ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XLII.

An Act for altering and amending an Act, paſſed in the Eighteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, cleanſing, lighting, and watching, the Town of* Northampton, *and for removing and preventing Encroachments, Obſtructions, and Annoyances therein*; and for continuing the Term of certain Tolls by the ſaid Act granted. [24th *April* 1797.]

Preamble. 18 *Geo.* III, Cap. 79, recited.

WHEREAS an Act, paſſed in the Eighteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, cleanſing, lighting, and watching, the Town of* Northampton, *and for removing and preventing Encroachments, Obſtructions, and Annoyances therein*; whereby certain Tolls were granted and made payable, for the Term of Twenty-one Years, from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ſeventy-eight, and from thence to the End of the then next Seſſion of Parliament; and certain Rates or Aſſeſſments were authorized to be made and laid, in Manner as therein more particularly mentioned; and the Commiſſioners for executing the ſaid Act were authorized and empowered for that Purpoſe, to borrow and take up, either by Mortgage of, or by Annuities to be charged upon, the ſaid Tolls and Rates or Aſſeſſments, any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten thouſand Pounds: And whereas the ſaid Commiſſioners proceeded

to put the said Act in Execution, and did borrow and take up as aforesaid, the Whole of the said Sum of Ten thousand Pounds; which Money has been duly applied according to the Directions of the said Act, and the Sum of Eight thousand Pounds, Part thereof, still remains due and owing on Mortgage of the said Tolls and Rates, or Assessments, and cannot be paid off, nor the good Purposes of the said Act be properly carried into Effect, unless the Term of the said Tolls, which is near expiring, is continued; and it is expedient that some of the Powers and Provisions of the said Act should be altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Tolls by the said recited Act granted, and all the Clauses, Powers, Provisions, Regulations, Penalties, Forfeitures, Exemptions, Matters, and Things, in the said Act contained, with respect to the said Tolls, (except so far as the same respectively are hereby repealed or altered), shall, from and after the Expiration of the said Term for which the said Tolls were originally granted by the said Act, be continued for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, as fully and effectually, to all Intents and Purposes, as if the same, and every Part thereof, were herein particularly repeated and re-enacted; and the Tolls during the said additional Term hereby granted shall be, and are hereby declared to be, subject and liable to the Payment of all Money now due and owing on the Credit thereof, and of all Interest due and to grow due thereon,

Term of the Tolls continued.

Commissioners Names.

II. And be it further enacted, That *John Armytage*, *Thomas Armfield*, *Edward Bouverie* the younger, *George Benton*, *William Balaam*, *John Cooper*, *Richard Comfield*, *Benjamin Drayton*, *Charles Dodd*, *John Donne*, *William Dunkley*, the Reverend *Benjamin Lloyd Edwards*, *Charles Freeman*, *John Fletcher*, *William Francis*, *George Gunning*, the Reverend *William Gooday* Clerk, *John Higgins*, *John Harris* the younger, *Clark Hillyard* the younger, *Richard Howes*, *Samuel Holt*, *Thomas Hilles*, *John Matthew Hopkins*, *Robert Hughes*, *Samuel Ifted*, *Thomas Johnson*, *John Kiplin*, the Honourable *Knowles*, Sir *William Langham* Baronet, *William Marshall* the younger, *John Morgan*, the Honourable *Spencer Perceval*, *George Peach*, *Joseph Sibley*, *Christopher Smyth* junior, *Smith*, *Charles Smith* the younger, *George Smith*, *Richard Scriven*, *Thomas Reeve Thornton*, *Thomas Treslove*, and Sir *William Wake* Baronet, shall be, and are hereby added to and joined with the Commissioners appointed in or by virtue of the said recited Act, and shall have the same Power and Authority to act in the Execution of the said recited Act and this Act, as if they had been named and appointed Commissioners in or by virtue of this Act.

After the Expiration of the present Term, the Tolls on Coals to cease.

III. Provided nevertheless, and it is hereby enacted, That, from and after the Expiration of the Term for which the said Tolls were originally granted as aforesaid, no Toll shall be demanded or taken for or in respect of any Cattle or Carriage laden only with, or going empty or unladen for, or returning empty or unladen after having been laden only with Sea Coal, Pit Coal, Coke, or other Fuel, or Fruit, Vegetables, or the Produce of any Garden or Orchard; any Thing herein or in the said Act contained to the contrary thereof in anywise notwithstanding.

