Anno tricesimo

Georgii II. Regis.

An Act for explaining and amending several Acts of Parliament for repairing the Roads between a Place called the *White Post*, on *Alconbury Hill* and *Wansford Bridge*, in the County of *Huntingdon*, and between *Norman Cross Hill*, in the said County, and the City of *Peterborough*, with respect to the Elections of new Trustees, the Power of compelling Persons employed by the Trustees in the Execution of such Acts, to deliver up such Books and Papers relating thereto as are in their Custody, and also to the Manner of summoning and holding the Meetings of the Trustees.

WHEREAS by an Act made in the Thirteenth Year of the Reign of His late Majesty King George the First, intituled, An Act for the more effectual amending the Highways leading from *Royston*, in the County of *Hertford*, to *Wansford Bridge*, in the County of *Huntingdon*; it is amongst other Things enacted, That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and twenty seven, the several Roads mentioned in Two Acts, made in

Preamble, reciting an Act, 13 *Geo.* I.

in the Ninth and Twelfth Years of the Reign of her late Majesty Queen Anne, for amending the said Highways, should be divided into Three Divisions, and be called by the Names of the North Division, Middle Division, and South Division; and that the said North Division should extend from Wansford Bridge to the White Post in the said Highway, on or near Alconbury Hill, in the said County of Huntingdon; and several Tolls and Powers were thereby granted for repairing, and keeping in Repair, the said Road, which were to commence from the said Twenty fourth Day of June, One thousand seven hundred and twenty seven, and to continue for the Term of Twenty one Years; and several Trustees were thereby appointed for putting the said Acts in Execution, within and for the said North Division; and it was also therein enacted, That upon the Death, Removal, Neglect, or Refusal of any of the Trustees thereby appointed to act for any of the said Divisions, it should be lawful for the Trustees for such Division, or any Ten or more of them, to appoint a Trustee or Trustees (being qualified as in the said Act is required) in the Room of such Trustee or Trustees so dying, removing, neglecting, or refusing to act; Notice of the Time and Place of Meeting for such Election to be given, by affixing such Notice in Writing, Ten Days, on the Toll-gate in such Division: And whereas by an Act made in the Seventh Year of His present Majesty's Reign, for making more effectual the said Act passed in the Thirteenth Year of the Reign of his late Majesty, the said Term was further continued for the Space of Fourteen Years, and several Tolls and additional Powers were granted with respect to the said North Division, and the Trustees appointed in and by virtue of the said last-mentioned Act, were appointed Trustees for putting the said former Acts, and the Act then made, in Execution, as far as the same related to the said Division; and it was thereby enacted, That in case any of such Trustees should happen to die, or refuse to act, that then it should be lawful for the remaining Trustees for the said Division, or any Ten or more of them, by any Writing or Writings under their Hands and Seals, during the Continuance of the said Terms, to appoint in the Room of such Person or Persons so deceased, or refusing to act, so many more fit and able Persons to be Trustees for such Division: And whereas

by

by an Act made in the Twenty fourth Year of the Reign of His present Majesty for enlarging the Term and Powers, and making more effectual several Acts, so far as related to the said North Division, and for lowering the Tolls at certain Toll-gates therein mentioned, and for repairing the Road leading from Stilton, in the County of Huntingdon, to the City of Peterborough, in the County of Northampton, the said last-mentioned Term was further continued for the Space of Ten Years, and several Tolls and additional Powers were thereby granted, with respect to the said North Division, and the Trustees appointed in and by virtue of the said Act of the Thirteenth Year of His late Majesty for the said North Division, or such or so many of them as were then living, were appointed Trustees for putting in Execution the former Acts, and the Act then made, so far as the same related to the Roads directed to be repaired and kept in Repair by such Act; and it was thereby enacted, That in case any of such Trustees acting under the Authority of the said Act, should happen to die, or refuse to act, it should be lawful for the remaining Trustees, or any Seven or more of them, at their publick Meetings, under their Hands and Seals, to elect or appoint in the Room of such Person or Persons so deceased, or refusing to act, so many more fit and able Persons to be Trustees for the Purposes of the said Act; and Power was thereby granted to repair the Road leading from the great or main Road, near the Town of Stilton, to the City of Peterborough, and to collect the Tolls therein mentioned upon the said Road: And whereas Doubts have arisen whether several Persons who have acted as Trustees in the Execution of the said Acts for a considerable Time past, have been regularly chosen and elected Trustees in the Manner prescribed by the said Acts, or either of them; and it is necessary that all such Acts, Orders, and Directions, as have been made, given, and entered into, for executing the said Acts, should be confirmed, and rendered as valid and effectual, as if the same had been made, given, and entered into, by the Trustees appointed in or chosen by virtue of such Acts; and as by reason of the various Methods prescribed by the said Acts for the Election of Trustees, Difficulties may hereafter arise in relation thereto, it is also necessary that the Manner of electing Trustees should be explained and amended: And whereas Doubts have also arisen in relation to the Manner

