



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. xi.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road leading from *Towcester* to the Turnpike Road in *Cotton End*, in the Parish of *Hardington*, in the County of *Northampton*. [29th March 1817.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for amending, widening, and keeping in Repair the Road leading from Towcester to the Turnpike Road in Cotton End, in the Parish of Hardington, in the County of Northampton*: And whereas the Trustees appointed by or in pursuance of the said Act 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 thereby authorized to be taken, have together with such Tolls been duly applied, and now remain due and owing; which Money so borrowed, with an Arrear of Interest, cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term of the said Act, (which is near expiring) be continued, the existing Tolls increased, and some of the Provisions thereof altered, explained, 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 said recited Act, and all the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained (except such of them or such Parts thereof as are varied, altered, or repealed, or

35G.3.c.153

Former Act continued.

[Local.]

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are repugnant to any of the Clauses or Provisions contained in this Act), shall be and remain in full Force and Effect, and, together with this present Act, shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term hereinafter granted, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this present Act; which said Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all Monies now due on the said Road on the Credit of the said recited Act, and all Interest due and to become due for the same respectively.

Additional
Trustees.

II. And be it further enacted, That *Henry Frederick Alston, Everard Bouverie, John Field Clerk, Isaac Manning, William Montgomery, Pickering Phipps, Thomas Smith, Charles Wake*, and their Successors, together with such other Persons, not exceeding the Number of Five, as the Trustees, at the First or any other Meeting to be held under this Act, shall nominate and appoint, shall be added to and joined with the surviving and remaining Trustees, appointed by or in pursuance of the said recited Act, for putting the said recited Act and this Act into Execution; and the Trustees hereby nominated and their Successors (being qualified according to the Directions of the said recited Act) shall be and they are hereby empowered to act in the Execution of the said recited Act, as fully and effectually to all Intents and Purposes as if they had been appointed Trustees in or by virtue of the said recited Act.

Trustees First
Meeting.

III. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House known by the Name or Sign of *The Duke of Grafton's Arms*, in *Blisworth*, if then open, and if not, at some other Public House in the said County of *Northampton*, on the Third Monday next after the passing of this Act, and shall then and there proceed in the Execution of the said recited Act and 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 the said Act into Execution; but Notice of all Meetings to be held by Adjournment shall be inserted in some Newspaper published or circulated in the County of *Northampton*: Provided always, that any Two of the said 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 the said Act into Execution, either then to act or to adjourn to another Time, or in case the Trustees at any Time assembled shall not adjourn themselves, then and in either of the said Cases the Clerk to the said Trustees shall adjourn the Meeting, and by a Notice in Writing to be affixed on all the Toll Gates on 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 shall neglect to give Notice, or shall by any means be prevented from giving

Power to ad-
journ.

Notice

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 Neglect or Prevention respectively as aforesaid, to cause a Notice in Writing 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.

IV. And be it further enacted, That from and after the Third *Monday* after the passing of this Act the several Tolls and Duties granted in and by the said recited Act shall cease, determine, and be no longer paid or payable, and that instead thereof the respective Tolls or Duties following shall be demanded and taken, before any Horse or other Beast or Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Gate erected or to be erected by virtue of the said recited Act or this Act upon and across the said Road, or upon and across any Lane or Way leading into the same; (that is to say,)

Discontinuing former Tolls, and granting new ones.

For every Horse, or other Beast of Draught, drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Barouche, Chaise, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter or such like Carriage, if drawn by more than Four, the Sum of Sixpence; if drawn by Four, the Sum of Four-pence Halfpenny; if drawn by Three, the Sum of Five-pence; and if drawn by Two, the Sum of Sixpence for each Horse respectively; except for Horses drawing any Stage Coaches or Diligences, which, if drawn by Three Horses, shall only be liable to and pay the Sum of Four-pence for each Horse; and if drawn by Four Horses, the Sum of Three-pence for each Horse:

Tolls.

For every Four-wheeled Carriage, fixed in any Manner to any Waggon, Wain, Drug, Cart or other Carriage, the Sum of Nine-pence:

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

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

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Sum of Four-pence:

For every Horse, 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 less Number;

And for every Drove of Calves, Swine, Sheep or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number.