IV. And

IV. And whereas by the ſaid recited Act, the Money to be paid for the Tolls, when let to farm, is directed to be paid Quarterly, in Manner as therein mentioned; which has been found inconvenient, and may be attended with Loſs; it is therefore further enacted, That the Monies to ariſe from the Tolls, when let to farm, ſhall be paid either Monthly or Quarterly, as the Commiſſioners for executing the ſaid recited Act, (and who are hereby declared to be Commiſſioners for executing this Act), or any Seven or more of them, ſhall order and direct. For altering the Mode of paying the Money by the Leſſees of the Tolls.

V. And be it further enacted, That if any Collector of the Tolls who ſhall be diſcharged from his Office by the Commiſſioners in purſuance of the Authorities of the ſaid recited Act, ſhall neglect or refuſe to deliver up the Poſſeſſion of the Toll Houſe and Buildings, and the Appurtenances thereto belonging, which he held in Right of his Appointment, within Three Days after Notice of his Diſcharge, ſigned by the ſaid Commiſſioners, or any Seven or more of them, or by their Clerk by their Order, ſhall have been given him, or left at his Houſe; or if the Wife or Family of any ſuch Collector who ſhall die, ſhall neglect or refuſe to deliver up the Poſſeſſion of ſuch Toll Houſe, Buildings, and Appurtenances, within Six Days after any new Appointment of a Collector ſhall be made, as in the ſaid Act mentioned; then and in every ſuch Caſe it ſhall be lawful for any Juſtice of the Peace for the County or Place where ſuch Gate ſhall be ſituate, upon Complaint and Proof on Oath (to be adminiſtered by ſuch Juſtice) of ſuch Neglect or Refuſal, by or on the Behalf of the ſaid Commiſſioners, or any Two or more of them, although not aſſembled at any Meeting, by Warrant under his Hand and Seal to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Premiſes, in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with the Goods, out of ſuch Houſe, and put the new appointed Officer in the Poſſeſſion thereof. If any Collector of the Tolls is diſcharged from the Office, the Commiſſioners may obtain the Poſſeſſion of Gate, &c.

VI. And whereas a Clauſe is contained in the ſaid Act, whereby certain Pariſhes and Places therein mentioned are declared to be exempt from the Payment of any of the Tolls thereby granted, on compounding for the ſame in Manner therein mentioned: And whereas it is expedient, from and after the Expiration of the ſaid Term for which the ſaid Tolls were made payable by the ſaid Act, that the Inhabitants of the ſaid reſpective Pariſhes and Places ſhould be exempt from the Payment of any Tolls or Compoſition whatſoever, in reſpect of their ſeveral Carriages, Horſes, and Cattle, paſſing through any Turnpike or Gate erected or to be erected, or continued by virtue of the ſaid Act, and of this Act; be it therefore enacted, That, from and after the Expiration of the ſaid Term for which the ſaid Tolls, were made payable by the ſaid recited Act as aforeſaid, the Inhabitants of the reſpective Pariſhes or Places following, South of the River *Nen*; (*videlicet*), *Hardingſtone*, *Wootton*, *Quinton*, *Preſton Deanry*, *Collingtree* otherwiſe *Collingtrough*, *Rotherſthorpe*, *Courteenhall*, *Bliſworth*, *Gayton*, *Milton* otherwiſe *Middleton*, *Malzor*, *Great Houghton*, *Little Houghton*, *Road*, *Pattiſhall* with its Hamlets, *Tiffield*, *Cold Higham* with its Hamlets, *Caldecote*, *Eaſton Neſton with Hulcot*, *Hartwell*, *Aſhton*, *Caſtle Aſhby*, *Grafton Regis*, *Stoke Bruern with Shitlanger*, *Braſield on the Green*, *Whiſton*, *Cooknoe*, *Piddington with Hackleton*, and *Horton*, ſhall be exempt from Payment of any of the Tolls created by the ſaid Act, or continued by this Act, in reſpect of their ſeveral Carriages, Horſes, and Cattle, paſſing through any Turnpike or Gate, erected or to be erected by virtue of the ſaid Act, or continued For exempting certain Pariſhes and Places from Toll.