of summoning, holding, and adjourning the Meetings of the said Trustees, and as to the Power of compelling Persons employed, or who shall have been employed in the Execution of the said Acts, or who are or shall be possessed of any Books or Writings relating thereto, to deliver up such Books and Writings as are in their Custody or Power; therefore, for obviating the said Doubts, and for explaining, amending, and rendering more effectual the said Acts, with respect to the Matters aforesaid: May it 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,

All Acts, &c. made before 25 *March*, 1757, by any Persons acting as Trustees, declared to be effectual;

That all Acts, Orders, and Directions, which on or before the Twenty fifth Day of March, One thousand seven hundred and fifty seven, were made, given, entered into, or executed by any Person or Persons whatsoever, acting as a Trustee or Trustees in the Execution of the said Acts, or either of them, although such Person or Persons was or were not appointed a Trustee or Trustees, in or by virtue of the said former Acts, or either of them, shall be, and are hereby declared to be as effectually binding and conclusive to all Intents and Purposes, as if the same had been made, given, entered into, and executed by all the Trustees nominated in or appointed by virtue of the said former Acts; and

And all Persons who have acted as Trustees before 25 *March*, 1757, are indemnified by this Act for what they have so done.

that all and every such Person and Persons whatsoever, who shall have acted as a Trustee or Trustees in the Execution of the said Acts, before the said Twenty fifth Day of March, One thousand seven hundred and fifty seven, shall be, and is and are hereby indemnified for every such Act, Order, and Direction, which he or they shall have made, given, entered into, or executed, or in which he or they shall have concurred or been concerned, although such Person or Persons was or were not regularly appointed or chosen a Trustee or Trustees; and also all and every Person and Persons who shall have been, or shall be, before the Twenty fourth Day of June, One thousand seven hundred and fifty seven, assisting or employed in the Execution of such Acts, Orders, and Directions, shall be likewise indemnified for what he or they shall have done, or shall do therein; any thing in the said former Acts, or either of them, contained to the contrary notwithstanding.

And

Additional Trustees Names.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, such and so many of the Persons as were nominated Trustees in the said Act, made in the Thirteenth Year of his late Majesty's Reign, and are now living, and the most Honourable Francis Russell Esquire, commonly called Marquis of Tavistock; the Right Honourable George Cavendish Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, commonly called Lord John Cavendish; the Right Honourable George Montagu Esquire, commonly called Lord Viscount Mandeville; the Right Honourable Charles Greville Montagu Esquire, commonly called Lord Charles Montagu; the Right Honourable James Smith Stanley Esquire, commonly called Lord Strange; the Right Honourable John Montagu Esquire, commonly called Lord Viscount Hinchingbrooke; the Right Honourable John Earl of Upper Ossory, in the Kingdom of Ireland; the Right Honourable John Lord Carysfort, in the Kingdom of Ireland; the Honourable Thomas Chambers Cecil, the Honourable John Smith Barry, the Honourable Lewis Watson, the Honourable John Saint John, the Honourable Joshua John Proby, Sir John Bernard, Sir Francis Whichcote, Sir Thomas Trollope, Sir John Heathcote, Sir John Cust, Sir Gillies Payne, Sir Hutchins Williams, Sir Matthew Lamb, Baronets; Thomas Hussey Appreece, Dingley Askam, the Reverend Nicholas Addenbrooke, the Reverend Benjamin Addenbrooke, Edward Audly, Robert Austin, Charles Bertie, Timothy Brecknock, Robert Butcher, John Booth, William Blott, Nicholas Bonfoy, Charles Bowles, Robert Bragg, the Reverend Robert Burne, Robert Blake, Edward Bigland, Thomas Bonfoy, Hugh Bonfoy, John Bailey, William Benning, Abraham Beharrell, John Bevis, the Reverend Chambers Bate, John Bramston, Charles Balguy D. D. the Reverend John Brigham, Peter Burrell, Ishmael Blowfield, Robert Barnard, the Reverend Burnaby of Brampton, Thomas Bowdler, Jonathan Cope, Brownlowe Cust, William Child, Stephen Child, Richard Chambers, John Chambers, Thomas Cox, the Reverend John Craddock D. D. the Reverend Dennison Cumberland, Richard Cumberland, Charles Cope, the Reverend William Cooke, the Reverend Thomas Cozen, Saville Cockayne Cust, Noah Curtis, John Creed, Robert Clarke, James Clarke,

