Anno tricesimo tertio

# Georgii II. Regis.

An Act for enlarging the Term and Powers granted by an Act made in the Twenty fifth Year of the Reign of His present Majesty, for repairing and widening the Road leading from *Market Harborough* in the County of *Leicester*, to the Pound in the Parish of *Brampton* in the County of *Huntingdon*; and by One other Act made in the Twenty seventh Year of the Reign of His present Majesty, for explaining, amending, and rendering more effectual the said former Act.



WHEREAS by an Act of Parliament made in the Twenty fifth Year of the Reign of His present Majesty, intituled, An Act for repairing and widening the Road leading from *Market Harborough* in the County of *Leicester*, through *Desborough*, *Rowell*, *Kettering*, *Barton Seagrave*, and *Thrapston*, in the County of *Northampton*; and through *Bythorne*, *Spaldwick*, and *Ellington*, to the Pound in the Parish of *Brampton*, in the County of *Huntingdon*; several Tolls and Duties were granted and made payable, and divers Powers were given for repairing the said Road; which said Act, and the Tolls, Duties, and Powers, thereby granted, were to take Place and have Continuance, from the Twenty fourth Day of June, in

Preamble, reciting Clauses in Acts 25 *Geo.* II.

the Year of our Lord One thousand seven hundred and fifty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas by another Act of Parliament, and 27 Geo. II. made in the Twenty seventh Year of the Reign of His said present Majesty, for explaining, amending, and rendering more effectual the said former Act, several further Powers were granted which were to have Continuance during the Term in the said first mentioned Act limited; And whereas the Monies raised and borrowed by virtue of the said Acts, have been duly applied, and the Sum of Nine thousand nine hundred Pounds, which has been advanced upon the Credit of the said Acts, is, together with a considerable Arrear of Interest, now due and owing: And whereas a considerable Progress hath been made in repairing the said Road, but by reason of the Badness and Scarcity of Materials in many Places, and of the many heavy Carriages passing upon and through the said Road, many Parts thereof continue in a ruinous Condition; and the same cannot be effectually amended and kept in Repair, and the said Principal Monies and Interest be discharged, unless the said Acts be further continued and made more effectual: 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 Act made in the Twenty fifth Year of the Reign of His present Majesty, intituled, An Act for repairing and widening the Road leading from *Market Harborough* in the County of *Leicester*, through *Desborough*, *Rowell*, *Kettering*, *Barton Seagrave*, and *Thrapston*, in the County of *Northampton*; and through *Bythorne*, *Spaldwick*, and *Ellington*, to the Pound in the Parish of *Brampton*, in the County of *Huntingdon*; and also the said Act made in the Twenty seventh Year of the Reign of His present Majesty, for explaining, amending, and rendering more effectual the said former Act, shall, from and after the Expiration of the Term granted by the said first mentioned Act, and of the Term granted by an Act made in the Twenty eighth Year of the Reign of His present Majesty (intituled, An Act 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*) shall continue in full Force, and be executed, for and during the further Term of Twenty one

The recited Acts further continued for 21 Years.

years, and from thence to the End of the then next Session of Parliament; subject to the Amendments, Alterations, and Variations, herein after contained.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the Trustees appointed by or in pursuance of the said Act made in the Twenty fifth Year of the Reign of His present Majesty, or that shall be elected by virtue thereof, or any Nine or more of such Trustees, may, from time to time, cause One or more Turnpike or Turnpikes, Toll-house or Toll-houses, to be erected, set up, altered, or removed, upon, or cross, or on the Side or Sides, of any Part or Parts of the said Road.

The following Tolls to be taken instead of those granted by the former Acts, *viz.*

And be it further enacted by the Authority aforesaid, That from and after the Fourth Day of May, One thousand seven hundred and sixty, instead of the Tolls and Duties granted by the said former Acts, the following Tolls and Duties shall be received and taken at each and every of the Gates or Turnpikes erected, or to be erected, in pursuance of the said former Acts, or this present Act, or either of them, subject to such Exemptions as are mentioned in the said former Acts with respect to the Tolls and Duties thereby granted; that is to say, At any Gate or Turnpike erected, or to be erected, between Market Harborough aforesaid and Kettering aforesaid,

Between *Market Harborough* and *Kettering*:

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by more than Two Horses, One Shilling; and drawn by Two Horses, Six Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Four Pence.

For every Horse, or Beast of Draught, drawing any other Carriage, Two Pence Farthing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Between *Kettering* and *Barton Seagrave*:

And at any Gate or Turnpike erected, or to be erected, between Kettering aforesaid and Barton Seagrave aforesaid,

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by more than Two Horses, One Shilling; and drawn by Two Horses, Six Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Four Pence.

For every Horse, or Beast of Draught, drawing any other Carriage, Two Pence Farthing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen, or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Between *Barton Seagrave* and *Thrapston*: And at any Gate or Turnpike erected, or to be erected, between Barton Seagrave aforesaid, and the Market Cross in Thrapston aforesaid,

For every Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, drawn by more than Two Horses, One Shilling; and drawn by Two Horses, Six Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Four Pence.

