Anno octavo

Georgii III. Regis.

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.

WHEREAS the Road leading from the Way Poſt near the Turnpike Road in the Pariſh of Hardingſton, in the County of Northampton, to Old Stratford, in the ſaid County, is in a ruinous Condition, and in many Parts narrow and incommodious to Paſſengers, and cannot be effectually amended, widened, and kept in Repair, by the ordinary Courſe of Law: 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 Robert Andrew, Thomas Andrew, the Honourable Edward Bouverie, Robert Blencowe M. D. Edward Brayfield, Thomas Bedford, Robert Clavering, Joſeph Churchill, George Freeman Cunningham, Thomas Caldecott, Thomas Chapman, John Darker, George Dixon, Thomas Diecy, William Davis, John Edwards, Anthony Fothergill M. D. John Froſt, the Honourable and Reverend Graham, the Honourable Charles Hamilton, Benjamin Hill, John Harris, Charles Harris, Sir Edmund Iſham Baronet, Charles Iſham, Ambroſe Iſted, Henry Preamble.

Henry Jephcott, John Jephcott, John Jeyes, William Kerr, John Kilpin, Charlwood Lawton, Purbeck Langham, Edward Lockwood, Edward Litchfield, Henry Locock, John Lacy, William Langford, Charles Lyon, William Moreton, Briſcowe Mortimer, Henry William Markham, Montgomery Clerk, Trotter Clerk, John Newcome, Thomas Oſborne, John Pinkard, Juſtinian Raynsford, Francis Raynsford, John Ranby ſenior, John Ranby junior, John Ruſſel, Toby Roſe, Peter Roberts, Timothy Rogers, Aſh. Toll ſenior, Sir Thomas Samwell Baronet, Wenman Samwell, Thomas Samwell, Chriſtopher Smith, Thomas Scawen, James Scawen, John Harvey Thurſby, Charles Thurſby, George Tymms, George Tymms the younger, Robert Vaux, Thomas Vinter, Thomas Ward, Edward Whitton, Edward Watkin, Benjamin Warren, John Wye, James Woolſton, George Wrighte, Sir William Wake Baronet, Charles Wake, the Mayor and Aldermen of the Town of Northampton, for the time being; John Biggen, Philip Barton, Edward Bloxham, Francis Clarke, John Eccles, Pulter Foreſter D. D. Thomas Harriſon, Mathew Knapp, John Manſell, John Rye, Dryden Smith, John Wilmer, John Pytts, Humbo Rigby, Anthony Apperley, Joſ. Scrivener, Thomas Holt, Robert Watſon, Richard Foreſter, Henry Quartley, Samuel Hare, Goodwin Clerk, Jo. Smith, Thomas Price, Skipton, and John Williams, and their Succeſſors, to be appointed as herein after-mentioned, ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſhall and may erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, upon, in, or acroſs, any Part or Parts of the ſaid Road, and alſo upon the Side or Sides thereof, croſs any Lane or Way near to, or leading into, the ſame; and alſo a Toll-houſe to each Gate or Turnpike, with ſuitable Out-buildings thereto; and alſo may take in and incloſe, on the Sides of the ſaid Road, convenient Garden Spots for each Toll-houſe, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint; and ſhall demand, receive, and take, at each and every of the ſaid Toll-gates or Turnpikes, the Tolls following, before any Horſe, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; that is to ſay,

and take Tolls thereat.

For

For every Horſe, Mare, or Gelding, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Chaiſe-Marine, Calash, Hearſe, or Chair, the Sum of Five Pence. The Tolls.

For every Horſe, Mare, Gelding, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence.

And for every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny Halfpenny.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and ſo in Proportion for any greater or leſſer Number.

And for every Drove of Swine, Sheep, or Lambs, the Sum of Five Pence per Score; and ſo in Proportion for any greater or leſſer Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and the Money ſo to be raiſed and collected, ſhall be, and is hereby veſted in the ſaid Truſtees; and the ſame, and every Part thereof, ſhall be paid, applied, and diſpoſed of, and may be aſſigned to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as is hereinafter mentioned: And if any Perſon or Perſons, 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 thereof; it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, Beaſts, or Goods, or any Carriage, upon which ſuch Tolls are by this Act impoſed, or any other of the Goods and Chattles of any Perſon or Perſons who ought to pay the ſame: And if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Goods, ſo ſeized and diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Tolls, and reaſonable Charges for diſtraining, keeping, and ſelling, ſhall be deducted and paid.

