Anno tricesimo tertio

Georgii II. Regis.

An Act for enlarging the Term and Powers granted by several Acts of Parliament of the Eighth Year of Her late Majesty Queen *Anne*, the Ninth Year of His late Majesty King *George* the First, and the Fifteenth Year of His present Majesty's Reign, for repairing the Highways between the House commonly called *The Horse-shoe House*, in the Parish of *Stoke Goldington* in the County of *Bucks*, and the Town of *Northampton*, and the Road from the North Bridge of *Newport Pagnel* in the County of *Bucks*, to the *Horse-shoe House*.



Whereas by an Act passed in the Eighth Year of the Reign of Her late Majesty Queen Anne, for repairing the Highways between the House commonly called The Horse-shoe House, in the Parish of Stoke-Goldington in the County of Bucks, and the Town of Northampton, several Tolls, Duties, and Powers, were granted for the Term of One and twenty Years: And whereas by another Act made in the Ninth Year of the Reign of His late Majesty King George the First, for enlarging the Term granted by the aforesaid Act, and for repairing Preamble.

the Road from the North Bridge of Newport Pagnell in the said County of Bucks, to the said Horse-shoe House, the before mentioned Act was further continued for the further Term of Fifteen Years: And whereas by another Act made in the Fifteenth Year of the Reign of His present Majesty King George the Second, for enlarging the Term and Powers granted by the two Acts, the same are further continued for and during the Term of One and twenty Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees impowered to put the said former Acts in Execution have borrowed considerable Sums of Money, and although the Money so borrowed, and the Tolls collected, by virtue of the said Acts, have been duly applied towards the necessary Repairs of the said Highways, yet great Part thereof is bad in the Winter Season, and cannot be effectually amended and kept in Repair, nor can the Money now due and owing on the Credit of the said Acts be repaid, unless the Terms and Powers thereby granted be further continued and enlarged, and the Tolls granted by the said Acts increased: Wherefore, may it please Your most Excellent 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 several Acts of the Eighth Year of the Reign of her late Majesty, the Ninth Year of the Reign of His late Majesty, and the Fifteenth Year of His present Majesty, and all and every the Authorities, Powers, Penalties, Forfeitures, Clauses, Remedies, Matters, and Things, therein contained (except such as are varied, altered, explained, rendered unnecessary, or otherwise provided for by this present Act) shall be and continue in full Force, and be exercised and put in Execution, from and after the Expiration thereof, 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 made in the Twenty eighth Year of His present Majesty's Reign, 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*; and from and after the End or Expiration of the said additional Term of Five Years, then for and during the further Term of Tweny one Years, and from thence to

The recited Acts continued from their respective Expirations for the Term of 5 Years,

and from thence for the further Term of 21 Years.

the End of the then next Session of Parliament, in as full and ample Manner as if all the before mentioned Acts were again repeated and re-enacted in the Body of this present Act: But if at any Time before the Expiration of the said additional Term of Twenty one Years hereby granted, the Highways mentioned and described in the said Two first mentioned or recited Acts shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said Counties of Northampton and Bucks, assembled at their respective Quarter Sessions to be holden for the said Counties respectively; that then, and from and after such Adjudication made, and Repayment of such Money as shall have been borrowed, with Interest for the same, by virtue of the said former Acts or this present Act, any or either of them, the several Tolls or Duties thereby or by this present Act granted, continued, or made payable, shall cease and determine; any thing in the said former Acts, any or either of them, or in this Act, contained to the contrary in any wise notwithstanding.

If the Roads shall be adjudged to be sufficiently repaired, before the Expiration of the additional Term, and the Money due repaid, the Tolls are to cease.

And whereas by the said Act of the Fifteenth Year of his present Majesty the said Trustees are impowered to borrow Money on the Credit of the Tolls and Duties, so that the Sum borrowed, and due at one Time, do not exceed the Sum of One thousand Pounds, which is insufficient to answer the Purposes of the said Acts; be it therefore 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 borrow and raise any Sum or Sums of Money on the Credit of the Tolls and Duties by the said former Acts and by this present Act granted and continued, and by the Ways and Means prescribed by the said former Acts, so that the Sum or Sums borrowed, and to be due and owing at any One Time on the Credit of the said Acts, do not exceed in the whole the Sum of Two thousand Pounds; which said Sum and Sums of Money, so to be borrowed and raised in pursuance or by virtue of the said former Acts and this present Act, shall (after the Costs, Charges, and Expences of passing and procuring this present Act) be applied and disposed of either in paying and discharging such Sum and Sums of Money as shall be due and owing on the Credit of the said former Acts or this present Act, together with the Interest due, and to grow due, for the same, or for and towards the Repairs of the said Highways directed and appointed to be repaired by the said former Acts and this present Act, and to and for the other Purposes therein and herein mentioned, and to and for no other Use or Purpose whatsoever.

