



ANNO TERTIO

GEORGIIV. REGIS.

Cap. lxxxvi.

An Act for continuing the Term, and altering and enlarging the Powers of several Acts passed in the Reign of King *George* the Second and His late Majesty King *George* the Third, for repairing the Road from *Westwood Gate* in the County of *Bedford*, through *Rushden* and *Higham Ferrers*, and over *Artleborough Bridge*, to *Barton Seagrave Lane* in the County of *Northampton*.

[24th June 1822.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the High Road from Westwood Gate in the Parish of Knotting in the County of Bedford, through the Towns of Rushden and Higham Ferrers, and over Artleborough Bridge, to the Turnpike Road in Barton Seagrave Lane in the Parish of Barton Seagrave in the County of Northampton*: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act made in the Twenty-seventh Year of His* 27 G. 2. c. 33.
[Local.] 21 G. 3. c. 94.
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42G.3. c.36.

late Majesty, for repairing and widening the High Road from Westwood Gate in the Parish of Knotting in the County of Bedford, through the Towns of Rushden and Higham Ferrers, and over Artleborough Bridge, to the Turnpike Road in Barton Seagrave Lane in the Parish of Barton Seagrave in the County of Northampton: And whereas another Act was passed in the Forty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of Two several Acts passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, and in the Twenty-first Year of the Reign of His present Majesty, for repairing and widening the High Road from Westwood Gate in the Parish of Knotting in the County of Bedford, through the Towns of Rushden and Higham Ferrers, and over Artleborough Bridge, to the Turnpike Road in Barton Seagrave Lane in the Parish of Barton Seagrave in the County of Northampton*: And whereas the Trustees appointed by or in pursuance of the said recited Acts have made great Progress in carrying into Execution the Powers and Authorities thereby vested in them, and several considerable Sums of Money, borrowed upon the Credit of the Tolls authorized to be collected upon the said Road, have, together with such Tolls, been duly applied, and now remains due, which cannot be repaid, nor the said Road effectually amended and kept in good repair, unless the Term and Powers of the said recited Acts be continued and enlarged, and some of the Tolls increased: 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 Acts, and all and every the Powers and Authorities, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained and now in force (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and together with this present Act be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject to the Alterations and Amendments herein contained; and this Act, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and now remain due and owing, or shall hereafter be borrowed upon the Credit or Security of the said recited Acts or this Act, and of all Interest due and to grow due thereon respectively.

Recited Acts
continued.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in or for the Counties of Bedford and Northampton, or either of them, together with William Adcock, William Alington Clerk, John Allen, William Lashmar Batley Clerk, Richard Barmby, William Crawley Brant Clerk, Edward Bunting Clerk, John Bunting Clerk, Thomas Burnaby, Joseph Brown, John Callis, Thomas Church, Thomas Chettle, Daniel Crofts Clerk, William Drayson, Thomas Drayson, George Eland, William Flack, William Flack junior, Thomas Flack, John Flack, George Gascoyen senior, George Gascoyen junior, Green Gascoyen, William Gaudern, Daniel Goodall, Robert Hawkins, Richard Howes, Thomas Howes, John Baron Howes, Joseph Harlock,

Thomas

Thomas Hardwick, William Harris, William Hunt, William Heath, Henry Leete, Chambers Leete, Arthur Lovell, John Allen Lovell, John Lucas, Peter Payne, Thomas Pirkins, John Pirkins, Daniel Pressland, Thomas Pryce, Griffith Roberts, John Robinson, Thomas Sanders, Walter Spong, Richard Scriven, John Scriven, Thomas Slater Clerk, John Smith, William Stevens, Robert Sherard, Caryer Sherard, Samuel Sharman junior, John Shelton, Richard Thorpe, Thomas Thorpe, John Barber Tuck, Thomas Williams, James Whitworth, and John Yorke, shall be and they are hereby appointed the Trustees for carrying into Execution the said recited Acts and this Act.

III. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Ten Days Notice shall be given in the Manner directed by the said first recited Act respecting Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons, not exceeding Five in the Whole, to be Trustees for executing the said recited Acts and this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been appointed in and by this Act.

Power to
appoint
additional
Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said recited Acts and this Act, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person seised of an Estate in Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate to the Amount of Four thousand Pounds; any thing in the said recited Acts contained to the contrary thereof notwithstanding: Provided nevertheless, that all the Acts and Proceedings of any such Person acting, or who shall act in the Execution of the said recited Acts or this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that every Person before he acts as a Trustee in the Execution of the said recited Acts or this Act shall take and subscribe the following Oath, or, being a Quaker, make and subscribe a solemn Affirmation, before any Two or more of the said Trustees, who are hereby empowered to administer the same, in the Form or to the Effect following;

Qualification
of Trustees.