Tolls veſted in Truſtees.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, aſſembled at a Meeting or Meetings to be held for that Purpoſe, and they are hereby impowered from time to time, with

Truſtees, with Conſent of Creditors, may leſſen the Tolls,

the Consent of such Person or Persons as shall be intitled to Five Sixths or more of the Money which shall have been advanced upon the Credit of the said Tolls, to lessen or reduce all or any of the Tolls herein before mentioned, and for such Time or Times as the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before-mentioned; and the said Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted or reduced as aforesaid to be collected in such Parts or Proportions as they shall think proper; and such reduced Tolls, and also such Parts and Proportions thereof as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but no Meeting shall be held for any of the Purposes aforesaid, unless Fourteen Days previous Notice thereof at the least shall have been given in Writing affixed upon all the Turnpikes which shall have been then erected upon the said Road.

and raise them again.

Tolls to be paid but Once a Day.

Provided always, and it is hereby further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing or repassing any Time or Times in any One Day, to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next Night, with the same Cattle and Carriage through all the Gates or Turnpikes to be erected by virtue of this Act, upon any Part of the said Road, or on the Sides thereof; but that all and every Person and Persons, having Once paid Toll as aforesaid upon any Part of the said Road, shall, during the Remainder of such Day, pass Toll-free with the same Cattle and Carriage through all the said Gates or Turnpikes, upon producing a Note or Ticket denoting the Payment of such Toll; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the First Monies arising by virtue of this Act the said Trustees, or any Five or more of them, shall, in the First Place, pay and discharge the Charges and Expences of procuring and passing this Act; and shall apply the Remainder of the Money so raised in defraying the Expences of erecting Gates, Turnpikes, and Toll-houses, and repairing and widening the said

Road, and defraying the neceſſary Coſts, Charges, and Expences, attending the ſame, and the Execution of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, order, direct, and appoint.

No Gate to be erected till 800 *l.* ſubſcribed.

Provided always, and be it enacted by the Authority aforeſaid, That no Gate or Turnpike ſhall be erected by virtue of this Act until the Sum of Eight hundred Pounds has been ſubſcribed and ſecured to be advanced upon the Credit of this Act, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall direct and appoint.

Proviſo.

Provided always, and be it enacted by the Authority aforeſaid, That no Turnpike or Gate ſhall be erected by virtue of this Act upon the ſaid Road, or on the Sides thereof, within Two Miles of the preſent Turnpike Road leading from Northampton to Newport Pagnel; nor within Two Miles of the preſent Turnpike Road leading from Stoney Stratford to Towceſter; any thing in this Act contained to the contrary notwithſtanding.

Turnpikes, &c. veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all the Turnpikes and Toll-houſes to be erected by virtue of this Act, and of the Materials provided for building and repairing the ſame, and of all Materials which ſhall be actually got or collected for repairing the ſaid Road, and all Mile-ſtones to be ſet up on the ſaid Road, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cauſe any Action or Actions to be brought in the Name or Names of any One or more of them, or their Treaſurer or Treaſurers, Clerk or Clerks, or to prefer and order, and direct the preferring of, any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall keep Poſſeſſion of any Turnpike or Toll-houſe after Notice given by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Treaſurer for the time being, to ſuch Perſon or Perſons to quit the ſame, or who ſhall dig up, break, or pull down, ſteal, take, carry away, ſpoil, injure, or deſtroy, any Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, Mile-ſtone or Mile-ſtones, which ſhall by virtue of this Act be erected or provided, or any Part thereof, or any of the Materials of which the ſame ſhall be made, built, or conſiſt, or any of the Materials which ſhall be provided for the repairing the ſaid Road.

And

Truſtees may leaſe, &c. the Tolls.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, upon Ten Days Notice to be given thereof upon all the ſaid Turnpikes, from time to time, by Writing under their Hands and Seals, to let or farm the Tolls by this Act granted, or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting upon publick Bidding to the higheſt Bidder, and for the beſt Price ſuch Truſtees can get for the ſame, payable at ſuch Times, and in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; which Money ſo to be paid ſhall be applied and diſpoſed of as the Tolls granted by this Act are directed to be applied and diſpoſed of.

Penalty on Perſons giving or receiving Tickets to avoid Payment of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Land, Ground, or Hereditament, adjoining to, or lying near, any Turnpike erected or to be erected upon the ſaid Road (the ſame not being a publick Highway) or if the Owner or Occupier of any ſuch Land, Ground, or Hereditament, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage, to paſs through the ſame, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to, or receive from, any Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall at any Time or Times take off, or cauſe to be taken off, any Horſe, or other Cattle or Beaſt, from any Carriage, whereby the Payment of the Tolls, or any Part thereof, ſhall be evaded; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Road, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to evade the Payment of the ſaid Tolls, or any Part thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; One Half whereof ſhall be paid to the Informer, and the other Half ſhall be applied towards amending the ſaid Road.