Thomas Clarke, Henry Dove, Richard Dexter, James Delarue, James Delarue junior, William Dexter, the Reverend John Davis, the Reverend Charles Dickins, John Digby, Edward Ferrar, the Reverend John Forster, the Reverend John Fisher, the Reverend James Favel D. D. the Reverend Favel, Coulson Fellowes, William Fellowes, James Forster, Charles Greene, the Reverend George Gell, the Reverend Kennett Gibson, John Gaskell, George Greene, Roger Handasyd, John Hunt, the Reverend Jeffery Holdich, the Reverend Rowland Hunt D. D. Thomas Hulme, the Reverend Robert Hudson, Gilbert Heathcote, John Heathcote, the Reverend Philip Hawkins, John Hart, the Mayor and Corporation of Huntingdon, for the time being; Robert Jones, the Reverend Charles Jenner D. D. the Reverend John Image, the Reverend Charles Jackson, Original Jackson, John Jackson, Charles Jenner, the Reverend George Jefferys, the Reverend Edward Ketteriche, Edward Knipe, the Reverend Roger Long D. D. the Reverend Robert Laxton, Daniel Peter Layard M. D. the Reverend Richard Lyne, John Laxon, Edward Montagu, Thomas Moore senior, Thomas Moore junior, the Reverend Lawrence Maydwell, the Reverend Thomas Mirehouse, the Reverend George Moore, the Reverend Thomas Marsham, the Reverend Owen Manning, Humphry Morris, the Reverend John Maud, the Reverend John Morgan, Robert Maxwell, Robert Mitchell, Thomas Noel, Bennett Noel, the Reverend Thomas Neal, the Reverend Timothy Neve, Ralph Newton, the Reverend John Naylor D. D. Francis Nailour, William Nailour, the Reverend George Nailour, John Orme, Walden Orme, the Reverend James Orem, John Proby, Armstead Parker, Thomas Proby, Charles Proby, the Reverend Baptist Proby, Robert Pigott, Dugden Walter Pigott, Robert Pigott junior, the Reverend Caleb Parnham, Rogers Parker, the Reverend Peter Peckard, the Dean and the Prebendaries of Peterborough, for the time being; the Reverend William Robinson, the Reverend George Reynolds, John Rowell, John Rowell junior, George Raitt M. D. William Robinson, William Strong, the Reverend Robert Smith, the Reverend James Smith, John Simcoe, John Sly, Isaac Strong, Wright Squire, John Swan, Thomas Squire, Walter Sly, the Honourable and Reverend Saint Andrew Saint John, Castel Sherard, George Cornelius Swan, John Squire, Thomas Middleton Trollope, Carrier Tompson, James Tompson, Thomas Trueman, Richard Tryce, Cooper