For every Horse or Beast of Draught, drawing any other Carriage, Two Pence Farthing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Between *Thrapston* and *Spaldwick*: And at any Gate or Turnpike erected, or to be erected, between the Market Cross in Thrapston aforesaid, and Spaldwick aforesaid,

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by more than Two Horses, One Shilling and Six Pence; and drawn by Two Horses, Nine Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Six Pence.

For every Horse or Beast of Draught, drawing any other Carriage, Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny.

For

For every Drove of Oxen, or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

And at any Gate or Turnpike, erected or to be erected between Spaldwick aforesaid, and the Pound in the Parish of Brampton aforesaid, And between *Spaldwick* and *Brampton*.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by more than Two Horses, One Shilling and Six Pence; and drawn by Two Horses, Nine Pence.

For every Calash, Chaise, or Chair, drawn by One Horse, Six Pence.

For every Horse or Beast of Draught, drawing any other Carriage, Three Pence.

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

For every Drove of Oxen or Neat Cattle, Five Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Two Pence Halfpenny per Score; and so in Proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as Tolls and Duties, at each and every Gate or Turnpike, erected or to be erected, upon, cross, or on the Side or Sides of the said Road: And the Persons appointed, or to be appointed for collecting thereof, shall have the same Powers for raising and levying the same, as are granted by the said first-mentioned Act, with respect to the Tolls and Duties therein mentioned; any thing in the said former Acts contained to the contrary notwithstanding. Collectors to have the same Power as by the first Act.

And be it further enacted by the Authority aforesaid, That the said Tolls and Duties shall be, and are hereby vested in the said Trustees, and shall be accounted for, and applied in such Proportions, and may be assigned for securing Monies to be borrowed on the Credit thereof, in such and the same Manner as the Tolls granted by the said former Acts are directed to be accounted for and applied, and authorized to be assigned. Tolls vested in the Trustees. Application of the Monies.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, with the Consent of the Mortgagee or Mortgagees, or the major Part Trustees, with Consent of the Creditors, may lessen the Tolls.

Part of them, or of the other Creditors at their General yearly Meeting as aforesaid, to lessen or alter all or any or either of the Tolls or Duties by this Act granted, and afterwards to raise the same again, so as not to exceed the Sums hereby granted; and Twenty one Days previous Notice in Writing shall be given of such Intention of lessening the said Tolls upon all the Turnpikes then erected upon the said Road, and the Tolls and Duties so lessened or altered, shall and may be collected and levied, in such Manner, and applied for such Purposes only, as the Tolls hereby granted are directed to be collected, levied, and applied.

Charges of passing this Act to be first paid.

"Provided always, and be it further enacted, That the said Tolls and Duties, and the Monies to be borrowed on the Credit thereof, and also such Monies which have been received by virtue of the said former Acts, or either of them, and remain undisposed of, shall be applied, in the first Place, in defraying all the Charges occasioned by the procuring and passing of this Act.

Powers of the former Acts extended to this.

And be it further enacted by the Authority aforesaid, That all the Clauses, Powers, Regulations, Provisions, Penalties, Forfeitures, Punishments, Matters, and Things, in the said former Acts contained (except such Parts thereof as are hereby varied or altered) shall extend, and are hereby extended, and shall operate and be put in Execution in respect to this Act, as fully and effectually to all Intents and Purposes, as if such Clauses, Powers, Regulations, Provisions, Penalties, Forfeitures, Punishments, Matters, and Things, were, with the Variations and Alterations herein contained, specially repeated and re-enacted.

Tolls to be paid but once a Day.

Provided always, and be it further enacted and declared by the Authority aforesaid, That if any Person shall pay the respective Tolls by this Act granted, for the passing of any Horse, Mare, Gelding, Ox, Mule, Ass, Beast, Cattle, Coach, Berlin, Landau, Carriage, Chaise, Chair, Calash, Waggon, Wain, Cart, or other Carriage, at any Gate or Turnpike erected, or to be erected, by virtue of the said former Acts or this present Act, or either of them, in any or either of the before described Districts of the said Road, and shall afterwards produce a Note or Ticket of the Day, denoting such Payment, every such Person shall be permitted to pass, return, and repass, with the same Horse, Mare, Gelding, Ox, Mule, Ass, Beast, Cattle, Coach, Berlin, Landau, Carriage, Chaise, Chair, Calash, Waggon, Wain, Cart, or other Carriage, at any Time during that Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next Night,

through the Gate or Turnpike at which such Payment was so made, and also through any other Gate or Turnpike which shall at any Time be erected upon the said respective District whereon the said Toll or Duty was so paid; which said Notes or Tickets the Collectors or Receivers of the said Tolls, at the several Gates or Turnpikes, are hereby directed to give gratis.

