *John Hellens* Clerk, *John Harrison* Clerk, *Thomas Hornsby* Clerk, Sir *Justinian Isham* Baronet, *Justinian Isham*, *Vere Isham* Clerk, *Samuel Isted*, *William Kerr*, *Thomas Mercer*, *William Masten* Clerk, *John Christopher Mansell*, *Robert Mansell*, *Henry Mansell*, Clerk, *Francis Montgomery* Clerk, the Mayor and Aldermen for the Town of *Northampton*, for the Time being, *Charles Newman*, *James Newman Newman*, *John Pittam*, *Joseph Pittam*, *Henry Quartley* Clerk, *John Roper*, Sir *Thomas Sheppard* Baronet, *Thomas Samwell*, *Watson Samwell*, *William Stalman* Clerk, *Christopher Smyth*, *William Tyler Smyth*, *Joseph Scrivener*, *James Stewart* Clerk, *John Smith*, *Richard Sheppard*, *John Harvey Thursby*, *John Tite*, *Thomas Reeve Thornton*, *Philip Thornton* Clerk, *Levison Vernon*, *Ashton Vade* Clerk, Sir *William Wake* Baronet, *Charles Wake*, *Edward Watts*, *John Worley*, *Thomas Worley*, *Thomas Warr*, *Thomas Whalley* Clerk, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for putting this Act into Execution.

Power to choose new Trustees.

III. And be it further enacted, That in case any of the Trustees named in or to be appointed by virtue of this Act, shall die, or by Writing under his Hand delivered to the Clerk to the said Trustees refuse or decline to act, it shall be lawful for any Seven or more of the surviving or remaining Trustees, by Writing under their Hands,

Hands, at any Meeting (whereof at leaſt Ten Days' Notice ſhall have been given upon all the Toll Gates erected or to be erected on the ſaid Road, and in ſome Newſpaper publiſhed or circulated in the County of *Northampton*, ſpecifying that ſuch Appointment was to be made) to nominate and appoint ſome other Perſon to be a Truſtee in the room of ſuch Perſon ſo dying or refuſing to act as aforeſaid, and every Perſon ſo nominated and appointed (being qualified as hereinafter mentioned) ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act as the Perſon in whoſe Stead he ſhall be appointed was veſted with.

Qualification of Truſtees.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall, in his own Right or in the Right of his Wife, be in the actual Poſſeſſion or Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the 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 (not being ſuch Heir Apparent) ſhall have taken and ſubſcribed the Oath following, before any Two or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; (that is to ſay)

Oath.

'I do ſwear, That I truly and *bonâ fide* am in my own Right [*or*, 'in the Right of my Wife, *as the caſe may be*] 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*, 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 and ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection or Wager of Law or more than One Imparlance ſhall be allowed, and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time which he ſhall hold any place of Profit under this Act, or in any caſe where he ſhall be perſonally intereſted.

No intereſted Truſtee to act.

Validating Acts of unqualified Truſtees before Conviction.

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

as if such Person had been qualified according to the Directions of this Act.

Victualler incapible of acting.

VI. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House, or other House of Public Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, Spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, and to be collected on the said Roads, during such Time as he, she, or they shall keep such Victualling House, Ale House, or other House of Public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, Spirituous, or other strong Liquors by Retail; but no such Person shall be precluded from farming or renting such Tolls, provided he, she, or they employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

Trustees may act as Justices except where interested.

VII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as such Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested; and that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall not on that Account be deemed unqualified to act as a Trustee.

Mortgagee or Assignee may act as Trustee.

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

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

Treasurer to be re-imbursed Expences.