Provided

Provided also, and it is hereby further enacted by the Authority aforesaid, That no Person or Persons shall be charged with, or liable to pay any of the Tolls made payable by this Act for passing or repassing with any Waggon, Wain, Cart, Dray, or other Carriage; or of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast, drawing or not drawing, which shall be used or employed in the Carriage of Stones, Gravel, or other Materials for repairing of any Road or Highway; or in the Carriage of any Dung, Mould, Soil, or Compost of any Kind, for the manuring of any Garden, or other Land or Ground, or that shall be used or employed in the ploughing, tilling, cultivating, or stocking, of any Land or Ground; or in the Carriage of any Grass, Hay, Fodder, Straw, or Corn in the Straw, Gors, or dead Hedgewood, not sold or disposed of, but to be laid up in the Houses, Outhouses, Barns, Yards, or Backsides of the Owner or Owners thereof; or for the going, passing, returning, or repassing, of any Plough, Harrow, Dray, or other Implements of Husbandry; or of any Horse, Mare, Gelding, Ox, or other Beast, drawing the same, in order for repairing thereof, or using them in Husbandry, or any thing whatsoever that shall be used in Husbandry, or in manuring or stocking of Land; or for the going, passing, returning, or repassing, of any Horse, Mare, Gelding, Ox, Mule, Ass, or other Beast or Cattle to or from Water or Pasture; or in order to be shoed or carried; or for the going, passing, returning, or repassing, of the Horses of any Officers or Soldiers on their March; or of any Waggon, Cart, or other Carriage, or of any Horse, Mare, or other Beast, drawing the same, in the Carriage of the Arms or Baggage of such Officers and Soldiers; or of any Waggon, Cart, or other Carriage, or of any Horse or other Beast drawing or not drawing the same, that shall be used or employed in the passing of Vagrants travelling with lawful Passes; or for any Post-horse or Horses carrying or drawing the Mail; or for the passing, returning, or repassing, of any Horse, Mare, Gelding, Mule, or Ass; or of any Coach, Berlin, Landau, Chariot, Chaise, Chair, Caravan, or any other Carriage; or of any Horse, Mare, or Gelding, drawing the same, that shall be going to, or returning from, any Election of any Knight or Knights of the Shire to serve in Parliament for the County of Northampton, on the Days of such Election or Elections. Exemptions from Tolls.

Provided always, That if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, Penalty on making illegal Claims.

not being intitled to the same, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in repairing the said Road.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Sign of The Black Horse, commonly known by the Name of The New Inn, in the Parish of Road, on Thursday the Seventeenth Day of March, One thousand seven hundred and sixty eight, and proceed to the Execution of this Act; and shall and may adjourn themselves from time to time, and meet at any Place as often as the said Trustees, or any Five or more of them, shall think proper: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day; or in case the Trustees shall omit or neglect to adjourn themselves, that then, and in either of the Cases, their Clerk or Clerks shall by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected upon the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the same Place where the last Meeting was appointed to be held, on the Day Three Weeks after the Day on which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall pay and defray their own Expences.

In Default of a sufficient Number to act;

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, That no Adjournment shall be made for a longer Time than Three Months; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be at Meetings to be held in pursuance of this Act, and not otherwise: And that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Seven of such Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him affixed up at all the Gates or Turnpikes then standing upon the said Road, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act: And all such Trustees, who are Justices of the Peace, may act as Justices of the Peace in

Trustees not to act but at a publick Meeting.

No Order to be made unless a Majority shall concur therein.

No Order to be revoked, unless 7 Trustees be present.

Trustee not to accept a Place of Profit.

Trustees in Commission of the Peace may act as Justices.

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in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In case Clerk neglects to give Notice, Trustees may do it.

Provided always, and be it further enacted by the Authority aforesaid, That Two Trustees shall be sufficient for the Purpose of Adjournment: And if it shall at any Time happen that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings, or that the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid; it shall and may be lawful for any Five or more of the said Trustees at any Time or Times, the Space of Ten Days having first intervened, to appoint the said Trustees to meet at some House in or near the said Road upon the Day Fortnight after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes erected by virtue of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered at any Meeting to be held in pursuance of this Act, to borrow and take up at Interest any such Sum or Sums of Money as they, or any Seven or more of them, shall think proper, upon the Credit of the Tolls payable by virtue of this Act; and to mortgage, assign, and convey over, the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively) to any Person or Persons that shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid: And the Money so to be borrowed shall be applied in such Manner and for such Purposes only as the Tolls so assigned are hereby directed to be applied; and that Copies of all such Mortgages, Assignments, and Conveyances, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls after the First Meeting of Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before

Tolls may be assigned for Money borrowed.

