Anno tricesimo primo

Georgii II. Regis.

An Act for making more effectual Four several Acts of Parliament, made in the Sixth Year of the Reign of Her late Majesty Queen *Ann*; the Eleventh Year of the Reign of His late Majesty King *George* the First; and in the Tenth and Thirteenth Years of the Reign of His present Majesty respectively; for repairing the Highways from *Old Stratford* in the County of *Northampton* to *Dunchurch* in the County of *Warwick*.

WHereas by an Act of Parliament made and passed in the Sixth Year of the Reign of Her late Majesty Queen Ann, intituled, An Act for repairing the Highways from *Old Stratford* in the County of *Northampton* to *Dunchurch* in the County of *Warwick*; several Persons therein named were appointed Trustees, and divers Tolls and Duties were granted and made payable, and were thereby directed and appointed to take Place from the First Day of May, One thousand seven hundred and eight, and to continue and be paid from thence for the Term of Twenty one Years, and divers Powers, Preamble.

Authorities, Rules, Orders, and Provisions were thereby given, granted, prescribed, and established, for repairing the said Roads, and putting the said Act in Execution; and the said Tolls and Duties, Powers and Authorities thereby given, granted, established, and provided, were, by several subsequent Acts of Parliament made and passed in the Eleventh Year of the Reign of the late King George the First, and the Tenth Year of His present Majesty, respectively appointed, directed, and enacted to be in Force for several subsequent Terms of Years, and to have Continuance until the First Day of May, One thousand seven hundred and seventy one, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed to put the said several Acts in Execution, have, in Pursuance of the Powers and Authorities thereby vested in them, borrowed several Sums of Money upon the Credit of the Tolls and Duties granted and made payable, great Part of which still remains due and unsatisfied; and although the Sums so borrowed, together with the Money arising by the said Tolls and Duties, have been applied pursuant to the Directions, and for the Purposes of the said Acts, yet, from the Length of the said Road, which is Twenty nine Miles and upwards, and the Nature of the Soil through which the said Road doth pass, and the want of a sufficient Number of Turnpikes and Toll-gates for taking and collecting the Tolls and Duties intended for, and to be applied for amending the said Road, and the great Distance of proper Materials necessary for amending and repairing the same, and by reason of the great Number of Waggons and other Carriages loaded with and carrying excessive and exorbitant Weights and Burthens, which either do not contribute to the Repair of the said Road, or in a great Disproportion to the Damage and Spoil they do to the same; and also by reason of several Omissions and Defects in the said former Acts, several Parts of the said Road remain still unrepaired, and unless some Remedy and Provision be speedily had and made, the same will soon become unpassable; and as the Repairs of the said Road cannot be effectually completed, and the Monies borrowed on the Security of the said Tolls as aforesaid repaid, unless the Term now subsisting, for which the said Tolls and Duties are granted and made payable, be prolonged, and the several Powers and Authorities made and granted by the said former Acts for that Purpose be further extended, and rendered more effectual; To the End therefore that the said Highways may more speedily and effectually be amended, and hereafter

after kept in good Repair, and the Monies advanced and lent on the Credit of the said former Acts be sooner repaid, and more effectually secured; 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, That the several Persons nominated and appointed in and by virtue of the said former Acts, or any of them, or such of the said Persons as shall be living at the Time of passing this present Act, shall be, and they are hereby nominated, appointed, and confirmed, Trustees for putting this present Act in Execution; and that the several Tolls and Duties granted and made payable by the said former Acts, shall continue to be collected and paid for and during the Residue and Remainder of the said Term now subsisting under the said former Act of the Tenth Year of the Reign of His present Majesty now to come and unexpired, and from and immediately after the Determination of the said Term, then for and during the further Term of Five Years then next ensuing, pursuant to and according to the Tenor of an Act of the same Reign, intituled, An Act made to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*; and from and after the End or Expiration of the said additional Term of Five Years, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Trustees for the former Acts are to put this Act in Execution.

Former Tolls continued.

And be it further enacted by the Authority aforesaid, That all the Tolls, Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, given, granted, ordered, appointed, prescribed, inserted, and contained, in the said former Acts respectively, which are now in Force (other than so far forth as the same, or any of them respectively, are varied, altered, explained, rendered unnecessary, or otherwise provided for by the Force and Effect of this present Act) shall be raised, exercised, practised, used, enforced, and put in Execution, for the Purposes of this Act, in as full, extensive, and beneficial Manner, as if the said Tolls, Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, were particularly expressed, and again enacted in the Body of this present Act.

Tolls, Powers, Provisions, Penalties, Clauses, &c. in the former Acts, now in Force, continued for the Purposes of this Act.