And that One Half over and above the said respective Tolls shall and may be demanded and taken on every *Sunday* during the Continuance of this Act: Provided always, that none of the Tolls hereby granted shall be increased by an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into one Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*; any Thing in the said Act contained to the contrary

Additional Half Tolls to be taken on Sundays. Tolls not to be increased by the General Turnpike Act.

Only Two
full Tolls to
be taken.

trary hereof notwithstanding: Provided always, and it is hereby declared, that no Person shall be subject to pay the Tolls hereby granted at more than Two Gates on the said Road on the same Day, for or in respect of the same Horse or other Beast laden or drawing any Carriage, or for any Cattle or other Beasts passing or repassing upon the said Road; and that such Tolls shall be payable as follows; (that is to say), One Toll between the Town of *Towcester* and the Town or Village of *Blisworth*, in the said County, or in the said Village, and One Toll between or in the said Town or Village of *Blisworth* and the Town of *Northampton*, in the County aforesaid.

Tolls to be
paid but once
a Day.

V. 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 Ticket denoting the Payment thereof on that Day (which 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, and such Tickets shall name and specify the Gate or Gates freed by the Payment of such Toll or Tolls), be permitted to pass Toll-free with the same Horse, Cattle, Beast, or Carriage, through the same Toll Gate, and such other Gate or Gates as shall be expressed in such Tickets, at any Time or Times during the same Day; any Thing in the said recited Act or in this Act contained to the contrary hereof in anywise notwithstanding.

The present
Toll Gates
not to be re-
moved, unless
at a Meeting
and Notice
given.

VI. 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 Act of the Thirty-fifth Year of His present Majesty, shall at any Time or Times hereafter be removed, unless by Order of any Five or more of the said Trustees assembled at a 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*.

For prevent-
ing Toll Col-
lectors from
taking undue
Tolls.

VII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed or continued either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act or the said recited Act of the Thirty-fifth Year aforesaid, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof,

thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of abusive Language to any Traveller or Travellers, Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by the said recited Act or this Act directed to be recovered and applied.

VIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) till the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, (as the Case may happen) be ascertained by one or more Justice or Justices of the Peace for the said County of *Northampton*, who, upon Application made to him or them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

For settling
Disputes con-
cerning Tolls.

IX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any wise relating to the said Tolls, or any of them, or the Recovery of any of the Penalties by the said recited Act or this Act to be imposed, or to the Execution of any of the Powers of the said recited Act or this Act, no Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be deemed to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect the said Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

X. Provided always, and be it further enacted, That no Person shall be charged with or subject to the Payment of any Toll by virtue of this Act for any Horse or other Cattle which shall be employed in the Conveyance of any Stones, Gravel, or other Materials for the repairing of any Road or Highway in any Town, Parish, or Place through which the said Road leads, or for the repairing of any Road or Highway, Street, Lane, or Public Carriage or Footway in the said Town of *Northampton*; or in the Carriage of any Lime, Dung, Mould, Soil, or Compost of any

Exemptions.

[Local.]