Entries to be made of all Assignments.

Notice to be given of borrowing Money.

Assignments may be transferred.

before the Borrowing of such Money: And all and every Person and Persons to whom any such Mortgage, Assignment, or Conveyance shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by an Indorsement under his, her, or their Hand or Hands, to be made on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, to assign over or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; all which Assignments and Transfers shall be produced or noticed to the Clerk or Clerks to the said Trustees, within Fourteen Days after the Date thereof; and such Clerk or Clerks shall cause an Entry or Memorial to be made of such Transfer, specifying the Dates thereof, and the Names, Additions, and Places of Abode of the several Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode of the Witnesses to the Execution thereof, in the said Book or Books to be kept for entering the said original Mortgages, Assignments, or Conveyances, for which the Clerk or Clerks shall be paid Two Shillings and Six Pence, and no more, by the Person or Persons to whom such respective Assignments or Transfers shall be made: Which said Book or Books shall and may be inspected at all seasonable Times by any Person or Persons whomsoever, and the Sum of One Shilling, and no more, shall be paid to such Clerk or Clerks for every such Inspection: And after such Entry made and not otherwise, such Assignment or Transfer shall intitle the Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer to make void, release, or discharge, the same, or any Monies thereon due.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, his, her, or their Assignee or Assigns, in respect to the Priority of Assignment, or of advancing such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments shall

be made as aforesaid, his, her, and their Assignee and Assigns, shall be in proportion to the Sum or Sums therein mentioned Creditors on this Act, and in equal Degree one with another.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said Trustees, or Persons appointed to receive the said Money to be borrowed on the Credit of this Act, or any Part thereof, to any Payment of the same, by reason of their or any of their signing or sealing any such Assignments or other Securities to be made in pursuance of this Act, or any or either of them. Trustees not liable by reason of signing, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, by Writing under their Hands and Seals, from time to time, to appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, of the said Tolls, and Surveyor or Surveyors of the said Road, and such other Officers and Persons, for the due Execution of this Act, as they the said Trustees, or any Five or more of them, shall think proper; and, from time to time, to remove such Officer or Officers and Persons, and, on the Death or Deaths, Removal or Removals, of such Officers or Persons, to appoint others in their Stead; but Fourteen Days Notice shall be given of every Meeting where any such Appointment shall be made after the First Meeting of the said Trustees upon all the said Turnpikes; and the said Trustees, or any Five or more of them, shall and may, and are hereby authorized and impowered, by and out of the Monies which shall arise by virtue of this Act, to give such Salaries, and make such Allowances, to such Officers and other Persons by them the said Trustees employed, for their Services in or about the repairing, widening, or altering, the said Road, or any Part thereof, or otherwise in putting this Act in Execution, as they the said Trustees, or any Five or more of them, shall think reasonable. Trustees may appoint Officers; and remove them, and appoint others. Trustees to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to, take such Security from the Treasurer or Treasurers, and Collectors or Receivers of the Tolls to be appointed for the Purpose of this Act, for the due Execution of his or their Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet: And that no Person shall be capable of holding any Place of Profit under Treasurer to give Security. No Victualler, &c. to have a Place of Profit.

under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors, by Retail.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all such Officers and other Persons shall, from time to time (when and as often as he or they shall be thereunto required by the said Trustees, or any Five or more of them) produce, render, and give up, to them the said Trustees, or any Five or more of them, full, true, fair, and perfect Accounts in Writing under their respective Hands, of all the Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as, upon the Balance of such Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, and for such Uses and Purposes, as they, or any Five or more of them, shall direct or appoint; and that all and every the said Officers and Persons so accounting or to account as aforesaid, shall, if required, upon their several Oaths (which said Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer to such Officers and Persons) verify their said Accounts, and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained: And if any of the Officers or Persons so accounting or to account as aforesaid, being required so to do, shall refuse or neglect to render or give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon his or their Oath or Oaths, or shall refuse or neglect to pay all such Money as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or as they shall direct or appoint; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his or their Custody or Power relating to the Execution of this Act; that then, and in any of the Cases aforesaid, such Trustees, or any Five or more of them, may and are hereby authorized and impowered to bring, or cause any Action or Actions to be brought, in the