Trustees impowered to borrow a further Sum of Money on the Credit of the Tolls for the Purposes of this Act.

And whereas the Tolls and Duties arising by virtue of the said former Acts are insufficient to answer the Repairs of the said Roads, and the Payment of the Debt already contracted; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to remove any Toll-gate or Toll-gates, in or upon any Part of the said Highways, or on the Side or Sides thereof, and to erect or place the same on such other Part or Parts of the said Roads or Highways as they, or any Five or more of them, shall think more convenient; and also shall and may erect, or cause to be erected, One other Gate or Gates, Turnpike or Turnpikes, in, upon, or cross any Part or Parts of the said Highway or Road, at any Time or Times during the Continuance of the said former Acts or this present Act, and to receive and take at such other Gate or Gates the same Tolls and Duties given and granted by the said Act passed in the said Eighth Year of Her said late Majesty Queen Anne, or by any other subsequent Act or Acts made payable, or such other Tolls or Duties as the said Trustees, or any Five or more of them, shall, in their Discretion, think reasonable, so that such Tolls or Duties to be taken at such new Gate or Turnpike do not exceed those granted by the said Act of the Eighth Year of the Reign of Her said late Majesty; and which said Tolls and Duties to be collected and paid at such new Gate or Gates, Turnpike or Turnpikes, is, are, and shall be vested in the said Trustees; and the same, and every Part thereof, is, are, and shall be paid, applied, and disposed of, to and for the like Uses and Purposes, as the other Monies by the said former Acts, any or either of them, authorized to be raised, collected, or borrowed, is or are directed to be paid or applied.

Former Toll-gates may be removed, and erected in more convenient Places; and a new Toll-gate erected on any Part of the Road, and Tolls taken thereat.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Gates, Turnpike or Turnpikes, shall be erected or set up any nearer the said Town of Northampton, than the North End of a certain Lane called Preston Lane, nor on the South Side of a certain other Lane called or known by the Name of Lathbury Lane, leading to and from the said North Bridge of Newport Pagnel aforesaid; any thing in the said former Acts or this present Act contained to the contrary notwithstanding.

No Gate to be erected within a certain Distance of the Places here mentioned.

Provided also, and be it further enacted by the Authority aforesaid, That no Toll or Duty shall be demanded or taken at the Turnpike to be erected between Lathbury

and Newport Pagnel or of from any of the Inhabitants of the Parish of Lathbury aforesaid, for their Cattle or Carriages going from that Parish to, or returning from, Newport Pagnel aforesaid, to the said Parish of Lathbury, or any Part of the said Parish of Lathbury; any thing herein contained to the contrary notwithstanding.

No Toll to be taken between *Lathbury* and *Newport Pagnel* for the Cattle, &c. of the Parishioners.

Provided also, and it is hereby declared and enacted, That all Waggons, Carts, and Carriages, going empty to the Town of Northampton, or to the Town of Bedford, over Night for Coals, or any other Loading, shall pass the next Day loaded Toll-free, the Owner or Driver of such Waggon, Cart, or Carriage, producing a Note or Ticket, signifying that such Toll or Duty was paid for such empty Waggon, Cart, or Carriage, the Day or Night before; which Note or Ticket the Collector or Collectors is and are hereby required to give gratis, upon Payment of the Toll or Duty for such empty Waggon, Cart, or Carriage.

Carriages going empty, over Night, for Coals, or other Lading, to *Northampton* or *Bedford*, and paying Toll, to pass next Day loaded Toll free.

And whereas by an Act of the Eighth Year of Her late Majesty Queen Anne, Persons riding Post are exempted from the Payment of any Toll, which Exemption may be claimed by Persons not within the Intention of the said Act; be it therefore further enacted and declared by the Authority aforesaid, That no Person riding Post shall be exempted from the Payment of the Tolls or Duties granted by the said former or this present Act, except the Person riding or driving the Horse, or other Beast, carrying or drawing the Mail or Packet.

Persons carrying the Mail or Packet only, to pass Toll-free.