Cooper Thornhill, the Reverend Michael Tyson, the Reverend Robert Tench, Thomas Vaughan, Robert Wright, George Williamson, the Reverend John Wakelin, William Walcot M. D. Benjamin Woodward, Matthew Wyldbore, Thomas Warriner, Thomas Warriner junior, the Reverend George Wilson, the Reverend Borlace Wingfield, the Reverend William Whitworth, William Peere Williams, Booth Peer Williams, John Wright, Edward Wortley, Edward Wortley Montagu, shall be, and they and their Successors to be elected in Manner herein after mentioned, are hereby appointed Trustees for putting in Execution the said Acts, so far as the same relate to the said North Division, and the said Roads leading from the great or main Road, near the Town of Stilton, to the City of Peterborough, and also this present Act; and the said Trustees are hereby authorized and impowered to put the said Acts in Execution in relation to the said North Division, and to the said Road leading from the great or main Road, near the Town of Stilton, to the City of Peterborough, and to do all such Acts, Matters, and Things, in such and the same Manner, and as fully and effectually, to all Intents and Purposes, as if they had been particularly named and appointed in the said former Acts Trustees for putting such Acts in Execution; but that no Person hereby appointed, or hereafter to be elected, shall be capable of acting as a Trustee for putting in Execution the said former Acts, or this present Act, unless he be qualified in such Manner as is required by the said Act, made in the Thirteenth Year of the Reign of his late Majesty; and if any Person, not being so qualified, shall presume to act as a Trustee, he shall be subject to the Forfeiture in the said Act mentioned; and that the said Trustees, or any Five or more of them, shall meet at The Bell Inn in Stilton, in the said County of Huntingdon, on the Fourteenth Day after the passing of this Act, and shall then proceed to the Execution of this Act, and the said former Acts.

Qualification of Trustees.

Penalty on Persons acting, if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at any of their Meetings, may, from time to time, adjourn to any future Time; and such adjourned Meetings shall be held at such Place and Places as are appointed by the said former Acts, or either of them, for holding the Meetings of the Trustees thereby appointed; Notice of which Adjournment shall be fixed upon all the Turnpike

Notice to be given of future Meetings.

pike Gates within such Division, at least Ten Days before such adjourned Meeting.

On Death, &c. of any Officers, Trustees to appoint a Meeting at any Time,

Provided always, That notwithstanding any such adjourned Meeting, upon the Death or Failure of any Officers acting under the Trustees appointed to put this Act in Execution, or Suspicion of such Failure, or if there should be no adjourned Meeting, it shall and may be lawful for any Five or more Trustees to appoint a Meeting at any Time they shall think fit; giving Notice thereof, in Writing under their Hands, to the Clerk, at least Fourteen Days before such Meeting; and the Clerk is hereby required to affix Notice of such Meeting upon all the Turnpike Gates, at least Ten Days before such Meeting.

giving 14 Days Notice thereof to the Clerk.

In Default of a sufficient Number to act,

Provided always, and be it enacted by the Authority aforesaid, That if there shall not appear, at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of them to act at such Meeting, then, and in such Case, the Clerk or Clerks to such Trustees shall adjourn such Meeting, to be held at the same or some other convenient House, in or near some Part of the Road, within the said North Division, on that Day Fortnight; and shall give Notice thereof, in Writing, under his or their Hand or Hands, to be fixed on all the Turnpikes within such Division, at least Ten Days before the next Meeting.

10 Days Notice to be given of another Meeting.

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

And be it further enacted by the Authority aforesaid, That when, and as often, as any Trustee or Trustees shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, at any of their publick Meetings, or any Nine or more of them, by Writing or Writings under their Hands, from time to time, to appoint a fit Person, qualified as by the said Act of the Thirteenth Year of the Reign of His late Majesty is directed, in the room of such Trustee so deceased or refusing to act; and all Persons, so from time to time appointed, shall be joined with the surviving or remaining Trustees in the Execution of the said former Acts, and this present Act; and every such Person shall and may, and he is hereby authorized to act, to all Intents and Purposes, in as full, large, and ample Manner, as if he had been named in, and appointed a Trustee by this Act, or the said Act made in the Thirteenth Year of the Reign of His said late Majesty.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall have been,