Officers refusing to account,

may be sued,

the Name or Names of any One or more of the said Truſtees, againſt the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made of any ſuch Refuſal or Neglect as aforeſaid 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 and reſide, ſuch Juſtice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be brought before him; and upon his or their appearing, or not being to be found, to hear and determine the Matters 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, by virtue of this Act, might have done; And if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom ſuch Complaint or Complaints ſhall be made, or by the Oath or Oaths of One or more Witneſs or Witneſſes (which Oath or Oaths ſuch Juſtice is hereby impowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected and raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and is hereby authorized and required, upon Nonpayment 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 of ſuch Officer or Officers, Perſon or Perſons reſpectively: And if no Goods of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame; or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, upon Notice thereof in Writing delivered to ſuch Officer or Officers, Perſon or Perſons, or left at their laſt Place or Places of Abode reſpectively; or if appearing he ſhall refuſe or neglect to give or deliver to the ſaid Juſtice ſuch Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts, and of the Items and Articles thereof, upon Oath as aforeſaid, or to produce or deliver up to the ſaid Juſtice the ſeveral Receipts and Vouchers relating to ſuch Accounts reſpectively, and to the Items and Articles thereof; then, and

or if Complaint be made to Juſtices,

they are to enquire into the Default, and determine the Matter.

Balance may be levied by Diſtreſs and Sale.

For want of Diſtreſs, the Offender to be committed,

in

in any of the Cases aforesaid, such Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be committed to the common Gaol of the County where such Officer or Officers, Person or Persons, shall live and reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts respectively, and verified the Items thereof on Oath, and shall have produced and delivered up the Receipts and Vouchers relating to such Accounts, and shall have paid all the Money which shall appear to be in their respective Hands, and the reasonable Charges of such Distress and Sale as shall in those Respects have been made, or shall have compounded with such Trustees, or any Five or more of them, for the same, and paid the Composition-money which shall be thereby stipulated by them to be paid (which said Compositions the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and receive) and until he or they shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them,

until Payment or Composition made.

Trustees may appoint Collectors, though not assembled at a Meeting,

Provided always, That as often as any Collector of the said Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at any Meeting in pursuance of this Act, by any Writing under their Hands, to appoint another Person to collect such Tolls; and such Person shall have the same Power and Authority to collect the same, as if he had been appointed by the said Trustees at a Meeting to be held in pursuance of this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person or Persons as shall be employed or appointed by such Surveyor or Surveyors, or by the said Trustees, or any Five more of them, is and are hereby authorized and impowered to cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for repairing the said Road, in, upon, out of, or from, any Waste or Common Ground or Grounds in any Parish, Town, or Place, in, adjoining to, or lying near, the said Road, or in any neighbouring Parish, Town, or Place, to be used in repairing the said Road, without paying any thing for the same; they the said Surveyors

without paying for the same;

veyors or other Persons filling up the Pits and Holes, and levelling the Ground, from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if sufficient Quantities of Materials cannot be had or found in or upon such Waste or Common Ground or Grounds, then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, gather, take, and carry away, or cause to be cut, digged, gathered, taken, and carried away, any such Materials as aforesaid, in, upon, or out of, from, and over, any the Lands, Fields, or Grounds, of any Person or Persons, where the same may be had or found, to be used towards repairing the said Road (such Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery Ground, or any Walk or Walks planted with Trees, or Avenue to any House) paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away, the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said Trustees, or any Five or more of them, shall adjudge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning the said Damages, any Two or more Justices of the Peace of the County or Place where such Materials shall be to cut, digged, gathered, taken, and carried away, shall and may (on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode with some or One of their respective Families) hear, settle, and determine, the Matters of the said Damages.

levelling the Pits.

Materials may be taken from private Grounds.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for 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, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any

Surveyors may remove Annoyances, &c.

Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; in case the Owners or Occupiers of the Premisses shall neglect to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches in a proper Manner, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; and to cut down, lop, or top, any Trees, Branches, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take, carry away, and sell, the Wood so cut, and apply the Money arising thereby in Repair of the Road whereon the same stood, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove, such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Trustees, or any Five or more of them, shall require, for the Space of Ten Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of Five of the said Trustees; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied: And if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint or employ (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches and Drains, in and upon the said Road, or any Part thereof, and also through any Grounds or Fields lying contiguous thereto; and also to make a Road through the Grounds or Fields adjoining

Surveyors may make Causeways, &c.

and make a temporary Road,

joining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Ground respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground.

and erect Bridges,

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted and hindered, any Turnpike Surveyor, or any other Person or Persons by them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, gathering, or carrying away, any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or other Materials, or in altering, widening, or repairing, the said Road, or in topping, lopping, cutting, or carrying away, any Tree, Top, Lop, or Overhangings, or in digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse, as aforesaid, or in doing any other Act in or for the repairing, widening, or altering, the said Road by virtue of the Powers by this Act given, or any of them; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

Penalty on Persons interrupting Surveyors getting Materials.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen the said Road, or to alter the Course of the said Road, or to make any new Road or Roads contiguous or adjacent to the said Road, or any Part or Parts thereof; that then, and in any of the said Cases, it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered to contract with the Owner or Owners of, and

Trustees may contract for the Purchase of Lands, &c. to be laid into the Road.