I do swear [or, being one of the People called Quakers, do solemnly declare and affirm], That I am in my own Right [or, in the Right of my Wife] in the actual Possession or Receipt of the Rents and Profits of Freehold [or Copyhold] Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [or, Heir Apparent of a Person seised of Freehold, or, Copyhold Lands,

Oath.

‘ Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, *or*, possessed of Personal Estate to the Amount or Value of Four thousand Pounds, *as the Case may be*]; and that I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Trusts reposed in me by virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*].

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Penalty on acting as a Trustee not being qualified.

And if any Person not being so qualified, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall presume to act as such Trustee 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 sue for the same, to be recovered with full Costs of Suit in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

Three Trustees may act at a Meeting, and their Proceedings shall be as valid as if all Trustees had acted.

V. And be it further enacted, That all the Powers and Authorities by the said recited Acts and this Act given to, and all the Provisions, Matters, and Things directed or authorized to be done by the said Trustees, shall and may be executed and done by the Majority of them assembled at some Meeting to be held in pursuance of this Act, the whole Number present being not less than Three; and all Acts, Orders, Proceedings, and Determinations of the Trustees acting in the Execution of the said recited Acts and this Act, made at such Meeting or Meetings, consisting of Three Trustees (except herein otherwise directed), wherein the major Part of the Trustees present at such Meeting or Meetings shall concur, shall be as valid and effectual as if all the Trustees present at such Meeting or Meetings had concurred therein; and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive or casting Vote; and any Order made under the Powers and Provisions of the said recited Acts and this Act may be revoked or altered, if Occasion shall require; provided that no such Order shall be revoked or altered except at some Meeting where not less than Five Trustees be present, nor unless the major Part of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three Trustees shall give Notice at some previous Meeting, and such Notice be entered in the Book of Proceedings, and affixed on all the Turnpike Gates on the said Road, specifying that such Revocation or Alteration is intended to be moved for Fourteen Days at least previous to any Meeting to be holden for that Purpose.

VI. And

VI. And be it further enacted, That so much of the said recited Act of the Twenty-seventh Year of His said Majesty King *George* the Second, as directs or requires that the Treasurer, Collector, Surveyor, and other Officers, to be elected and appointed by the Trustees as therein mentioned, and other Persons, shall upon their several Oaths, if thereunto required, verify the Accounts of all Monies which shall have been by them received or collected, and how, to whom, and for what Purposes the same shall have been applied, and the particular Articles thereof, and the several Receipts and Payments which shall be therein contained, and as subjects any such Officers or other Persons to any Penalty or Punishment for refusing to verify the same upon Oath, shall be and the same is hereby repealed.

Repealing-
Directions
for Officers
to account
on Oath.

VII. And be it further enacted, That the said Trustees shall and may meet at the House called or known by the Name or Sign of *The Green Dragon Inn* in *Higham Ferrers* aforesaid, or some other convenient House upon or near to the said Road, on the *Monday* next after the Commencement of this Act, or as soon afterwards as conveniently may be; and the said Trustees shall, at the said First and other Meetings, from Time to Time adjourn themselves, for the better carrying the said recited Acts and this Act into Execution, as they shall think proper, to any Place upon or near to the said Road; and in case a sufficient Number of the said Trustees shall not attend at any Meeting to be holden by virtue of this Act, then it shall be lawful for any one or more of the Trustees who shall attend, or the Clerk to the said Trustees, to adjourn the said Meeting in such and the same Manner as the said Trustees could or might have adjourned the same; and the Trustees at all their Meetings shall defray their own Expences.

Meetings of
Trustees.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts, or any of them, and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts and this Act, or to appoint the Person who has been or may be appointed such Treasurer, or any Partner of such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the said Offices of Clerk and Treasurer, or being the Partner of such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts and 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 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 Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Same Person
not to be
Clerk and
Treasurer.

IX. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk of the said Trustees for the Time being,

Accounts to
be open to
the Inspec-
tion of Trus-
tees and
in Creditors.

[Local.]

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in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors respectively, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk, or any Person who shall have the Care and Custody of the said Book or Books, shall refuse or neglect on Demand to permit such Trustees or Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, the Clerk or Person offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Actions to be brought in the Name of any one Trustee, &c.

X. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of any one or more of them, or in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks; and that no Action or Suit, to be commenced by the Direction of or against the said Trustees by virtue of the said recited Acts or this Act, in the Name of any Trustee, Treasurer or Treasurers, or Clerk or Clerks, shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees; but no Trustee, Treasurer, Clerk, or any of them, shall be subject to the Payment of any Debts, Costs, or Expences on account thereof, all which Debts, Costs, and Expences shall be wholly defrayed out of the Money arising under or by virtue of the said recited Acts or this Act.

Not to deviate more than 100 Yards from the present Line of Road.

XI. Provided always, and it is hereby enacted, That nothing in the said recited Acts or this Act contained shall authorize the said Trustees, or any of them, to alter the Line or Direction of the Road comprized in the said recited Acts and this Act, so as to deviate more than One hundred Yards from the present Line or Direction of such Road, without the previous Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall for the Time being be seised or possessed of the Lands or Tenements through which such Deviation shall be made.

Trustees may alter and remove Toll Gates, and erect new ones in lieu thereof.

XII. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Turnpikes, Toll Gates, Toll Houses, Side Gates, or Side Bars and Weighing Machines, now standing and being in and upon or across the said Road, or to discontinue the same, or any of them, and to remove and alter the Situation of the same, or any of them, and to erect, set up, and build, or cause to be erected, set up, and built upon or across the said Road, or any Part thereof, or at the Entrance of any Road or Lane that doth or shall lead into

into or out of the said Road, when and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Outbuildings and Conveniencies suitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and inclose on the Side of the said Road suitable Garden Spots for such Toll House or Toll Houses as are now erected, not exceeding One-eighth Part of an Acre each, as they shall think necessary, and from Time to Time to take down and remove the same to any other Place or Places, or to discontinue the same, or any of them, or to sell and dispose thereof as they the said Trustees shall think proper.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to remove or alter the Situation of the Toll Gate or Turnpike erected upon or across the said Road at the South End of the Town of *Higham Ferrers* aforesaid, unless the Trustees appointed by or by virtue of Four several Acts passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and in the Fourteenth, Thirty-ninth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, *For repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon, to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Huntingdon*, shall remove or alter the Situation of the Toll Gate or Turnpike erected upon or across the said last-mentioned Road at the South End of the Town of *Higham Ferrers* aforesaid.

Restraining the Trustees from removing a certain Toll Gate.

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and 14, 39,
59 G. 3.

XIV. Provided always, and be it further enacted, That when any of the said Toll Gates shall be discontinued, and the Toll Houses, Buildings, and Grounds occupied therewith shall be sold and disposed of by the said Trustees in pursuance of the Powers of this Act, the same shall be first offered at a fair and reasonable Price to the Person or Persons having Land thereunto adjoining; and in case such Person or Persons shall not then or thereupon agree or shall refuse to purchase the same, an Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace of the County where the same shall be situate, by some Person or Persons no way interested therein, stating that such Offer was made by and on Behalf of the said Trustees, and that such Offer was then and there agreed to or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatsoever be sufficient Proof that such Offer was made and agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in manner by the said first recited Act directed with respect to the disputed Value of Lands to be purchased by the said Trustees, in pursuance of the said first recited Act with respect to such Purchase by the said Trustees, *mutatis mutandis*.

In case any Toll House and Ground shall be sold, the first Offer to be made to the Owner of the Land adjoining.

XV. And

For discontinuing the present Tolls and granting new ones.

XV. And be it further enacted, That from and after the Thirty-first Day of *December* next after the passing of this Act, the several Tolls and Duties granted and made payable by the said recited Acts, or any of them, shall cease, determine, and be no longer paid and payable; and in lieu thereof the following Tolls shall be demanded and taken at each of the respective Toll Gates, Turnpikes, and Side Gates continued or to be erected by virtue of the said recited Acts or this Act, or such of them as the said Trustees shall direct, and by such Person or Persons as the said Trustees, or their Lessees for the Time being, shall from Time to Time appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Chaise, Hearse, Curricule, Gig, or other such Carriage, the Sum of Sixpence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Score of Oxen, Cows, Calves, or other Neat Cattle, the Sum of One Shilling and Eight-pence; and so in proportion for any less Number:

For every Score of Sheep, Lambs, Hogs or Swine, the Sum of Ten-pence; and so in proportion for any less Number:

For every Horse or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth, so flat or level as not to deviate more than an Inch from a flat Surface, the Sum of Sixpence:

For every Horse or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such Surface as aforesaid, the Sum of Sixpence:

For every Horse or other Beast (except an Ass), drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, the Sum of Seven-pence; and for every Ass, drawing any such Carriage as last aforesaid, the Sum of Four-pence.