been, or shall be employed as a Clerk, or other Officer in, or relating to, the Execution of, the said former Acts, or either of them, or this present Act; and also every other Person and Persons who is, or shall be, possessed of, any Books, Accounts, or other Writings, relating to the Execution of the said Acts, or either of them, or this present Act, or containing any of the Proceedings, Orders, or Directions, of any Persons acting as Trustees in the Execution of the said former Acts, or either of them, or any Books, Accounts, or other Writings, relating thereto, shall, from time to time, as often as such Person or Persons shall be thereunto required by the Trustees herein before appointed, or hereafter to be elected, or any Seven or more of them, by Writing under their Hands, or the Hands of any Seven or more of them, to be signed at any of their publick Meetings, deliver, or cause to be delivered, all such Books, Accounts, and other Writings, relating to the Execution of the said former Acts, or either of them, or this present Act, or containing any of the Proceedings, Orders, or Directions, of any Persons acting as Trustees in the Execution of the said former Acts, or either of them, and all Books, Accounts, or other Writings relating thereto, as shall be in the Custody or Power of any such Person or Persons respectively, unto such Person or Persons as they the said Trustees, or any Seven or more of them, shall appoint to receive the same; and if any such Person, as aforesaid, shall neglect or refuse, for the Space of Twenty Days after such Requisition made, to deliver up any or either such Books, Accounts, or other Writings, to the Person or Persons so appointed to receive the same; it shall be lawful for any Two Justices of the Peace for the County or Place wherein such Person shall be or reside, and they are hereby impowered and required, upon Proof of such Requisition being made, and of such Neglect or Refusal, by the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby impowered and required to administer) to commit every such Person, so neglecting or refusing, to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until such Person shall have delivered up all such Books, Accounts, and other Writings, or shall have given such Satisfaction in relation thereto, to the said Trustees, or any Nine or more of them,

Officers to deliver all Books, &c. to such Persons as shall be appointed by the Trustees to receive the same;

or in case of Neglect, &c. to be committed.

them, assembled at a publick Meeting, as they shall think reasonable; but Ten Days previous Notice in Writing shall be given of such Meeting upon all the Turnpikes within the said Division, and the Intention of taking such Matter into Consideration shall be set forth in such Notice.

Trustees to summon before them any Persons who have acted as Clerks, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, by Notice in Writing under their Hands and Seals, to summon and call before them, at any Meeting to be appointed for that Purpose, any Person or Persons who hath or have acted, or shall act, as a Clerk or other Officer in or relating to the Execution of the said former Acts, or either of them, or this present Act, and require him or them to deliver up all Books, Accounts, and other Writings, relating to the Execution of the said former Acts, or this present Act, or either of them, or containing any of the Proceedings, Orders, or Directions, of any Persons acting as Trustees in the Execution of all or any of such Acts, or relating thereto, as shall be in the Custody or Power of such Person or Persons, together with a Schedule of such Books, Accounts, or other Writings, and to make Oath that such Schedule contains a true Account of all such Books, Accounts, and Writings, as are in his or their Custody or Power (which Oath any Three of the said Trustees are hereby impowered to administer) and if any such Person or Persons shall refuse, or neglect, to appear at such Time and Place as shall be appointed in such Notice, or, appearing, shall refuse to deliver up to the Trustees then assembled, all such Books, Accounts, and other Writings as aforesaid, as are in his or their Custody or Power, or such Schedule, or to verify the same upon Oath as aforesaid, then, and in each or any of the said Cases, it shall be lawful for any Two or more Justices of the Peace for the County or Place wherein such Person or Persons shall be or reside, and they are hereby impowered and required, upon Proof by the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby impowered and required to administer) of such Notice being given to such Person or Persons, or left at his or their usual Place of Abode, at least Ten Days before the Time appointed by such Trustees for his or their Attendance to deliver up such Books, Accounts, or Writings, or of any such Refusal or Neglect as aforesaid, to commit such Person

Penalty on such Persons neglecting to appear.

or

or Persons to the Common Gaol for such County or Place, there to remain without Bail or Mainprize, until he or they shall have delivered up, or cause to be delivered up, to the said Trustees, or any Seven or more of them, all such Books, Accounts, and Writings, together with a Schedule thereof, and verified such Schedule upon Oath before any One Justice of the Peace for such County or Place, or given such Satisfaction in relation thereto, as the said Trustees, or any Nine or more of them, assembled at a Meeting (whereof Notice shall be given as aforesaid) shall think reasonable.

Charges of obtaining this Act, how to be defrayed.

And be it further enacted by the Authority aforesaid, That the Charges and Expences incurred in, and in relation to, the obtaining of this Act, shall be paid and defrayed out of the Tolls collected, or to be collected, on the Road in the said North Division, and on the said Road leading from Stilton to Peterborough, or out of any Monies borrowed, or to be borrowed, on the Credit of such Tolls.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done by virtue of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within the Space of Six Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County of Huntingdon, and not elsewhere; and that the Defendant or Defendants in all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on any Trial or Trials which shall be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in any such Action or Suit shall become Nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon Demurrer, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as

General Issue.

Treble Costs.

any Defendant or Defendants may have for Costs, in other Cases by Law.

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

FINIS.