Persons interested in, any Lands and Hereditaments lying near the said Road, or through or over which any new Road or Roads so to be made shall lead, for the absolute Purchase of so much and such Part or Parts of such Lands or Hereditaments as they the said Trustees, or any Seven or more of them, shall think proper and necessary for the altering, enlarging, widening, or making, any new Road or Roads, or any Part or Parts thereof; and all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and other Trustees, for or on Behalf of Infants, Femes-covert, or Cestuique Trusts, and all other Persons whomsoever, may, and are hereby authorized and impowered, to contract and agree with the said Trustees, or any Seven or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments, and of their respective Estates and Interests therein, and may and shall convey all such Lands and Hereditaments to the said Trustees, or any Seven or more of them, for the Purposes aforesaid; and all Contracts, Agreements, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever; and in case the said Trustees and Owner or Owners cannot agree as to the Price or Prices, or the Values of the Lands or Hereditaments so intended to be purchased; then the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered, Six clear Days before any General or Quarter Sessions of the Peace to be holden for the County of Northampton, to give, or cause to be given, to such Owner or Owners, and such Persons interested in such Lands or Hereditaments, or to be left at their last Place of Abode respectively, with some or One of their respective Families, a Notice in Writing, denoting and describing the respective Quantities of Lands or Hereditaments so intended to be purchased and laid into the said Road, and the Places where the same shall lie, and purporting that the Value and Values of such Lands and Hereditaments respectively shall be adjusted and settled by a Jury at the said Sessions; and the Justices, at their said Sessions, upon Proof to them then and there made of such Notice or Notices having been so given, shall, and are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men to be then and there impanelled and returned by the Sheriff of the said County,

Bodies Politick, &c. may contract for the Sale of such Lands.

Owners, &c. neglecting to treat,

Jury to assess the Damages.

County, without Fee or Reward, and cause them to be sworn well and truly on their Oaths to assess the Value of the Lands or Hereditaments comprized in the said Notices; and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, (which Oath the said Justices are hereby impowered to administer to the said Jurors) and to which said Juries, the said Trustees, and all Parties interested in the said Lands, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quantity, and Value, of the said Lands or Hereditaments, shall by their Verdict assess the Damages and Recompence to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, according to their respective Interests; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall finally bind and be conclusive to the said Trustees, and all Persons and Parties interested in the said Lands and Hereditaments; and that from and after such Verdict and Judgement, and after Payment or Tender of the Damages and Recompence therein and thereby found and directed to be given for the said Lands or Hereditaments to the respective Owner or Owners thereof, or after the Execution of any Conveyance of the said Lands or Hereditaments to the said Trustees, or any Seven or more of them, by the respective Owner or Owners thereof, and Payment or Tender of the Money thereby stipulated to be paid for the same; and which Money, Damages, and Recompence, the said Trustees, or any Seven or more of them, are hereby impowered to pay out of the Monies which shall be borrowed, raised, and collected, by virtue of this Act, the said Lands and Hereditaments, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be vested in the said Trustees and their Successors without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon, any Use, Trust, Limitation, Intail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then and from thenceforth, the said Trustees, or any Seven or more of them, or any Person or Persons by them, or any Seven or more of them, for that Purpose impowered or employed, may and is and are hereby authorized and impowered to take and lay the said Lands and Hereditaments, and every Part thereof, into the said Road; and that then, and from

Jury may be challenged.

Verdict of the Jury to be final.

Lands, &c. purchased to be made Part of the Road.

and deemed a publick Highway.

thenceforth for ever afterwards, such Lands and Hereditaments, and every Part thereof, shall be deemed, taken, and used, and the same is and are hereby declared to be a Part or Parts of the said Road, and shall for ever hereafter be repaired and kept in Repair, as Part of the said Road; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any new Road or Roads shall be purchased contiguous and adjacent to any Part of the Road hereby directed to be repaired, and such new Road shall be made and completed, the Lands and Grounds comprized in and through which the said old Road did lead, is hereby vested in the said Trustees, and shall or may by them, or any Seven or more of them, be sold or disposed of for the best Price that can or may be gotten for the same; and the Money arising by such Sale shall be applied to the repairing the Road hereby directed to be repaired; and the Conveyances to be made of such Lands and Grounds comprized in and through which the old Road did lead, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace of the County of Northampton, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Old Road may be sold.

Buildings, &c. not to be injured.