And be it enacted by the Authority aforesaid, That if any Person or Persons having paid any of the Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, shall give, offer, or dispose of the same to any other Person or Persons, in order to avoid the Payment of any of the said Tolls or Duties, every such Person so giving, offering, or disposing of such Note or Ticket, Notes or Tickets, and the Person or Persons receiving, or passing, or offering to pass, with the same, being thereof respectively convicted upon Oath, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace of the County wherein such Offence shall be committed (which Oath any Two or more of the said Trustees, or the said Justice or Justices, are and is hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings for every such Offence, to be levied and recovered in the same Manner as any other Forfeiture and Penalty herein before mentioned is directed to be levied and

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

and recovered, and to be applied to the same Uses and Purposes as the Tolls or Duties hereby granted are directed to be applied.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted and declared by the Authority aforesaid, That the Right, Interest, and Property of all and every the Turnpikes and Toll-houses which have been erected by virtue of the said Three former Acts, or which shall be erected, set up, or built, by virtue of this present Act, shall be vested in the Trustees appointed, or to be appointed, to put the said former Acts, or this present Act, in Execution; and they, or any Five or more of them, at any of their publick Meetings assembled, are hereby authorized and impowered to dispose thereof as they shall think proper; and to bring Actions, and prefer and prosecute any Bill or Bills of Indictment, against any Person or Persons who shall steal, take away, break down, spoil, or damage, the same.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

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 contract and agree with any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, who are or shall be seised or possessed of, or interested in, any Bridge or Bridges, Lands, Tenements, or Hereditaments, necessary or convenient to be used for the Purposes of the said former Act, and this present Act, for the Purchase and Sale thereof, or of their Interest therein, for the Purposes aforesaid, and to pay for the same out of any Monies to arise by the said Tolls or Duties, or to be borrowed upon the Credit thereof; and such Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, and all and every other Person or Persons, shall be, and they are hereby impowered to sell and convey the same; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary notwithstanding: And all Feoffees in Trust, Executors, Administrators, Guardians and Trustees, Corporations Collegiate, Aggregate, or Sole, and all other Persons, shall be, and they are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

And

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, to purchase any Lands or Grounds to widen any narrow Parts of the said Roads, by opening, clearing, and laying into the said Roads, such Lands or Grounds lying contiguous thereto, not being a House, Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a House. Trustees may widen the narrow Parts of the Road.

And be it further enacted by the Authority aforesaid, That the Trustees appointed, or to be appointed, to put the said Three former Acts, any or either of them, in Execution, shall, from and after the First Day of May, One thousand seven hundred and sixty, be, and they are hereby impowered to put this as well as the said former Acts in Execution; and they are, and shall be, invested with all the Authorities and Powers hereby granted and given, to all Intents and Purposes, as if they had been herein named, and hereby particularly appointed, for that Purpose; any thing in the said Three former Acts, or either of them, to the contrary thereof notwithstanding. Trustees of the former Acts to execute this Act.

Provided also, and be it further enacted by the Authority aforesaid, That no Act, Order, or Determination, done or made by the said Trustees, or any Five or more of them, in the Execution of this Act, shall afterwards be revoked, repealed, altered, or set aside, at any subsequent Meeting, unless Nine of the said Trustees at the least shall be present and consenting thereto. No Order made shall be repealed, unless Nine Trustees be present.

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 divide and proportion the Tolls and Duties to be collected by the said former Acts, and this present Act, in such Manner as they shall think proper. Trustees may proportion the Tolls.

Provided always, That the whole of such Tolls or Duties to be taken at the said Two Gates, do not amount to more than Double the Tolls and Duties directed to be taken by the said former Acts. Proviso.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of the said former Acts, or of this present Act, unless 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, of the clear yearly Value of Forty Pounds above Reprizes; or shall be Heir Apparent to some Person having such Estate of the clear Qualification of Trustees.

yearly Value of Two hundred Pounds; or possessed of, or entitled to, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds: And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the 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 inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on acting if not qualified.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required, to take such Security from their Treasurer or Treasurers for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Authorities therein contained, shall take Place from and immediately after the passing this present Act, and shall have Continuance for and during the Term granted by the said former Acts, or any of them, and from thence for the further Term of Twenty one Years, and from thence to the End of the next Session of Parliament; except the Roads shall be, before that Time, sufficiently amended as aforesaid.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That if, after the passing of this Act, any Suit or Action shall be brought or prosecuted against any Person or Persons, for any Thing done, or to be done, in pursuance of this present Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, 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 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 be brought after the Time hereby limited for bringing the same, or shall be brought in any other County or Place than where the Cause of Action shall arise; that then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff

General Issue.

or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, upon Affidavit made, or on a Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in this Act; and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law. 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.