nued by virtue of this Act, any Thing in the ſaid recited Act or in this Act contained, or any Law, Cuſtom, or Uſage, to the contrary thereof in anywiſe notwithſtanding: Provided nevertheleſs, that nothing herein contained ſhall extend, or be conſtrued to extend, to exempt any Carriage, Horſe, or Cattle, of any common Carrier, when travelling for Hire, nor of any of the Inhabitants of the ſaid ſeveral particularized Pariſhes or Places, when the ſame are travelling for Hire for any Perſon or Perſons not being reſident in the Pariſh or Place wherein the Owner of ſuch Carriage, Horſe, or Cattle, ſo travelling, ſhall at ſuch Time uſually reſide, or when the ſame are travelling on *Sunday*, at which reſpective Times only ſuch Carriages, Horſes, or Cattle, ſhall not paſs through any Turnpike or Gate erected by virtue of the ſaid Act, or to be erected or continued by virtue of this Act, unleſs Payment ſhall be made of the full Tolls aforeſaid.

Clergymen and others exempt from Toll on *Sundays*.

VII. Provided alſo, and be it further enacted, That, from and after the Expiration of the ſaid Term, no Tolls ſhall be demanded or taken for any Horſes or other Beaſts, or any Carriage, carrying or conveying any Perſon or Perſons to or from their proper parochial Church or Chapel, or other Place of religious Worſhip, on a *Sunday*, nor any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or at any Time attending the Funeral of any Perſon who ſhall be buried in the Pariſh, Hamlet, or Place, where ſuch Perſon ſhall die, or the Miniſter of any Pariſh going to viſit the Sick, or baptize any Child, or upon other his parochial or miniſterial Duty; any Thing in the ſaid recited Act contained to the contrary thereof notwithſtanding.

Penalty on taking the Benefit of any Exemptions without being entitled to them.

VIII. And be it further enacted, That if any Perſon ſhall claim and take the Benefit of any of the ſeveral Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Forty Shillings for each Offence, to be recovered in ſuch Manner as the Penalty on claiming an Exemption, not being entitled thereto in the ſaid recited Act is directed to be recovered; any Thing in the ſaid recited Act, or in this preſent Act, contained to the contrary notwithſtanding.

Altering the Mode of rating the late County Hoſpital.

IX. And whereas by the ſaid Act it is enacted, that the County Hoſpital ſhould, for the Purpoſes thereof, be rated and aſſeſſed according to the Rate it was then taxed at to the Poors Rate: And whereas the ſaid Hoſpital has been ſince ſold, and is now become private Property; be it therefore enacted, That, from and after the paſſing of this Act, the Tenant or Occupier of ſuch late County Hoſpital ſhall be rated and aſſeſſed, for the Purpoſes of this Act, in the ſame Manner as other Tenants or Occupiers of Houſes, Lands, Tenements, or Hereditaments, within the ſaid Town, are or ſhall be rated or aſſeſſed; and in caſe of Nonpayment, the Rate or Aſſeſſment ſhall be recovered in the ſame Manner as by the ſaid Act is provided for the Recovery of Rates and Aſſeſſments from the Tenants or Occupiers of other Premiſes; any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Directing how *Market Hill* and *Woodhill* ſhall be rated.

X. And whereas it is by the ſaid Act enacted, that the Sum of One Shilling, and no more, ſhould be rated and aſſeſſed upon thoſe Parts of the *Market Hill* and *Woodhill* in the ſaid Town, which had been theretofore repaired at the Expence of the Mayor, Bailiffs, and Burgeſſes, of the

ſaid

ſaid Town of *Northampton*, for every Yard, running Meaſure, of the Length of ſuch reſpective Hills, but the Breadth of ſuch running Meaſure on the *Market Hill* ſhould be reckoned to extend no farther than from one Gutter to another: And whereas, ſince the paſſing of the ſaid Act, the Form of ſuch *Market Hill* has been varied, ſo that in Length of Time it may be difficult to aſcertain the Breadth of ſuch *Market Hill* by the aforeſaid Deſcription of and from one Gutter to another; be it therefore enacted, That the Payment to be made for the running Meaſure of ſuch *Market Hill* and *Woodhill*, ſhall continue to be the ſame, as from the Commencement of the ſaid Act to the preſent Time has been rated, aſſeſſed, and paid, for the ſame, and no more.

Altering the Directions for ſweeping the Footways.