Kind for the manuring of any Garden, or other Land or Ground, or for any Horse or other Cattle employed in the ploughing, sowing, tilling, cultivating, or stocking of any Land or Ground in any such Parish or Hamlet, not going more than One Mile upon the said Road; or in the Carriage of any Hay, Straw, or Corn in the Straw, not sold or disposed of, nor carrying to be sold or disposed of, but to be laid in the Houses, Outhouses, or Grounds of the Owner or Owners or Occupiers of the Lands on which such Hay, Straw, or Corn in the Straw shall grow, belonging to any of the Occupiers of Land or Ground in the several Parishes, Hamlets, or Places in which the said Road lies, or in the drawing or conveying any Plough, Harrow, Dray, or other Implements of Husbandry, or any Thing whatsoever that shall be used or employed in Husbandry, or in the manuring or stocking of Land in any of the said Parishes, Hamlets, or Places; or for any Horses or other Beasts, or any Carriage carrying or conveying any Person or Persons residing in any Township or Hamlet in which the said Road lies, going to or from their proper Parochial Church or Chapel, or other Place of religious Worship, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for attending the Funeral of any Person who shall die in any such Parish, Township, or Hamlet, and be buried in the Parish, Township, 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 within such Parish; or for any Horse or other Cattle belonging to any Person or Persons in any of the Parishes wherein the said Road lies, or any other Person or Persons who are Occupiers of Land within such Parishes, going to or from Water or Pasture within the Parish where the Owner of such Horse or other Cattle doth live, or is or shall be an Occupier of Lands therein; or for any Horses or other Beasts carrying any Person or Persons, being Owner or Occupier of any Farms or Lands in any Parish or Place contiguous to any or either of the said Turnpikes, to his or their Farm or Lands only to view the same, not going or travelling from or out of the Parish or Place where such Farm or Lands are situate; or for any Horse or other Cattle passing in order to or returning from being shod or farried, not travelling more than Two Miles on the said Road; or for any Horses or other Beasts, or any Carriage, of what Description soever, employed in conveying from one Part of the Kingdom to another the Mail or Packet which shall be made up under the Authority or Direction of His Majesty's Postmaster General, or his Deputy or Deputies; or for any Horse or other Cattle employed in the passing of Vagrants travelling with lawful Passes; or for any Horses or Carriages belonging to Officers or Soldiers on their March or upon Duty, or for any Horse, Cattle, or Carriage which shall be employed in the Carriage or Conveyance of the Arms or Baggage of any such Officers and Soldiers, or any sick, wounded, or disabled Officers or Soldiers; nor for any Wagon, 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 shall any Toll be taken of any Trustee or Trustees, or their Clerk or Clerks, in going to or returning from any Meeting to be held, in pursuance of this Act, but not otherwise; 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; or for any Horse or other Cattle used by any Person or Persons going to or returning from any Election of a Knight

of the Shire to serve in Parliament for the County of *Northampton*, on the Day or Days of Election, or on the Day before or the Day after such Election shall begin and be concluded, or any Surveyor or Surveyors of the said Road; and that no Tolls shall be demanded or taken for any Horse furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence the Sum of Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XI. 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 belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to any 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 or the said recited Act, contained to the contrary notwithstanding.

Owners or Drivers of Waggons employed in the Service of His Majesty's Forces not to be subject to Penalties for Overweight, &c.

XII. 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, or with the Inhabitants of any Parishes, Hamlets or Places, (common Carriers and the Proprietors of Stage 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.

Trustees may compound for Tolls.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, or they shall deem it expedient so to do, receive in and cancel all or any of the Mortgages now standing out, that were made by virtue of the said recited Act of the Thirty-fifth Year of His present Majesty, and give and execute another Mortgage or Mortgages instead or in lieu thereof respectively, in Manner and transferrable as in the said recited Act is mentioned.

Old Mortgages may be called in, and new ones granted.

XIV. Provided always, and be it further enacted, That the said Trustees in altering or improving any Part of the said Road, under the Powers

No Alteration of the present Road

to deviate more than 100 Yards without Consent.

of the said recited Act or this Act, shall not deviate more than One hundred Yards, of Three Feet each, from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Application of Compensation Money when amounting to 200l.

XV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly mentioned, 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 the said recited Act or this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereunto, 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 said Lands, Tenements, or Hereditaments, by the said recited Act or this Act directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. and amounting to 20l.

XVI. 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 Corporation, or to any Person or Persons under Disability or Incapacity

Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Case of Infancy 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, to be placed to his Account as aforesaid, in order to be applied in Manner before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing the said recited Act and this Act, 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.

XVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 for the Purposes of the said recited Act and this Act, in such Manner as the said Trustees or any Five or more of them shall think fit, and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20l.

XVIII. 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 the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case 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 to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said 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, Control and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Dis-

Directions in Cases of not making out Titles; &c.

[*Local.*]

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tribution

tribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Claims.

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

Court of
Chancery
may order
Trustees to
pay Ex-
pences.

XX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Act or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or 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.

Respecting
Statute
Work.