Trustees' first Meeting.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *White Hart Inn*, in *Grafton Regis*, in the said County of *Northampton*, on the second *Monday* next after the passing of this Act, between the Hours of Ten in the Forenoon and

Two

Two in the Afternoon, or as ſoon after as convenient, and ſhall then and there proceed in the Execution of this Act, and adjourn themſelves from Time to Time, and afterwards meet there or at any other place on or near the ſaid Road, as the ſaid Truſtees or any Five or more of them ſhall think proper and appoint, as often as it ſhall be neceſſary for putting this Act into Execution: Provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only, and that in caſe a competent Number of Truſtees ſhall not appear at any Time and Place appointed for a Meeting of the Truſtees for putting this Act into Execution, either then to act or to adjourn to another Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Toll Gates upon the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the 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 or inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſuch Time and Place upon or near the ſaid Road as they ſhall think proper, not exceeding Twenty-one Days, nor being leſs than Six Days from the Time of affixing or inſerting ſuch laſt-mentioned Notice.

Power to adjourn.

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

Meeting on Emergencies.

How Orders of Truſtees to be revoked.

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

Proceedings to be entered in a Book.

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

Truſtees to appoint Officers.

XIII. And be it further enacted, That the ſaid Truſtees or any Five or more of them, at their firſt or any ſubſequent Meeting as Occaſion ſhall require, ſhall and may by Writing under their Hands elect and appoint or continue a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of ſuch Money as ſhall be due and payable by virtue of this Act, and take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors for the due Execution of his or their Office or Offices as the ſaid Truſtees or any Five or more of them ſhall think fit; and alſo a Surveyor or Surveyors, and all ſuch other Officers as they the ſaid Truſtees or any Five or more of them ſhall think neceſſary or proper to be employed in the Execution of this Act, and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees or any Five or more of them ſhall ſee Occaſion; and the ſaid Truſtees or any Five or more of them ſhall and may, out of the Money to be raiſed by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed or continued, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees or any Five or more of them ſhall ſeem proper; and all ſuch Officers and Perſons ſhall from Time to Time when thereunto required by the ſaid Truſtees or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands of all Monies which ſhall have been by them reſpectively paid, collected, or received, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Account upon Oath if thereunto required by the ſaid Truſtees or any Five or more of them (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter) and alſo ſuch Officers and Perſons ſhall and are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon or Perſons as

Officers to account.

the

the ſaid Truſtees or any Five or more of them ſhall appoint to receive the ſame; and if the ſaid Officers or Perſons, or any of them, ſhall refuſe or neglect to render and give ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in his or their Hands when thereunto required, in Manner aforeſaid, or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees or any Five or more of them, or by ſuch other Perſon or Perſons, all Books, Papers, or Writings in their Cuſtody or Power, relating to the Execution of this Act, then and in every ſuch caſe, Complaint being made by the ſaid Truſtees or any Five or more of them, or by any Perſon or Perſons on their behalf, of any ſuch Neglect or Refuſal, to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and he is hereby authorized and required, by any Warrant or Warrants under his Hand and Seal, 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 taking and making ſuch Diſtreſs, and of ſelling the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts and of the Articles thereof on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, then and in any or either of the caſes aforeſaid, the ſaid Juſtice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons to the Gaol or Houſe of Correction of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize until he or they ſhall have delivered in and ſettled his or their Accounts and have verified the ſame upon Oath, and ſhall have delivered up the 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

or be puniſhed.

have

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 to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make), or until he or they ſhall have delivered up ſuch Books, Papers and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of a ſufficient Diſtreſs, ſhall be detained in Priſon for any longer Time than Three Calendar Months.

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

XIV. 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 Acts, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings or other Things relating to the ſaid Road, ſhall account for the ſame, and every Part thereof, to the ſaid Truſtees, in the like Manner and under the like Penalties as the ſeveral other Officers and Perſons are hereinbefore directed to account.

Truſtees may appoint temporary Collectors.

XV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf; and in ſuch Caſe and alſo in caſe any ſuch Collector or Receiver ſhall die, ſuch Truſtees ſhall and may nominate and appoint a proper Perſon to be 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 who ſhall die or be diſcharged, or any other Perſon ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building erected on the ſaid Road, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that 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 for the County in which ſuch Toll Houſe, Building and Appurtenances ſhall be ſituated, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her or their

Goods

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.