XI. And whereas by a Clauſe in the ſaid Act it is enacted, that all and every Perſon and Perſons inhabiting within the ſaid Town ſhould ſweep, or cauſe to be ſwept and cleanſed, the Foot Paths or Ways in the Front of their reſpective Houſes, Buildings, and Walls, as therein more particularly mentioned; the Execution of which Clauſe having been attended with Inconvenience, be it therefore enacted, That, from and after the paſſing of this Act, the ſaid Clauſe ſhall be repealed; and inſtead thereof, be it enacted, That all and every Perſon or Perſons inhabiting within the ſaid Town, ſhall ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot Paths or Ways in the whole Length of the Front of their reſpective Houſes, Buildings, and Premiſes, and alſo ſo much of the Carriage Way as ſhall extend One Foot beyond the Channel or Gutter next to ſuch Foot Paths or Ways, between the Hours of Six and Ten in the Forenoon, Once at the leaſt in every Week, and ſhall collect and put together the Dirt and Soil ariſing from ſuch ſweeping and cleanſing, without obſtructing the Way or Road in the ſaid Streets, Lanes, Paſſages, and Places, that the ſame may be ready for the loading and taking away by the Scavenger or Perſons contracted with for cleanſing the ſaid Streets, Lanes, Paſſages, and Places, upon Pain of forfeiting and paying any Sum not exceeding Five Shillings, nor leſs than Two Shillings and Sixpence, for every Neglect therein.

XII. And be it further enacted, That if any Perſon or Perſons ſhall ſpill or throw down any Soil in any of the ſaid Streets, Lanes, and other publick Paſſages and Places, which ſhall have been taken away from any Privy or Neceſſary Houſe within the ſaid Town, and ſuch Soil ſhall be removed by Order of any Officer belonging to the ſaid Commiſſioners, the Perſon or Perſons ſhall, over and above any Penalty or Forfeiture which he may be liable to, pay all Charges and Expences that may be incurred in removing the ſaid Soil, as ſhall be allowed and ordered by any One Juſtice of the Peace for the Town of *Northampton*; to be recovered in the ſame Manner as any Penalties or Forfeitures are by the ſaid Acts authorized to be recovered.

For recovering the Expence of Damage to Flag Pavings in building and repairing Houſes.

XIII. And be it further enacted, That if any Perſon or Perſons employed in the building or repairing of any Houſe or Building adjoining any of the Foot Paths within the ſaid Town, ſhall break or damage any of the Flag Paving near to or adjoining ſuch Houſe or Building, the Perſon or Perſons to whom the ſame Houſe or Building ſhall belong, ſhall pay to the ſaid Commiſſioners all the Coſts and Expences of repairing the Damage ſo done to ſuch Flag Paving; and in caſe of Non-payment thereof, on Demand to be

be made by the Clerk or Surveyor, the ſame ſhall and may be levied and recovered in the ſame Manner as Penalties and Forfeitures are by the ſaid Act directed to be levied and recovered.

The new Street opened ſince the paſſing of the recited Act, to be under the Power of the Commiſſioners.

XIV. And whereas, ſince the paſſing of the ſaid recited Act, a Carriage and Footway have been opened from and out of *Saint Giles's Street*, in the ſaid Town, leading towards the new General Infirmary; be it therefore enacted, That the ſame ſhall be conſidered as a Publick Paſſage within the Meaning of the ſaid Act, and ſhall at all Times be under the Controul and Management of the ſaid Commiſſioners, in the ſame Manner, to all Intents and Purpoſes, as any other Street, Lane, or Paſſage, within the ſaid Town.

For Recovery of Penalties and Forfeitures.

XV. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, ſhall be levied and recovered and applied in the ſame Manner as by the ſaid Act is directed with reſpect to any Penalties or Forfeitures thereby impoſed; and that whenever any Penalty or Forfeiture impoſed by the ſaid Act or this Act is or ſhall be recovered, the Perſon or Perſons liable to the Payment of ſuch Penalty or Forfeiture ſhall alſo be liable to pay and defray all Coſts and Charges attending the Recovery thereof; which Coſts and Charges ſhall be recovered in the ſame Manner as ſuch Penalty or Forfeiture.

For paying the Expences of this Act.

XVI. And be it further enacted, That all Coſts and Expences incident to or attending the obtaining and paſſing of this Act, ſhall be paid out of any Money already received by virtue of the ſaid former Act, or out of the Firſt Monies that ſhall be received by virtue thereof, or of this Act.

Publick Act.

XVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and ſhall be taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.