XXI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any

Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Northampton*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money to be received in every such Parish or Place, either in lieu of or as a Composition for such Statute Work as aforesaid, or otherwise, shall be paid to the said Trustees or their Treasurer or Surveyor; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money either in lieu of or as a Composition for such Statute Work, or otherwise, 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, and the particular Rents paid by such Persons respectively, or the annual Value of the Messuages, Cottages, Lands, Tenements, or Hereditaments in the Tenure, Holding, or Occupation of such Persons respectively; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year, not exceeding Three Days in the whole, upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and on such Parts of the said Road as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money, either in lieu of or as a Composition for Statute Work or otherwise as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, or Surveyor or Surveyors, at such Time or Times as the said Justices shall direct, which Surveyor or Surveyors to the said Trustees for the Time being is and are hereby required and authorized to collect and receive the same; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or

or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force 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 any Team or Draught to work upon the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding for Statute Work.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer to the said Trustees, in advance, on or before the First Day of *October* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for repairing the Road.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Road or any Part thereof, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Northampton*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners and Occupiers, or any of them, or their or his Agent or Agents, shall not attend, or shall attend in pursuance to such Notice, but shall not shew sufficient Cause to the contrary, then and in either of the said Cases the said Justices shall or may authorize such Surveyor or Surveyors, or other

other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself; or his or her Agent, 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 had attended; any Thing in the said recited Act contained to the contrary hereof notwithstanding.

XXIV. Provided always, and be it further enacted, That such Surveyor or Surveyors, or other Person or Persons as aforesaid, shall make or tender Satisfaction for the Materials so taken away, and for the Damages done thereby, to the Owners and Occupiers of such Lands, Fields, or Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place where or from whence such Materials shall be so cut, dug, gathered, taken and carried away, on Application made to them for that Purpose, and Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Satisfaction
for Materials
and Da-
mages.

XXV. And be it further enacted, That the said Trustees shall, as soon as they conveniently can, and when and as soon as the Funds applicable to the Repair of the said Road will permit, cause convenient Footpaths, of a Breadth not exceeding Six Feet, to be made by the Side of the said Road; all which Footpaths shall at all Times thereafter be repaired and kept in repair in such and the same Manner as the other Parts of the said Road are hereby directed to be repaired; and if any Person or Persons shall ride, lead, or drive any Horse or other Cattle, or any Carriage, upon any of such Footpaths, or cause any Damage to be done thereto, or wilfully damage, break down, destroy, or carry away any Stones, Posts; or Rails to be set up for the Protection thereof, all and every Person so offending shall forfeit and pay any Sum not exceeding Ten Shillings for each and every such Offence, to be recovered and applied as any Penalties or Forfeitures are authorized and directed to be recovered and applied by the said recited Act or this Act.

Trustees to
make Foot-
paths by the
Side of the
Road.

XXVI. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge, or other Fence of any Field, Ground, Yard, or other Place adjoining to any Part of the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field, again alter the same so as to open outward to-

Gates to
Fields to
open inward.

[Local.]

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wards

wards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard or other Place, as they the said Trustees shall think proper.

Application
of the Money.

XXVII. And be it further enacted, That out of any Monies already received by virtue of the said recited Act, 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, reimburse, and discharge, to such Person or Persons who shall have advanced, lent, and paid any Sum or Sums of Money for or towards the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, such Sum or Sums of Money so advanced, lent, and paid as aforesaid, together with lawful Interest from the Time of advancing the same to the Time of Payment; and that it shall be lawful for the said Trustees or any Five or more of them, and they are hereby required, to order and direct the Payment of such Sum or Sums of Money, with Interest as aforesaid, out of the first Monies that shall be collected, borrowed, or received by virtue of the said recited Act or of this Act, in preference to all other Payments and Disbursements whatsoever; 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.

Accounts of
the Trustees
to be open
to the In-
spection of
Creditors.

XXVIII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed; which Book shall be kept by the Clerk, in order that any of the said Trustees, or any Creditor or Creditors on the said Tolls, may at all reasonable Times have Access thereto, and take Copies or Extracts therefrom, without paying any Thing for the same; and in case the said Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Offices of
Clerk and
Treasurer not
to be held by
One Person.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered

in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoin, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

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

XXXI. And be it further enacted, That the Term granted by the said recited Act shall upon the Third *Monday* after the passing of this Act cease and determine; and the said recited Act (subject to the Alterations, Additions, and Amendments herein-before contained) and this Act shall from thenceforth commence, continue, and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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