Which said respective Tolls shall be and are hereby vested in the said Trustees for the Time being, for carrying the said recited Acts and this Act into Execution, and shall and may be demanded, received, and taken at all and every Toll Gates, Turnpikes, or Side Gates, continued or to be erected by virtue of the said recited Acts and this Act, and shall be paid, leased, mortgaged, altered, applied, disposed of and assigned in such Manner, and with and under such Limitations and Restrictions, as the Tolls and Duties granted by the said recited Acts, or any of them, are hereby authorized and directed to be received, paid, leased, mortgaged, altered, applied, disposed of and assigned, except as by this Act is otherwise particularly directed.

Table of Tolls.

XVI. And be it further enacted, That a Table of Tolls, payable under this Act, shall be affixed on all the Toll Houses erected or to be erected on

on the said Road, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

XVII. Provided always, and be it further enacted, That no more than No more than Two full Tolls to be taken in one Day. Two full Tolls shall be demanded or taken from any Person or Persons, for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes erected or to be erected upon the said Road, (except Stage Coaches and Diligences), which shall be subject to pay at Two Gates only each Time of passing and repassing the same Day; and also except Post Chaises and other Post Carriages travelling for Hire with Tickets denoting a fresh Hiring, which shall in like Manner be liable to pay Toll at Two Gates only each Time of passing and repassing on the same Day, on delivering a Ticket denoting such fresh Hiring; and that all and every Person and Persons having paid such respective Tolls; and producing a Ticket or Tickets denoting the Payment thereof, shall afterwards be allowed to pass or repass during such Day with the same Horses, Beasts, Cattle, and Carriages Toll-free, through all such Toll Gates or Turnpikes, except as aforesaid.

XVIII. Provided always, and be it further enacted, That all Horses Exempting Return Post Chaises and Post Horses. travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Road, shall, on returning without a Ticket denoting a fresh Hiring be produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Turnpike on the same Day.

XIX. And be it further enacted, That if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors, or any of them respectively, or any other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Beast, for or upon which any of the said Tolls are by this Act imposed, or any of the Harness or Accoutrements thereof respectively (but not the Bridle or Reins separate from such Horse or other Beast), of such Person or Persons neglecting or refusing to pay the same; and if such Tolls, with the reasonable Charges of such Distress and of keeping the same, shall not be paid within the Space of Four Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Beast, Harness, or Accoutrements, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any), upon Demand, to the Owner or Owners thereof. Power of Distress to recover Tolls.

XX. And be it further enacted, That it shall be lawful for the said Trustees may reduce the Tolls. Trustees from Time to Time, when and as often as they shall think proper, to lessen or reduce the Tolls by this Act granted or made payable at all

[Local.]

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or any of the Turnpike Gates or Toll Bars to be continued or erected by virtue of the said recited Acts or this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls, and be signified in Person or by Writing under his, her, or their Hand or Hands, but no such Reduction shall be made unless Twenty-one Days previous Notice thereof shall be affixed in Writing upon all the Turnpikes or Toll Gates then erected across the said Road, and shall be also inserted in one or more of the Newspapers published or generally circulated in the Counties through which the said Road passes: Provided always, that it shall be lawful for the said Trustees, at the First Meeting appointed to be held after the passing of this Act, to fix and determine the Amount of the Tolls to be taken by virtue of this Act, without any such Notice or Consent as aforesaid.

For settling
Disputes
concerning
Tolls.

XXI. And be it further enacted, That if any Dispute shall happen concerning the Amount of the Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls or the Charges of the Distress (as the Case may happen), until the Amount of the Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him 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 be paid by either of the Parties to the other of them, as such Justice shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges, and the Costs and Charges of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Collectors
may be Wit-
nesses.

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

Collectors
to deliver
Tickets
gratis.

XXIII. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate at which such Payment

Payment shall have been made, and also the Gate or Gates to be freed from Toll by such Payment.

XXIV. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, shall and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate immediately on his or her beginning to collect such Toll or 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 or she 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 and take a greater Toll from any Person than he or she shall be authorized to do by virtue of the said recited Acts or this Act, or of the Orders and Resolutions of the said 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, and claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his or her 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 any such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Gate at which such Payment shall have been made, and also the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, Traveller or Travellers, or shall make use of any scurrilous or abusive Language to any Passenger or Traveller, 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 Acts or this Act directed to be recovered and applied.