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

Tolls 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 Three Shillings; and drawn by Four Horſes, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Three Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; 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 Ninepence:

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

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

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

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

For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Threepence per Score, and ſo in Proportion for any leſs Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the

Sum of Sevenpence Halfpenny per Score; and so in Proportion for any less Number:

Double Tolls to be taken on Sundays.

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

Manner of Recovery.

XVII. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize or distrain any Horse, Beast, or other Cattle, upon which any such Toll is, by this Act imposed, together with their Saddles, Gears, Harness, or Accoutrements, (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast), or any Carriage in respect of the Horses or Beasts drawing, on which Carriage such Toll is by this Act imposed; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Two Days after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Horses, Beasts, Cattle, Carriages, 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.

The present Toll Gates not to be removed, unless at a Meeting, and without Notice given.

XVIII. Provided always, and be it further enacted, That no Turnpike Toll Gate, or Toll House already erected under and by virtue of the said recited Acts, shall at any Time or Times hereafter be removed, unless at a Meeting of Seven or more of the said Trustees, to be holden for that Purpose, (whereof at least Twenty-one Days Notice shall be given in Writing, affixed on all the Toll Gates erected on the said Road, and inserted in some one Newspaper published or circulated in the said County of *Northampton*.)

Power to lessen the Tolls.

XIX. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be holden for that Purpose, (whereof at least Twenty-one Days' Notice shall be given, in Writing, affixed on all the Toll Gates erected on the said Road, and inserted in some one Newspaper, published or circulated in the said 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

think fit, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken; and so that the Tolls so granted or varied be never lessened until the Money borrowed on the Credit thereof, together with the Interest be repaid, except the Person or Persons entitled to Five-sixths or more of such Money consent thereto; and such Tolls so varied and every of them shall be collected, recovered and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered and applied.

Only Two full Tolls to be taken.

XX. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, Carriage or Thing through all the Toll Gates erected or to be erected on the said Road, on the same Day, (such Day to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night.)

Tolls to be paid but once a Day.

XXI. 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 of the said Toll Gates continued or erected by virtue of this Act, such Person shall, upon producing a Note or Ticket, denoting the Payment thereof on that Day at the same Toll Gate, (which Note or Ticket the Collector or Collectors of the said Tolls is and are hereby required to deliver gratis, on Demand, to every Person paying the same), be permitted to pass Toll-free with the same Horse, Cattle, Beast or Carriage through the same Toll Gate, at any Time or Times during the same Day, to be computed as aforesaid.

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

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

Collectors of Tolls not to be deemed incompetent Witnesses.

XXIII. 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,

Diſpute, Suit or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Truſtees may let the Tolls.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting whereof Twenty-one Days' Notice ſhall have been given, in Writing, affixed upon all the Toll Gates then erected upon or acroſs the ſaid Road, or inſerted in ſome Newſpaper publiſhed or circulated in the 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, upon Publick Bidding, to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Time and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof as the ſaid Truſtees, or any Five or more of them ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

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

XXV. And be it further enacted, That in Caſe the Tolls ariſing from all or any of the Toll Gates erected or to be erected on the ſaid Road, ſhall at any Time or Times during the Continuance of this Act, be demiſed or let to farm, to any Perſon or Perſons whomſoever, and the 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 Perſon or Perſons, or cauſe them to be taken and collected, as if no former Contract or Agreement had been entered into relative thereto.

Truſtees may compound for Tolls.

XXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them may, and they are hereby authorized and empowered to compound and agree, by the Year or otherwiſe, with any Perſon or Perſons, (Common Carriers and the Proprietors of Stage Coaches

Coaches only excepted); for any Sum or Sums of Money which the said Truſtees ſhall think fit, for and in lieu of Payment of any of the ſaid Tolls, which Compoſition ſhall be immediately paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Five or more of them ſhall appoint, and be applied in the ſame Manner as the Tolls ſo compounded for would have been applicable.