Provided always, and be it further enacted by the Authority aforesaid, That in altering, widening, turning, or diverting, any Part or Parts 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, Court, Park, Paddock, Plantation, or Nursery of Trees, or any planted Walk of Trees, or Avenue to any House, unless the Owner or Proprietor thereof shall consent thereto.

Persons, &c. chargeable to the Highways, to continue so.

And be it further enacted by the Authority aforesaid, That all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whatsoever, who by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the said Road, or any Bridge or Bridges thereon, or to pay any Sum or Sums of Money for or towards the Repairs thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Inhabitants to do Statute-work.

And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in and of the several Parishes, Hamlets, and Places, through which the said Road doth lead, or that are or shall be liable to do Statute-

tute-

tute-work or Duty in the Highways, shall yearly, and every Year, do Three Days of such Statute-work or Duty in such Part or Parts of the said Road as doth or do lie in such Parishes, Hamlets, or Places respectively, and in such Places thereof, and at such Times (the same not being in Hay-time nor Harvest) and in such Manner, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint; and that every Inhabitant of such Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy, Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor then the Churchwardens or Overseers of the Poor; and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by the said Turnpike Surveyor or Surveyors, under his or their respective Hands, deliver to such Trustees or Surveyors from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant, shall receive such Notice, or to One of them, a true and fair List in Writing, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively, liable to do Statute-work upon the said Road; and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to do Duty with Teams or Draughts, and which of them are Labourers only: And if any of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do and perform their Statute-work or Duty respectively on the said Road, at such Times and Places, and in such Manner, as he shall be directed to do by the Surveyor or Surveyors to the said Trustees, or shall not work full Eight Hours in each of the said Days upon the said Road; every such Person shall, for every such Refusal or Neglect, forfeit and pay the respective Sums herein after-mentioned, (that is to say) every Person liable to do a Team's Duty, for each Day's Default the Sum of Ten Shillings; and every Person liable to do Duty only as a Labourer, the Sum of One Shilling and

Persons renting 50*l. per Ann.* deemed Team-holders.

Surveyors, &c. to deliver in Lists of Persons liable to do Statute-work.

Penalty on Persons not performing Statute-work.

Penalty on Surveyors, &c. neglecting to deliver in such Lists.

and Six Pence: And if any or either of the said Parish Surveyors, Churchwardens, Overseers, or Principal Inhabitants, of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time or in the Manner herein before for those Purposes mentioned, every such Surveyor or Churchwarden, Overseer or Inhabitant, shall, for every such Neglect or Offence, forfeit the Sum of Five Pounds; and every Person who shall according to such Notice as aforesaid come to work as a Labourer or with a Team on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may, and is and are hereby required to, discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Persons found idle, to be turned off.

Proviso.

Provided always, That the Inhabitants of the several Parishes of Wootton, Cosgrave, and Furthoe, shall not be compelled to do or perform more than One Day's Statute-work in any Year upon the Road hereby directed to be repaired; any thing herein before contained to the contrary notwithstanding.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered to compound with the Inhabitants of the several Parishes, Hamlets, and Places, through which the said Road doth lead, for the Statute-work and Labour by them respectively to be performed by virtue of this Act on the said Road, in every Year; such Composition-money being always paid down at the respective Times of making such Composition.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That as often as any Trustee by this Act appointed, or their Successors, shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect and appoint One other Person a Trustee, in the Room of the Trustee so dying or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same upon all the Turnpikes in or upon the said Road,

Road, at least Fourteen Days before every such Meeting; and all Persons, who shall be so elected and appointed, are hereby vested with the same Powers and Authorities as any Trustee or Trustees hereby appointed is or are vested with.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, 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 Right of his Wife, 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 shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate to the Amount of One thousand Pounds; And if any Person, not being qualified as aforesaid, shall presume to act contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, 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.

Penalty on acting if not qualified.

Roads to be measured, and Mile stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause Stones or Posts to be set up on the Sides of the said Road, at the Space of One Mile distant from each other, with Inscriptions thereon, denoting the Distance of each of the said Stones or Posts from some Town or Place, as they shall think fit; and also to erect Guide or Direction Posts, with such Inscriptions thereon as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully break or pull down, dig up, or damage, the said Stones or Posts, or any of them, or any Part thereof, or obliterate or deface any of the Words, Letters, or Marks, that shall be inscribed thereon, or cause or procure the same to be done, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall

Penalty on defacing Mile-stones, &c.