Regulation
as to Toll
Collectors.

XXV. And be it further enacted, That all and every Exemption or Exemptions from the several Tolls and Duties granted and made payable by the said Acts, or any of them, shall cease, and that in lieu thereof the several Exemptions from Tolls herein-after mentioned shall be allowed; that is to say, that no Toll shall be demanded or taken for any Horse or Carriage belonging to or attending His Majesty or any of the Royal Family; nor for any Horse or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the said Road, when employed in carrying or conveying Stone, Bricks, Timber, Wood, Heath, Gravel, or other Materials to be used in or about the said Road, or any of the Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon the

Exemptions
from Tolls.

the said Road, or returning empty when so employed; or when employed in carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, nor going to be sold or disposed of, but passing to be laid up in the Houses, Barns, Yards, or Lands of the Owners thereof; or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands, or any Dung, Compost, or Manure (except Lime or Limestone) to be used or laid upon Lands, or returning empty when so employed; nor for any Horses, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Parishes, Townships, Districts, or Places, or any of them; nor for any Horses, Mules, Asses, Cattle, Sheep, Lambs, or Hogs going to or returning from Pasture on the Commons or other grazing Grounds or Watering Places, or Blacksmiths Shops to be shoed or farried, or after having been shoed or farried; nor for any Horse or other Beast of Draught or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heath for Fuel, or returning empty, having been so employed; nor shall any Toll be paid by any Clergyman or Minister going to officiate or returning from officiating at any Church, Chapel, or other Place of Religious Worship, or when visiting his sick Parishioners, or upon any other Parochial or Ministerial Duty, or by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places, who shall pass through the said Turnpikes or Toll Gates going to or returning from his, her, or their Parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or on returning from conveying the same; or for the Horses of Soldiers on the March or on Duty, or Carriages or Horses or other Beasts employing in carrying the Arms or Baggage of any such Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulation appointed for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants sent by legal Passes, or any Prisoner in custody under any legal Warrant, or returning therefrom; nor for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying any Elector or Electors to or returning from voting at any Election of a Knight or Knights of the

the Shire to serve in Parliament for the Counties of *Bedford* and *Northampton*, or either of them, on the Day or Days of any such Election, or on the Day before or Day after any such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls, or any Part thereof, shall be evaded, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

XXVI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any 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 the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, for drawing the same; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Carriages employed on His Majesty's Service not to be subject to Regulation for Overweight.

XXVII. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses or other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions by 55 G. 3. c. 119. not to be affected.

XXVIII. And be it further enacted, That if upon or after any Letting or Agreement for letting the said Tolls, or any Part thereof, any Default shall be made in Payment of the Rent or Rents agreed to be paid for the same, or any Part thereof, then and in such Case the said Trustees shall and may, and they are hereby empowered, at any Meeting (after Notice of the holding of such Meeting shall have been given to the Lessee or Lessees, or affixed on all the Turnpike Gates or Gate Posts then erected or standing upon or across the said Road, Twenty-one Days at least previous to holding such Meeting) to declare any Lease of the said Tolls, or any Contract or Agreement for letting the same, to be void, and such Lease, Contract, or Agreement shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but the said Lessee or Lessees, or his or their Surety or Sureties, shall nevertheless be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any such Lease, Contract, or Agreement, and for all Costs, Charges, Damages, and Expences, which the said Trustees, or their Treasurer or Clerk for the Time being, shall or may pay, sustain, or be put unto by

Leases, &c. of Tolls to be void on Non-payment of Rent.

[Local.]

31 S

reason

reason of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any such Lease, Contract, or Agreement, on the Part of such Lessee or Lessees.

Trustees may appoint temporary Collectors, and take Possession of Toll Houses in certain Cases.