XXVII. 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 Road, for any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed, or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, 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; or for the uſe of His Majeſty's Forces; nor from any Rector, Vicar, or Curate going to or returning from his own Pariſh, Church, or Chapel, or viſiting his ſick Pariſhioners, nor from any Perſon or Perſons going to or returning from his or their Parochial Church, Chapel, or other uſual place of Religious Worſhip, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſons or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place through which any part of the ſaid Road hereby intended to be repaired lies; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Northampton*, or any Surveyor or Surveyors of the ſaid Road, when attending his or their duty on the ſaid Road; or for carrying or conveying Vagrants ſent by legal Paſſes, or for carrying or conveying Hay, Clover, Turnips, or Corn in the Straw, to be laid or ſtacked up in any Barn or Yard, held or uſed by the Occupier of the Land whereon the ſame grew, and being within the ſame Pariſh, or of carrying or conveying any Mould or Lime for manuring of Land, or for carrying or conveying any Muck, Dung, Soil, or Compoſt to be uſed for manuring any Land; nor for any Horſes, Beaſts, or Cattle paſſing in order to be uſed or employed only upon or for the Occupation of Land in any ſuch Pariſh, Hamlet, or Place, or drawing any Waggon, Cart, Plough, Harrow, or other Implement of Huſbandry, in order to be ſo uſed or employed, or to be repaired (unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Tolls); nor for any Horſe, Beaſt, or Cattle paſſing to or from Paſture upon any ſuch Land as laſt mentioned, or to or from Water, and for either of thoſe Purpoſes, going or paſſing only

General Exemptions from Tolls.

Mails.

Soldiers.

Church, Funerals, &c.

Electors.

Vagrants, Hay, &c.

Dung, Lime, &c.

Horſes to be employed on Land in any Pariſh through which the ſaid Road goes.

Horſes, &c.

Water.

only from one Parish into the next adjoining Parish; nor for any Horse, Beast, or other Cattle, when going to or returning from being shoed or farried, nor for any Horse, Beast, or Cattle used or employed for the purpose only of carrying or conveying Materials, for the making or repairing any Highway or Public Road, within any such Parish, Hamlet, or Place as aforesaid; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Road only, or shall not pass more than One Hundred Yards thereon, nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any place of Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the time of claiming the Exemption, and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and in all cases the Proof of Exemption shall lie upon the Person claiming the same.

Materials for repairing Roads.

Crossing the Road.

Volunteer Cavalry.

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

XXVIII. 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 therein, 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,

Penalty on Evasion of Tolls.

XXIX. And be it further enacted, That if any Person or Persons shall go, or pass with, or ride, or drive any Horse or Beast, or ride in any Carriage, 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 Land, Ground or Place, shall knowingly or wilfully permit or suffer any other Person or Persons, to go or pass with any Cattle or Carriage, through or over such Land, Ground, or Place, in order, or with intent thereby, to evade the Payment of the Tolls by this Act granted, or any Part thereof, or whereby, or by means whereof, any Evasion shall take place or be effected; or if any Person shall forge, counterfeit, or alter, or shall deliver to, or receive from any other Person or Persons, any Note or Ticket, with intent to avoid the Payment of all or any Part of the said Tolls, or if any Person or Persons shall unload, or cause to be unloaded, any Goods or Merchandize, or shall take off, or cause to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon

upon any Part of the ſaid Road, ſo as to increaſe the number of Horſes or other Beaſts drawing the ſaid Carriage, after the ſame ſhall have paſſed through the ſaid Toll Gates, with intent to avoid the Payment of any of the ſaid Tolls, or if any Perſon or Perſons ſhall do any other act in order or with intent to avoid the Payment of the ſaid Tolls, or any Part thereof, ſuch Perſons, and every of them, ſhall, for every ſuch Offence, forfeit and pay any Sum, not exceeding Five Pounds over and beſides ſuch Damages and Puniſhments as they ſhall otherwiſe be liable to by Law, to be recovered in ſuch Manner as is hereinafter mentioned and provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties and Forfeitures are hereinafter directed to be applied.