be paid to the Informer; and the other Moiety, after replacing or repairing the respective Stones or Posts that shall be removed or damaged, shall be applied in such Manner, and for such Purposes, as other the Forfeitures by this Act imposed are hereby directed to be applied.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That when any Penalties or Forfeitures by this Act imposed shall be incurred (except such as are by this Act otherwise particularly directed to be recovered) then, upon Complaint and Proof thereof made to any Justice of the Peace of the County or Place where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may, and is hereby required to issue his Warrant or Warrants under his Hand and Seal for the apprehending and bringing such Person or Persons before him, or some other Justice of the Peace of the said County or Place, to answer the Matter of the said Complaint or Complaints; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot be met with or found, then upon leaving a Summons, from and under
3v the Hand and Seal of such Justice, at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the said Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice; such Summons being so left Four Days before the Time appointed for such Appearance, such Justice, even if the said Person or Persons being so summoned shall not appear, may and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath as aforesaid, if he shall see Cause, convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects; and for Non-payment thereof shall issue a Warrant or Warrants under his Hand and Seal for levying the same Penalties or Forfeitures, by Distress and Sale of the Goods and Chattles of such Offender or Offenders, rendering the Overplus (if any there shall be) after Payment of such Penalties and Forfeitures, and the Charges of the said Convictions, Distresses, and Sales, to the said Offender or Offenders respectively, if demanded;

and

and for want of such Distress or Distresses, may commit such Offender or Offenders to the Common Gaol or House of Correction of the County or Place where such Offender shall be so apprehended, there to remain, without Bail or Mainprize, until the said Penalties and Forfeitures, and Charges, shall be paid.

Application of the Penalties.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be applied, shall be paid to the said Trustees, and shall be by them applied in the Repair of such Part of the said Road in respect whereof such Penalties or Forfeitures respectively shall be incurred.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such Person may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, or Second General Quarter Sessions of the Peace, to be held for the County of Northampton, after the Act, Order, Conviction, Judgement, or Determination, shall by virtue hereof be done or made, upon Ten Days Notice thereof in Writing being given by such Person of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to any Surveyor or Collector of the Tolls of the Road in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made; and, within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices, at their said Sessions, may, and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeal, as they shall judge proper; and which said Judgements of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be

Notice of Appeal to be given.

Recognizance to be entered into.

levied by Distress and Sale of the Goods and Chattles of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are herein before directed to be levied and recovered.

Parties making Distresses not deemed Trespassers for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made 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 Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages which he or they shall have sustained thereby, with usual Costs and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties aggrieved.

nor the Parties distraining deemed Trespassers *ab initio*.

Plaintiff not to recover if Tender of Amends has been made.

Provided always, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties distraining before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit, to the Time of such last-mentioned Tender; but on Proof made of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit with full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case by Law.

Proceedings not to be quash'd for want of Form,

And be it further enacted by the Authority aforesaid, That no Act, Order, Conviction, Judgement, Determination or other Proceeding that shall be done, made, or had, by the said Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged, for want of Form only, or shall be removed by Certiorari or otherwise into any Court of Record at Westminster;

nor removeable by *Certiorari*.

Trustees to pay all reasonable Charges.

And be it further enacted by the Authority aforesaid, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act under the

the Authority or by the Direction of the said Trustees, or any of them, in every such Case the said Trustees, or any Five or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and bona fide out of Pocket for or by reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees, or any Five or more of them.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this present Act, and the several Powers and Authorities hereby granted, shall commence and have Continuance from and after the Sixteenth Day of March, One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Acts, Orders, Accounts, and Proceedings, of the Trustees to be done, made, or had, by virtue of this Act, shall be fairly entered in a Book or Books to be by the Clerk or Clerks to the said Trustees kept for those Purposes; and such Acts, Orders, Accounts, and Proceedings, so entered shall be signed by the said Clerk or Clerks, and being so signed shall be deemed to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Books may be read in Evidence.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, or Warrant, under the Hand and Seal, or Hands and Seals, of or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Limitation of Actions. And be it further enacted by the Authority aforesaid, That no Action at Law shall be brought or commenced against any Person or Persons for any thing done or to be done by virtue of this Act, until after Twenty Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, or left at his or their last or usual Place of Abode, setting forth the Cause of such Action; and that every Action brought for any Thing done or to be done as aforesaid shall be brought within the Space of Six Calendar Months next after the Cause of Complaint shall arise, and shall be laid and tried in the County of Northampton, and not elsewhere; and the De- General Issue fendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue hereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Twenty Days next after such Notice shall have been so given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved; that then, and in any of the Cases aforesaid, the Jury shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or if the Plaintiff or Plaintiffs shall discontinue the same, after the Defendant or Defendants shall have appeared, or shall be nonsuited, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Treble Costs. Defendants in such Action shall have Treble Costs, and shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

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

FINIS.