XXIX. Provided always, and be it further enacted, That when and as often as any Collector or Receiver of the Tolls granted by this Act shall neglect or be incapable of performing his Duty, or shall abscond, or absent himself, it shall be lawful for any Two of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of the said recited Acts and this Act, to discharge such Collector or Receiver; and in such Case, and also in case any Collector or Receiver shall die, the said Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls in the Room or Stead of the Collector or Receiver who shall be so discharged or shall die, to continue until the said Trustees shall, at a Meeting to be holden in pursuance of the said recited Acts and this Act, appoint a Collector of such Tolls in his Room or Stead, which Person so appointed shall have the like Power and Authority, and shall be answerable and accountable, and removable in the same Manner in all Respects, as if he had been appointed at a Meeting held under and by virtue of the said recited Acts and this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of the said recited Acts or this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, or any other Person shall refuse to deliver up the Possession of any Toll Gate or Toll House or Building, or the Appurtenances, to be continued, erected, or set up by virtue of the said recited Acts or this Act, for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose, by any Two of the said Trustees (although not assembled at a Meeting), or by their Clerk for the Time being; or if any Lessee or Farmer of any of the Tolls granted by this Act shall retain and keep Possession of any such Toll Gate or Toll House or Building, or the Appurtenances, for the Space of Fourteen Days after the End or Expiration of his, her, or their Lease or Term therein, then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said County, upon Application or Demand made by the said Trustees, or by any Person by them appointed on their Behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the said County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Person they shall appoint for that Purpose, into Possession of such Toll Gate or Toll House or Building and Appurtenances.

For converting One Moiety of the Arrears of Interest into Principal.

XXX. And whereas the Most Noble *John Duke of Bedford*, the Right Honourable *William Wentworth Earl Fitzwilliam*, the Right Honourable Lady *Anne Fitzpatrick*, the Right Honourable Lady *Gertrude Fitzpatrick*, and the Corporation of *Higham Ferrers* aforesaid, are respectively Mortgagees of the Tolls and Duties granted and made payable by the said recited Acts, for several distinct and separate Sums of Money amounting in

in the Whole to the Sum of Two thousand Pounds, and there is an Arrear of Interest for the same due to the said several Mortgagees amounting to the Sum of One thousand seven hundred and ten Pounds, or thereabouts: And whereas the said Tolls and Duties granted and made payable by the said recited Acts, being insufficient and inadequate to the Payment of the said Arrears of Interest, the said several Mortgagees have respectively proposed and agreed that One Moiety of such Arrears of Interest shall be converted into and made Principal Money, and be added in equal Proportions to the respective Shares of the said Mortgagees according to the respective Sums originally advanced by them, and that the other Moiety of such Arrears shall sink and be absolutely relinquished and given up; and it will be for the Benefit and Advantage of all Persons interested in the said Road that the said Proposal and Agreement should be carried into Effect; be it therefore further enacted, That it shall and may be lawful for the said Trustees to charge and take up at Interest in the Manner directed by the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, upon the Credit of the Tolls and Duties granted and made payable by the said recited Acts and this Act, One Moiety or Half Part of the said Sum of One thousand seven hundred and ten Pounds (the Arrear of Interest so due to the said several Mortgagees as aforesaid), and to add the same in equal Proportions to the respective Shares of the said Mortgagees according to the respective Sums originally advanced by them; and that the other Moiety of such Arrears shall sink and be absolutely relinquished and given up.

XXXI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Tolls, Toll Gates, Bars, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of such Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be recovered by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Regulations
as to Mort-
gagees in
Possession.

XXXII. 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 Acts and this Act, or any of them, 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 the 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

In case of
not making
out Title,
&c. Purchase
Money to be
paid into the
Bank.

such Case it shall be lawful for the said Trustees 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 High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments [describing them], subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem meet 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XXXIII. 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 said Accountant General of the Court of Chancery in pursuance of the said recited Acts and this Act, for the Purchase of Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown 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 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 some Estate or Interest therein.

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

XXXIV. Provided always, 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 Acts and this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses, in pursu-

ance

ance of the said recited Acts and 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 Acts and 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, who shall from Time to Time pay such Sums of Money for such Purchases as the said Court shall direct.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of any Piece or Pieces of overplus Ground, or any Piece or Pieces of old Road (not being Common or Waste Land), either together or in Parcels, by public Sale or private Contract, as they shall think fit, and to convey the same, for the best Price that can or may be reasonably had or gotten for the same, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of overplus Ground or old Road as aforesaid, shall first offer such overplus Ground for Sale to the Person or Persons whose Lands or Premises shall adjoin thereto; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same, on an Affidavit being made and sworn before a Master Ordinary or Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Northampton* (who is and are hereby empowered to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by and on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of overplus Ground or old Road, and he, she, or they, and such Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner directed by the said first recited Act with respect to disputed Value of Premises to be taken and used in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchase made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Piece or Pieces of overplus Ground or old Road shall be applied by the Trustees to the Purposes of the said recited Acts and this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and every Conveyance of such Piece or Pieces of overplus Ground, being executed by any Three of the said Trustees, shall be sufficient to convey the same to the Purchaser or respective Purchasers thereof, in any Manner they may think proper; and all Conveyances of such Pieces of old Road, being executed by any Three of such Trustees, and enrolled with the Clerk of the Peace for the said County of *Northampton*, shall be good and effectual in Law to all Intents and Purposes.