Penalties on Collectors taking greater or leſs Tolls than allowed.

XXX. 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, Renter, or Collector ſhall, for every ſuch Offence, forfeit any Sum not exceeding Five Pounds, and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner hereinafter mentioned.

Toll Gates &c. veſted in Truſtees.

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

XXXII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be holden for that Purpoſe, whereof Twenty-one Days Notice ſhall be given in Writing, affixed upon all the Toll Gates then erected upon the ſaid Road, and alſo 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, ſuch Sum and Sums of Money as they ſhall think needful, and they are hereby alſo empowered either at ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any Part of the Tolls to be collected and levied at the ſaid Toll Gates (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch Tolls),

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 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, "An Act '[*Here insert the Title of this Act*] We, Seven of the Trustees for 'putting the said Act into Execution, in consideration of the Sum of ' to the Treasurer of the said Road 'in Hand paid, do grant, bargain, sell, and demise unto ' his Executors, Administrators, and Assigns, 'such Proportion of the Tolls arising by virtue of the said Act, and of 'the Toll Gates and Toll Houses for collecting the same, as the Sum 'of doth or shall bear to the 'whole Sum due and owing on the Credit thereof. To be had and 'holden from the Day of ' for and during the Continuance of the said Act, unless 'the said Sum of with Interest 'at the Rate of *per Centum per Annum* 'shall be sooner repaid and satisfied. Given under our Hands and 'Seals, this Day of 'One Thousand Eight Hundred and

Mortgages to be entered in a Book.

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

Form of Transfer.

'I do transfer this Mortgage or Security, [*or*, a certain Mortgage or Security, *shortly stating it, as the case may be*], with all my 'Right and Title to the Principal Money thereby secured, and all the 'Interest now due thereon, unto Executors, 'Administrators, and Assigns. Dated this Day 'of 'Witness

Which Transfer shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Number, Dates, and Names of the Parties, and Sums of Money therein transferred, for which the said Clerk shall be paid the Sum of Six Shillings and Eightpence, and no more, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators and Assigns, to the Benefit thereof, and

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

No Priority of Mortgages.

XXXIII. 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 Acts, or either of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Tolls in equal Degree one with another.

Old Mortgages may be called in and new ones granted.

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

Application of the Money.

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

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

XXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, and carry away any Materials for completing or repairing the said Road, out of any Waste, or Common, River or Brook, in or near which any Part of the said Road lies, without paying any Thing for such Materials, they the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any Lands or Grounds for and with such Materials (such Damages to be ascertained as hereinafter mentioned), and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, and carry away any such Materials, in or out of the Grounds of any Person (not being a Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Park,

Park, or Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of ſuch Grounds, where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Road ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of private Grounds, or any of them, concerning ſuch Payments and Damages as aforeſaid, the Juſtices of the Peace, at their next General Quarter Seſſions, or at the ſecond General Quarter Seſſions at the fartheſt, to be holden for the ſaid County of *Northampton*, on Eight Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payment and Damages; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

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

Power to ſearch for Materials without giving Notice.

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

XXXIX. And

Penalties on taking away Materials got by the Surveyors.

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

Power to make Causeways.

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

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

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

XLII. And be it further enacted, That it shall be lawful for the said Surveyor

Surveyor may remove Annoyances.

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

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

Surveyor may cleanse them.

XLIII. And be it further enacted, That if any Person or Persons, who of right ought to scour and cleanse any Ditch, Drain, or Watercourse which shall adjoin to, or lead into or out of any Part or Parts of the said Road, shall not in a proper Manner cause the same to be scoured and cleansed within the space of Ten Days next after Notice 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, her, 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 for the County or Place where such Person or Persons respectively shall live, shall and may by Warrant or Warrants, under the Hand and Seal of such Justice, be levied by Distress and Sale of the Goods and Chattels of such Person and Persons, rendering the Overplus (if any) to the Owner or Owners thereof, upon Demand, after all Charges are paid.