If the Roads shall be fully repaired, and the Monies borrowed be repaid, before the Expiration of the additional Term, the Tolls, &c. are then to cease.

Provided nevertheless, and it is hereby declared and enacted, That if at any Time before the Expiration of the additional Term granted by this present Act, the said Highways shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the respective Counties of Northampton and Warwick, at their respective General Quarter Sessions, to be holden for the said Counties, then from and after such Adjudication made, and Repayment of the Monies borrowed, or to be borrowed, on the Credit of the said former Acts, or any of them, and this present Act, with the Interest for the same, the said Tolls and Duties, and all Powers and Authorities in and by the said former Acts, or this present Act, granted and given, shall cease and determine; any thing therein, or herein, contained to the contrary notwithstanding.

Trustees may take down or remove any of the Toll gates,

And it is hereby further enacted, That it shall and may be lawful to and for the Trustees acting under the Authority of the said former Acts, and this present Act, or any Five or more of them, at any Time or Times during the Continuance of the said former Acts, or this present Act, or any of them, to take down or cause to be taken down, any of the Turnpikes, Toll-gates, and Toll-houses, already erected, built, standing, and being, in, upon, or across, the said Highways or Roads, so intended not be repaired, or to be erected or set up by virtue of this present Act respectively; and to remove and set up the same to and upon any other Part or Parts of the said Highways or Roads; and also to erect, build, up set up, or cause to erected, built, and set up, One new additional Turnpike, Toll-gate, or Toll-house, in, upon, or across the said Road or Highway, or any Part thereof; and also to erect and set up any Turnpike or Turnpikes, Toll-gate or Toll-gates, on the Side of the said Road, or across any Lane or Way leading out of, or near the same, as to the said Trustees, or their Successors, or any Five or more of them, shall seem requisite and expedient for the Purposes of this Act; and also to demand and take, or cause to be demanded and taken, at each and every Turnpike or Toll-gate, so to be removed, new erected, and set up respectively, as aforesaid, such and the same Tolls and Duties, for Horses, Cattle, and Carriages, before they shall be permitted to pass through the same, as are directed and appointed to be demanded and taken, at each of the Turnpikes already erected on or across the said Highways, in pursuance of the said former Acts and this present Act.

and erect a new additional one, with Side-gates,

and take Tolls thereat,

And

And it is hereby further enacted and declared by the Authority aforesaid, That the said Trustees, or any Five or more of them (at any General Meeting or Meetings, whereof Ten Days Notice shall be affixed upon all the said Turnpikes) are hereby impowered from time to time, in case they shall think it requisite and expedient, to reduce or lessen any of the several Tolls or Duties, payable by the said former Acts, or this present Act, or any of them, so as such Reduction be no Prejudice to, and be with the Consent of the several Persons who have advanced any Money on the Credit of the said Tolls, to whom any Money shall be due and owing upon any Security made by virtue or in pursuance of the said Acts, or any of them; and also from time to time, after any such Reduction, again to advance and raise the said Tolls or Duties, or any of them, or any Part thereof, so as the same do not exceed the Tolls, Rates, and Duties, granted by the said former Acts, or this present Act, or any of them.

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

and raise them again, if necessary.

And it is hereby further enacted, That the said Trustees appointed, and to be appointed, by and in pursuance of the said former Acts, and this present Act, for the time being, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, from time to time, by Writing under their Hands, and without Stamps, to assign over the said Tolls and Duties granted and continued by this Act, or any Part thereof, as a Security for any Sum or Sums of Money by them to be borrowed for the Purposes therein mentioned, with Interest for the same, unto such Person or Persons as shall advance or lend the same, or to raise Money on the Credit of the said Tolls and Duties, by such other Ways or Means as to the said Trustees, or any Nine or more of them, shall appear most effectual for answering the Purposes of this Act.

Trustees impowered to borrow Money on the Credit of the Tolls.

And it is hereby further enacted and declared, That the Dates, Parties, and Contents, or Substance of all and every Assignment and Assignments, Security or Securities, so to be made by the said Trustees, as aforesaid, shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees for the time being; and that the said Book shall and may be seen and perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward.

Entries and Assignments to be made in a Book, to be seen at all Times without Fee.

And it is hereby also enacted and declared, That all and every Person and Persons in or to whom any Assignment or Assignments, or other Security or Securities heretofore made, or hereafter to be made, by the said Trustees for the time being, or any Nine or more of them, by

Assignments may be transferred.

by virtue and in pursuance of the said Act, as a Security for any Sum or Sums lent and advanced on the Credit of the said Tolls and Duties, shall belong and be vested respectively, and who shall be intitled to the Money thereby respectively secured, or to be secured, shall and may from time to time, by proper Words of Assignment to be endorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands, without Stamps, signed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their Right, Title, and Interest, in and to the Principal Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks so to be appointed as aforesaid, within Six Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said Original Assignments, or other Securities; for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties, and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Money thereupon due, or any Part thereof; any thing herein, or in the said former Acts, or any of them, contained to the contrary notwithstanding.