And be it further enacted by the Authority aforesaid, That for the better securing Three Parts of the said Tolls and Duties (the whole in Seven equal Parts to be divided) to be expended, applied, and laid out, in amending, widening, and repairing, that Part of the said Road which leads from the Market Cross in Thrapston aforesaid, to the Pound in the Parish of Brampton aforesaid, in such Manner as is directed by the said first-mentioned Act, with respect to the Tolls and Duties thereby granted, it shall and may be lawful to and for the Treasurer of that Part of the said Road, from and immediately after the said Fourth Day of May, One thousand seven hundred and sixty, and he is hereby authorized and impowered to receive and take from the Collector or Collectors, all the Tolls and Duties which shall be collected and levied at or in respect of any Turnpike or Turnpikes erected, or to be erected, between Barton Seagrave aforesaid, and the Market Cross in Thrapston aforesaid; and the Collector or Collectors at such Turnpike or Turnpikes, is and are hereby required to pay such Tolls to such Treasurer aforesaid, and shall be allowed such Payments in his and their Accounts; and the Monies so paid, shall go and be in Part of the Proportion of the Monies applicable by virtue of the said former Acts and this Act, to the Repairs of that Part of the said Road which leads from the Market Cross in Thrapston aforesaid, to the Pound in the Parish of Brampton aforesaid.

The Tolls collected between *Barton Seagrave* and *Thrapston*, to be paid to the Treasurer for that Part of the Roads, and to be applied in the Repair thereof.

And be it further enacted by the Authority aforesaid, That at every General Yearly Meeting of the said Trustees appointed to be held at Thrapston aforesaid, in and by the said first-mentioned Act, for the passing and settling all Accounts belonging or relating to the whole Road, the Treasurer or Treasurers of the Tolls between Market Harborough aforesaid, and Barton Seagrave aforesaid, and also the Treasurer or Treasurers of the Tolls between Barton Seagrave aforesaid, and the Pound in the Parish of Brampton aforesaid, shall at every such Yearly General Meeting, pass their Accounts in Writing, of all such Sum and Sums of Money as they shall have received by virtue or in pursuance of the said

Treasurers for both Roads to pass their Accounts at the Yearly General Meeting;

former Acts and this present Act, in the preceding Year; and that upon stating and passing such Accounts, the whole Tolls and Money borrowed shall be divided into Seven equal Parts after the Payment of the Expences of this Act and the Charges of collecting such Tolls are deducted; Four Parts whereof, according to the Directions of the said first recited Act, shall be applied and laid out in amending, repairing, and widening that Part of the said Road which leads from *Market Harborough* aforesaid, to the Market Cross in *Thrapston* aforesaid; and the other Three Parts thereof shall be applied and laid out in the amending, repairing, and widening that Part of the said Road which leads from the Market Cross in *Thrapston* aforesaid, to the Pound in the Parish of *Brampton* aforesaid; and if it shall, at any such yearly General Meeting, appear that more than either of the respective Proportions aforesaid, have been received by either of the said Treasurers, that then the Treasurer in whose Hands such Surplus shall be, shall, and he is hereby required immediately to pay the same into the Hands of the Treasurer who shall not have received the full Proportion of the Monies allotted in respect of the Road for which such Treasurer shall have been appointed; and in Default thereof, the Trustees, or any Five or more of them, present at such General yearly Meeting, shall, and they are hereby required, by an Order in Writing under their Hands, to direct the Collector or Collectors of the Tolls at any One or more Turnpike or Turnpikes, in, upon, or belonging to that Part of the Road in Respect whereof such Surplus shall have been received, to pay the Tolls as they shall be collected and received, from time to time, to the Treasurer for the Road to which Surplus Monies shall be due, until the same are fully paid; and such Collector or Collectors are hereby required to make such Payments accordingly.

To restrain the Tolls and the whole Tolls, and Monies borrowed, to be then divided into 7 Parts;

4 Parts thereof to be applied in repairing the Road from *Market Harborough* to *Thrapston*;

and the other 3, in Repair of the Road from *Thrapston*, to *Brampton*.

Surplus Monies received to be paid over to the proper Treasurer;

and in Default, the Trustees may make an Order for the Payment out of the Tolls, on that Part of the Road where such Surplus was received.

The Tolls, &c. to be a Security for all Money due on the Credit of the former Acts.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That the Tolls and Duties by this Act granted, and all Monies to be borrowed on the Credit of such Tolls and Duties, shall be subject and liable to the Payment of the Principal Monies which have been borrowed on the Credit of the said former Acts, or either of them, and are now owing, together with all Interest Monies which are now due, and that shall hereafter become due and payable in respect of such Principal Monies, any thing herein before contained to the contrary in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing to be done in pursuance of the said former Acts and of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in such of the said several Counties of Leicester, Northampton, and Huntingdon, in which the Cause or Causes of Actions shall arise, and not elsewhere; and the Defendant and Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of, and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become non-suited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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

Publick Act.

FINIS.