Trustees may contract for purchasing Lands.

XLIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and are hereby authorized and empowered, from Time to Time, as they shall think proper, to

widen

widen and divert, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the ſaid Road, and that any Variation of Road may be made through any Common or Waſte Ground without making any Satisfaction for the ſame, and through any Private Grounds or Hereditaments, making Satisfaction to the Owners thereof and to the Perſons intereſted therein for the Damages they may ſuſtain thereby; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time aſſembled at any Meeting or Meetings to be holden under this Act, to contract and agree with the Owners of or Perſons intereſted in any Lands or Hereditaments, for the Purchaſe or Exchange thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by widening and diverting, turning, ſhortening, varying, and altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands and Hereditaments; and it ſhall be lawful for all ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporation aggregate or ſole, Guardians, Feoffees, Truſtees and Committees not only for and on the behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on the behalf of their Infant Wards, *Ceſtuique* Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for every Perſon or Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any 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, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations aggregate or ſole, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: Provided always, That in widening, turning, or diverting the Courſe of the ſaid Road, nothing ſhall be done which ſhall or may in any wiſe injure or Damage any Houſe or Building, or any Yard, Garden, Orchard, Park, Plantation, or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto.

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

XLV. And be it further enacted, That if any ſuch Bodies Politic, Eccleſiaſtical or Civil, Corporation aggregate or ſole, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her or them given or left in Writing at the Dwelling-Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politic, Corporate, Eccleſiaſtical, or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Road is to be diverted, turned or altered, ſhall for the Space of Thirty Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree

in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees or any Five or more of them ſhall cauſe ſuch Damage or Recompence to be enquired into and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands ſhall lie, and in order thereto the ſaid Truſtees or any Five or more of them are hereby empowered and required from Time to Time, as Occaſion ſhall be, to ſummon and call before ſuch Jury and examine on Oath any Perſon or Perſons whomſoever (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter) and ſuch Truſtees 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, thereupon ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, or Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations 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 to the Sheriff of the County wherein ſuch Lands ſhall lie, requiring him to impannel, ſummon and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies or any Five or more of the ſaid Truſtees ſhall return other honeſt and indifferent Men of the Standers-by, or that may be ſpeedily procured to attend that Service to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, and the ſaid Truſtees or any Five or more of them ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing

ing, shall refuse to be sworn or examined or give Evidence, so as that no such Fine be more than Five Pounds on any one Person for one Offence.

How Expences of the Jury shall be paid.

XLVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by them sustained, than what shall have been agreed and offered by the said Trustees or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest and Property, or Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of the Money in his Hands to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace of the said County, not interested in the Matter in Question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or 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 as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein provided for Recovery of Penalties and Forfeitures.

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

XLVII. And be it further enacted, That all and every Sum or Sums of Money, Consideration, Recompence, and Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act according to the Directions hereinafter contained, either into the Bank of *England*, or as the Case may require, to the Parties or Persons respectively intitled to such Monies or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the Use of such Parties or Persons, and after Thirty Days Notice thereof, given to such Parties or Persons or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen, or Agents,