Notification thereof to be given to the Clerk.

Transfers to be entered in a Book.

Clerk's Fee.

Charges of passing this Act to be first paid, &c.

And it is hereby further enacted by the Authority aforesaid, That all the Costs and Charges attending the obtaining and passing this present Act, and also the Monies borrowed and now remaining due on the Credit of the said former Acts, or any of them, and the Money to be borrowed in pursuance of this present Act, with the Interest thereof respectively, shall be first paid and discharged out of the Monies to be raised, collected, and received, by virtue of, or under the Authority of this present Act.

Trustees may compound with Parishes, &c. for Statute-work.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed or to be appointed, being authorized by the said Trustees, or any Five or more of them, may and are hereby authorized

and

and impowered to compound with all, every, or any of the Inhabitants of the several Towns, Parishes, Hamlets, and Places, through which the said Roads or Highways, or any Part thereof, lead, for the several Days Statute-work to be by them respectively done upon the said Roads or Highways, at and for such Rates or Sums of Money by the Year or otherwise, as the said Trustees, or any Five or more of them, or the Turnpike Surveyor or Surveyors, and Inhabitants respectively, shall agree upon, which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment, otherwise such Compositions shall be void.

Gates may be erected in the Fences where Materials are dug,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect and set up, or cause to be erected and set up, as many Gate or Gates in the Hedges or Fences where the Materials are to be dug, and next adjoining to the said Turnpike Road (not being an Orchard, Garden, Meadow, or Park) as the said Trustees, or any Five or more of them, shall see Occasion, for the Passage of Teams and Carriages employed in carrying Materials to and for the Repairs of the said Turnpike Road, allowing to the Owners or Occupiers of the said Lands or Grounds such reasonable Satisfaction, as the said Trustees, or any Five or more of them, shall think proper, for the Use of such Gate or Gates; and that the Surveyor or Surveyors of the said Turnpike Road shall at all Times lock or fasten, or cause to be locked or fastened, the said Gate or Gates, if required by the Owners or Occupiers of the said Lands or Grounds (except at such Times only as the said Turnpike Surveyor, or his Agents, shall have Occasion to use the same.)

making Satisfaction, &c.

And whereas the said Trustees have caused the said Roads or Highways to be measured, and Mile Stones to be fixed or set up in or on the Sides of the said Roads, with Inscriptions thereon, denoting the Number of Miles, and Distances from London: And whereas several ill-designing Persons have wilfully broke, pulled down, damaged, destroyed, obliterated, or defaced, several of the said Mile Stones, and the Inscriptions thereon; be it therefore further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully or designedly break, or pull down, remove, injure, damage, or destroy, any or either of the said Mile Stones, so fixed or set up, or hereafter to be fixed or set up, or shall erase, obliterate, or deface, any of the Inscriptions made, or to be made, thereon, or shall cause or procure the same to be done, and

Penalty on defacing Mile Stones, &c.

shall be thereof convicted, either by the Confession of the Party, or the Oath of One or more Witness or Witnesses, before any Five of the said Trustees, or before One or more Justice or Justices of the Peace of and for the County, Town Corporate, or Place, where such Offence shall be committed, every such Person so offending shall forfeit and pay the Sum of Forty Shillings for each Mile Stone so wilfully or designedly broken, removed, obliterated, damaged, defaced, or pulled down; to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or the Justice or Justices of the Peace for the County, Town, or Corporate Place, where the Offence shall be committed, and before whom such Conviction shall be made; One Moiety of which Forfeiture shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Mile Stones so broken, pulled down, obliterated, or defaced, or in supplying new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid: And in case the Person or Persons so offending and convicted shall have no Goods or Chattles in the County or Place where such Offence or Offences shall be committed whereon to levy the said Forfeiture or Forfeitures, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any One or more of such Justice or Justices of the Peace, as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Gaol for the County, Town Corporate, or Place, where such Offence shall be committed, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons so committed shall not be discharged till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month; and every such Offender, in either of the said Cases, shall and may, by Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to any Constable, or other Peace Officer, within such County, Town Corporate, or Place, where the Offence shall be committed, who shall convey every such Offender before the said Trustees, or any Five or more of them, or any Justice or Justices of the Peace, to be dealt with according to Law.

For want of Distress, Offender to be committed.

And

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

FINIS.