When Pieces of Land are to be sold, first Offer to be made to the original Proprietor.

Repealing
Clause for
getting
Materials.

XXXVI. And be it further enacted, That from and after the passing of this Act, so much and such Part or Parts of the said first recited Act as empowers the Surveyor or Surveyors to the said Trustees, or other Persons employed by them, to dig for Gravel and Materials for repairing the said Road, shall be and the same are hereby repealed.

Surveyors
to get Ma-
terials.

XXXVII. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to dig, cut, gather, take, and carry away any Materials proper for making and repairing the said Road, in, upon, and out of or from any Commons or Waste Grounds, common Rivers or Brooks, in any Parish, Township, or Place, in which any Part of the said Road lies, or in any adjoining Parish, Township, or Place, to be used in making and repairing of the said Road, without paying any thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons making Satisfaction as herein-after mentioned, such Surveyor or Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Stones, Sand, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, common Rivers and Brooks contiguous to the said Road therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the private Lands or Grounds of any Person or Persons where the same may be had or found, within any Parish, Township, or Place in which the said Road, or any Part or Parts thereof, do or shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners and Occupiers of such Lands or Grounds such Damages for cutting, digging, gathering, taking, and carrying away the said Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages or the Value of such Materials, then and in every such Case any Justice of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Twenty-one Days next after such Difference shall arise (on Fourteen clear Days Notice thereof, to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, to be left at his or their respective Places of Abode), shall hear and finally settle and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

XXXVIII. 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 Acts 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 after Ten Days previous Notice in Writing, signed by the Surveyor or Surveyors for the Time being, shall have been given to the Owner or Occupier of the Lands or Grounds from whence such Materials are intended to be taken, or left for such Owner or Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the County or District wherein such Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owners or Occupiers, or any of them, or their or his Agent or Agents shall not attend, or shall attend in pursuance of such Notice, and 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 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 by 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 Acts or in this Act contained to the contrary thereof notwithstanding.

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

XXXIX. 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 or 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 the Value of such Materials or 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.

Satisfaction for Materials and Damages.

XL. And be it further enacted, That in case any Person or Persons shall, at any Time during the Continuance of this Act, take or carry away any Sand or Soil from off any Part of the said Road, without Leave in Writing from the Surveyor for the Time being for that Purpose first had and obtained, all and every Person and Persons so offending, and being thereof convicted by Confession of the Party, or on Oath of one credible Witness before Three or more of the said Trustees, or before One or more Justice or Justices of the Peace of the County wherein such

Penalty on Persons taking Sand, &c. from off the Road.

Part

Part of the said Road shall lie or be, shall for every such Offence forfeit and pay unto the said Trustees any Sum not exceeding Forty Shillings, to be levied as aforesaid.

Gates to open
inwards.

XLI. And be it further enacted, That no Gate of or to any Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Road or the Footpaths belonging thereto, or be suffered to continue so to open, except the hanging Posts thereof shall be so far removed from the Centre of any such Part of the said Road, so that no Part of such Gate shall project over any Part of the said Road or any Footpath belonging thereto; and the Occupier or Occupiers of every such Yard, Park, Paddock, Field, or Inclosure, having any Gate opening outwards contrary to the Meaning of this Act, shall, within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Road or any Footpath belonging thereto; and in default thereof, the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of one credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum of Money, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Penalties
for injuring
the Roads
and Works
thereon.

XLII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Bridge or Bridges, Culvert or Culverts, Direction or Mile Posts or Stones, erected or fixed in, across, or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining the said Road, or shall drive or lead any Horse, Beast, or Swine, or wheel any Hand-cart, Barrow, or other Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Road any Timber, Stone, or other Thing (except upon Wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon Wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the same, or the Fences on either Side thereof; or if any Person shall turn or suffer any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine to be turned on or to be or remain upon the said Road to graze or depasture on the Sides thereof; or if any Higler, Hawker, Pedlar, Gipsy, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Side of any Part of the said Road; or if any Person driving any Carriage upon the said Road, shall ride on the
Shafts

Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Road, and shall also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall kill or singe any Hog, Pig, or Swine, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever, within Eighty Feet from the Centre of any Part of the said Road, or play at Football, or any other Game or Games, to the Annoyance of any Passenger or Passengers on any Part of the said Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop having Windows to the Front of the said Road, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop from shining into the said Road; or if any Person, after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Road the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Sides of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, and then such Carriage shall be placed as near to the Side of the said Road as conveniently may be, or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever upon the said Road, or on any Side or Sides thereof, between the said Road and the Fences now standing or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between any Part of the said Road and such Fences as aforesaid for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up or carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, or shall carry Rods or Bars of Iron, Beam of Wood, Basket, Pannier, or other Matter or Thing, across the Back of any Horse, Mule, or Ass passing along the said Road, so that the same or any of them shall project beyond the Distance of Thirty Inches on either Side of such Horse, Mule, or Ass; or if the Surveyor or Surveyors of the said Road, or any Contractor or Contractors for the Repairs of the said Road, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Road or the Sides thereof, or upon any Part of the said Road, any Heaps of Stones, or other Materials for repairing the said Road, or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Road, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as herein-after directed.

For impounding Cattle or Swine straying on the Roads.

XLIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall at any Time be found wandering, straying, or lying about the said Road, or any Part thereof, it shall be lawful for the Surveyor of the said Road for the Time being, or some other Person or Persons employed by him, or for any one of the said Trustees, to seize every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and to impound the same in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found wandering, straying, or lying about the said Road, or any Part thereof, or in such other Place or Places as any of the said Trustees or the said Surveyor shall appoint, and the same there to detain until the Owner or Owners thereof shall for every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings for the First Time, and Ten Shillings for the Second and every other Time such Owner or Owners shall have any Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded; and the said Sum of Five Shillings or Ten Shillings (as the Case may be) shall be paid to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days next after such impounding, it shall and may be lawful for any one or more Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, by any Order under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; but no such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall be impounded in the Cases aforesaid, unless the said Road shall be fenced in on both Sides thereof.

Punishment of Persons guilty of Pound Breach.

XLIV. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have

have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

XLV. And whereas Offences may be committed against this Act and the said recited Acts by some Person or Persons unknown to the Collectors, Surveyors, or other Officers employed by the said Trustees; be it therefore further enacted, That it shall be lawful for any one or more of the said Trustees, or their Clerk or Clerks, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers respectively, or such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and who shall refuse to tell his or her Christian and Sur-name to any Person or Persons who shall demand the same, or who shall in answer to such Demand give a false Name or Names, and take him, her, or them before any Justice of the Peace for the County in which such Offence or Offences shall be committed, in order to his, her, or their Conviction, and such Justice is hereby authorized and required to hear and determine the Matter of the Complaint in a summary Way.

For securing
transient
Offenders.

XLVI. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Duty or Labour on the said Road shall be and the same is hereby repealed; and that from and after the passing of this Act 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 be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, by their Order, and also upon giving at least Four Days previous Notice in Writing to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Road passes, of such Application, 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 and Occupiers of Lands, Tenements, Woods, Tithes, or Hereditaments within the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall by him, her, or them be paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, 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, Township, or Place are by Law subject and liable to do Statute Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Duty, 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; which Lists of Names shall

Regulations
as to Per-
formance of
Statute Duty.

shall be made in such Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute now in force for the Repairs of the public Highways; and out of such Lists the said Justices shall or may allot, appoint, and order such and so many of the Persons, who shall appear subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year 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 Hay-time or Harvest), and on such Parts of the said Road within the said respective Parishes, Townships, or Places, 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 in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts, or any of them, authorized or directed to be recovered; and each and every Person, who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor or Clerk 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 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 for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For compounding
for Statute
Work.

XLVII. 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

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 Tenth 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.

XLVIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Acts and this Act, or any of them, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of the said recited Acts and this Act, or any of them, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of the said recited Acts and this Act, or any of them, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Materials, &c. the same to be levied by Distress.

XLIX. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act shall be paid by the said Trustees as soon as may be out of the Monies received or to be received or borrowed by virtue of the said recited Acts or this Act, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for the Expences of obtaining

For paying the Expences of this Act.

[Local.]

31 X

and

and passing this Act, such Person or Persons shall be repaid the same as aforesaid, with lawful Interest thereon from the Time of advancing such Money.

Public Act.

L. 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.

Commence-
ment and
Continuance
of this Act.

LI. And be it further enacted, That the Term granted by the said recited Acts shall, upon the Third *Monday* next after the passing of this Act, cease and determine; and the said recited Acts (subject to the Alterations, Variations, and Additions 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1822.