to

to extend, widen, divert or turn the ſaid Road through or over ſuch Lands or Hereditaments and to do all and every Act, Matter and Thing with relation to ſuch Lands or Hereditaments as the ſaid Truſtees or any Five or more of them ſhall think fit; and the ſaid Truſtees ſhall cauſe ſuch Parts of the ſaid Road as ſhall be made, widened, diverted or turned through any private Grounds to be ditched or otherwiſe fenced from the adjoining Lands, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall direct; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Road by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of the Right and Title to ſuch Lands and Hereditaments; and the Lands conſtituting any former Roads in lieu whereof ſome new Roads ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Road doth not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees or any Five or more of them, for the beſt Price that can be gotten for the ſame, or may be exchanged for other Lands uſed for the Purpoſe of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the Road by this Act directed to be repaired; and all Deeds of Exchange or Conveyance executed by the ſaid Truſtees or any Five or more of them, and inrolled with the Clerk of the Peace for the County wherein ſuch Lands or Grounds ſhall lie, ſhall be good and effectual in the Law to all Intents and Purpoſes; but this Act ſhall not extend to the taking down of any dwelling Houſe or other Buildings, or to the taking in of any Land being a Garden or Orchard adjoining to any Dwelling-houſe, or any Yard, Park, Paddock, Planted Walk, incloſed Nurſery, for Trees, or Avenue to a Houſe or any Part thereof, without the Conſent of the Owners or Proprietors thereof reſpectively, in Writing firſt had and obtained.

Former Roads may be ſold.

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

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

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

Perſons whoſe Lands adjoin to have the Preference.

XLIX. 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 for Sale 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 re-ſell 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

nor

not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, on Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of old Road shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or other Ground, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof, that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purposes of this Act: but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation when exceeding 200*l.*

L. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, not having the Power to sell without the Authority of this Act, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Persons or Person, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the discharge of any Debt or Debts or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which

ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking effect; and in the meantime 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 meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo hereby directed to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

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

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

Application where the Money is leſs than 20l.

LII. 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

and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles,

LIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments, [*describing them*] subject to the Order, Controul and Disposition of the said Court of Chancery, which said Court on the Application of any Person or Persons making Claim to any 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 such Sum or Sums of Money into the Bank as aforesaid.

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

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

Respecting disputed Title.

LIV. 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 and Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to 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,

ingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

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

Perſons liable to repair the Roads to continue ſo.

LVI. 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 on 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.

Statute Work.

LVII. And be it further enacted, That the Surveyor or Surveyors of the Highways of the reſpective Pariſhes, Townſhips or Places wherein any Part of the ſaid Road hereby intended to be repaired doth lie, ſhall, on an Order in Writing made by any Two or more Juſtices of the Peace for the ſaid County of *Northampton*, on Application to them by the ſaid Truſtees or any Five or more of them, or by their Clerk or Surveyor, and delivered to ſuch Surveyor or Surveyors, or left at his, her or their laſt or uſual Place or reſpective Places of Abode, bring and deliver within Ten Days afterwards to the ſaid Turnpike Surveyor or Surveyors, true and perfect Liſts in Writing of the Names of the ſeveral Perſons who, within ſuch Pariſhes, Townſhips or Places reſpectively, ſhall be by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in Lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid by each Perſon, which Liſts ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways, and the ſame, when ſo delivered in as aforeſaid, ſhall be laid before ſuch Two Juſtices as aforeſaid by the ſaid Turnpike Surveyor

Surveyor or Surveyors, and such Two Justices shall and may adjudge and determine what Part or Proportion of the said Statute Work, not exceeding Three Days in the whole, shall every Year be done upon the said Road by the Inhabitants of or Occupiers of Lands or Tenements in the said respective Parishes, Townships or Places, and also what Proportion of the Money received or to be received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in Lieu of or as a Composition for Statute Work, shall be by him, her or them paid to the said Trustees or their Surveyor or Surveyors; and the said Persons named or returned in such Lists, as liable to do Statute Work, shall and are hereby required to do and perform such Proportion as aforesaid thereof, on such Parts of the said Road lying within the said Parishes, Townships or Places respectively, and at such Time (not being Hay-Time or Harvest) as the said Trustees or any Five or more of them, or their Surveyor or Surveyors shall direct and appoint, and which said Turnpike Surveyor or Surveyors is and are hereby empowered and required from Time to Time to summon or give public Notice thereof to such Persons of the Time or Times when, and the Place or Places where such Persons respectively are to do such Statute Work, and if any Surveyor of the said Highways shall refuse or neglect to do as such Surveyors are hereby required and directed to do, he shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Ten Pounds, together with the Costs and Charges of recovering the same, and the said Forfeitures, Costs and Charges shall and may be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County or Place where such Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby empowered and required to grant upon Confession of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby required and empowered to administer.

Penalty on Persons neglecting to do Statute Work.

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

the ſaid Truſtees, or their Surveyor or Surveyors, and applied to the Purpoſes of this Act.

For recovery of Compenſation for Statute Work.

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

Truſtees to compound for Statute Work.

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

Truſtees may contract for Repair of the Road.

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

Truſtees may erect Mile Stones, &c.

LXII. 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

cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Road, with Inſcriptions thereon, denoting the Number of Miles and Diſtance of Places as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction Poſt or Mile Stone erected or fixed or to be erected or fixed in or near the Side of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon, or if any Perſon ſhall ride upon any Footway or Path adjoining to or made on the Side of or upon the ſaid Road, or ſhall drive any Horſe, Cattle, or Swine, or any Carriage thereon, or ſhall cauſe any Damage to be done to any ſuch Footway, or if any Perſon ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber or any Stone (otherwiſe than upon Wheeled Carriages) or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon Wheeled Carriages to drag upon any Part of the ſaid Road to the Prejudice thereof, or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer the ſame to root up or damage the ſaid Road or any Part thereof or the Fences, Hedges, Bankings, or Copſe on either Side thereof, or if any Perſon or Perſons ſhall leave or ſuffer any Cattle, Sheep, or Beaſt to be and remain looſe on the ſaid Road, or if any Perſon driving any Coach, Chaiſe, Waggon, Cart or other Carriage upon the ſaid Road, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road, or if any Perſon ſhall in any manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his or their Care, or if any Perſon ſhall make or aſſiſt in making any Fire or Fires whatſoever, or ſhall ſet Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever on any Part or Parts of the ſaid Road, or if any Perſon or Perſons ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart or other Carriage in, upon or on the Side of any Part of the ſaid Road (longer than may be neceſſary to load or unload the ſame) either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh or other Matter or Thing whatſoever, on any Part of the ſaid Road or on the Side or Sides thereof to the Prejudice thereof, or to the Prejudice, Annoyance or Inconvenience of any Perſon or Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for defacing them, and on Perſons injuring the Road, or committing Nuiſances thereon.

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

Penalty on obſtructing the Execution of this Act.

LXIV. 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 therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors or other Officers reſpectively, and ſuch other Perſon or Perſons as

For ſecuring tranſient Offenders.

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

LXV. 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 or in any other Form of Words to the same Effect:

Form of Conviction.

County of } 'BE it remembered, That on the Day of
to wit } in the Year of His Majesty's Reign,
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, 'An Act [*here set forth the Title of this 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.'

Penalties, how to be recovered and levied.

LXVI. And be it further enacted, That all Penalties, Forfeitures and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof be not herein otherwise directed) shall upon Proof of the Offences respectively before any one Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant for that Purpose) and the Overplus, after such Penalties, Forfeitures, and Fines and the Charges of

of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures and Fines, when paid and recovered (if not otherwise directed to be applied by this Act) shall be from Time to Time paid to the Treasurer to the said Trustees, and applied for the Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any one Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the Gaol or House of Correction of the County of *Northampton*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXVII. 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 Four Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice entering into a Recognizance before a Justice of the Peace for such County with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding and conclusive to all Intents and 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 pay the same, and for Want of sufficient Distress commit such Person or Persons to the Gaol or House of Correction of and for the said County of *Northampton* for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Proceedings not to be quashed for Want of Form;

LXVIII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Defects, or Want of

Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, until after Thirty Days' Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the 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 in any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Thirty Days' Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Publick Act.

LXX. 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 this Act.

LXXI. And be it further enacted, That this Act ſhall commence upon the Second *Monday* next after the paſſing thereof, and ſhall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1810.