Anno tricesimo tertio

Georgii II. Regis.

An Act for enlarging the Term and Powers contained in Two several Acts of Parliament, made in the Twelfth and Sixteenth Years of the Reign of His present Majesty, for repairing the Road from the *Dun Cow* in the Town of *Dunchurch*, to the Town of *Hillmorton* in the County of *Warwick*; and from thence to *Saint James's End*, in the Parish of *Duston*, in the County of *Northampton*; and for making the same Acts more effectual.

WHEREAS by an Act of Parliament passed in the Twelfth Year of the Reign of His present Majesty, intituled, An Act for repairing the Road or Highway from the *Dun Cow* in the Town of *Dunchurch*, through the Parish of *Bilton* over *Dunsmore Heath* to the Town of *Hillmorton* in the County of *Warwick*; and from thence through the several Parishes of *Creek*, *West Haddon*, and *East Haddon*, in the County of *Northampton*, to *Saint James's End*, in the Parish of *Duston*, in the said County of *Northampton*; and by an Act of Parliament passed in the Sixteenth Year of the Reign of His present Preamble, reciting the Act 12 *Geo.* II.

present Majesty, to explain and amend the said former Act, 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 Twenty fourth Day of June, One thousand seven hundred and thirty nine, and to continue and be paid from thence for the Term of Twenty one Years, and divers Powers, Authorities, Rules, Orders, and Provisions, were thereby given and granted, prescribed and established, for repairing the said Road, and putting the said Acts in Execution: And whereas the Trustees appointed to put the several Acts in Execution, have, in pursuance of the Powers and Authorities thereby vested in them, borrowed the Sum of One thousand two hundred Pounds, upon the Credit of the Tolls and Duties granted and made payable, and which still remains due and unsatisfied; and although the Sum 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 one Miles, and by reason of One Toll or Duty being only payable for passing through the whole Road on the same Day, and the Nature of the Soil through which the said Road both pass, 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 exorbitant and excessive 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 or Provision be speedily had and made, the same will soon become unpassable; and as the Repair of the said Road cannot be effectually completed, and the Money borrowed on the Security of the said Tolls as aforesaid repaid, unless the said Tolls be encreased, and 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 be more speedily and effectually amended, and hereafter kept in good Repair, and the Money 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 either 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 Act, 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 Twelfth 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 under the former Acts to put this Act in Execution.

The Tolls continued from the Expiration of the Term for which they were granted, for 5 Years longer;

and from thence for the further Term of 21 Years.

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.

Powers, &c. of the former Acts extended to this Act.

And whereas by a Clause contained, and inserted in the said Act of the Twelfth Year of His present Majesty, it is provided and declared, That no Person or Persons

having paid the Toll or Duty in the said Act mentioned, at the first Gate or Turnpike through which such Person or Persons should pass, and producing a Note or Ticket that such Toll was paid, should be liable to pay any Toll or Duty, at any other of the said Gates or Turnpikes erected upon the said Road on the same Day: And whereas by Means of the said Provision, the repairing the said Road hath been greatly retarded and obstructed: And whereas by force and virtue and under the Authority of the said former Acts, there are now Two Turnpike Gates erected, One of which stands at or near the West Bridge in the Town of Northampton, and the other of them across the said Road, at or near the Town of Hillmorton in the County of Warwick: Now for the more speedy and effectual raising Money to carry on the Repairs of the said Road, and discharging the Money borrowed thereon; be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or such Person or Persons as they, or any Five or more of them, shall direct or appoint, to demand, receive, and take the same Tolls and Duties, at each of the said Gates where they now stand, or at any other Place or Places where such Gates, or either of them, shall be removed to, or set up, in pursuance of this Act, as are in and by the said former Acts, or either of them, directed and appointed to be taken at One of the said Gates only.

The usual Tolls may be taken at each of the Gates, &c.

And whereas by a Clause contained in the said Act of the Sixteenth Year of his present Majesty, it was provided and declared, That from and after the Gate or Turnpike thereby directed to be erected and set up, at the East End of the West Bridge in the said Town of Northampton, should be erected and set up, all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, in the Parishes of Upton, Duston, and Dallington, and of a Meadow called Abbotts Meadow, in the said County of Northampton, and their Goods, Carriages, Horse, Cattle, and Servants, should pass and repass through such Turnpike Toll-free: And whereas several Persons living in distant Parts, and not inhabiting in any of the said Parishes of Upton, Duston, and Dallington aforesaid, having rented several small Parcels of Land in One of the said Parishes, with Intent only to avoid the Payment of the Tolls, at the said Toll-gate; be it therefore further enacted by the Authority aforesaid, That from and after the passing [illegible] Act, every Person and Persons, renting or occupying Lands, Tenements, or Hereditaments, in any of the said

Parishes, which are under the yearly Value of Ten Pounds, and who shall not dwell or inhabit in some or One of the said Parishes, and his, her, and their Goods, Carriages, Horses, and Cattle, shall be liable to the Payment of the Tolls and Duties directed to be paid in and by the said former Acts, or either of them, before his, her, or their Cattle or Carriages shall pass through such Gate or Turnpike, other than and except for such Horses, Cattle, and Carriages, as shall pass to and from the said Meadow called Abbotts Meadow; any Thing in the said former Acts or either of them contained to the contrary thereof in any wise notwithstanding.

The Owners and Occupiers of Lands, &c. under 10*l.* *per Ann.* not resident in One of the Parishes of *Upton*, *Duston*, and *Dallington*, liable to pay Toll, &c.

And be it further enacted by the Authority aforesaid, that if any Person or Persons shall unload, or cause to be unloaden, any Goods, Wares, or Merchandizes, or take off any Horse, Ware, Gelding, or other Cattle, from any Cart, Waggon, or other Carriage, at or before the same shall come to any Turnpike-gate, erected or to be erected by virtue of either of the said former Acts, or this present Act, with an Intent to avoid the Payment of any Part of the Tolls or Duties to be thereat collected, each and every Person being Owner of such Waggon or Carriage, and being thereof convicted before the Trustees of such Tolls or Duties, or any Three or more of them, or any One or more Justice or Justices of the Peace for the County, Riding, Division, or Place, where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, are hereby impowered to administer) shall forfeit and pay the Sum of Five Pounds; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Three or more of them, or the said Justice or Justices, rendering the Overplus to the Owner (if any be) on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by such Trustees, or any Three or more of them, or by the said Justice or Justices.

Penalty on Persons unloading Goods, or taking off Horses, &c. to avoid Payment of the Tolls.

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 effectually 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

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

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 impowered to take down or remove the former Turnpikes,

And it is hereby further enacted by the Authority aforesaid, 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 Nine 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 or built by virtue of the said former Acts, or either of them (except the Turnpike erected at the East End of Westbridge in the Town of Northampton) or to be erected or set up by virtue of this present Act respectively, and to remove and set up the same to or upon any Part or Parts of the said Highways or Roads; and also to erect or set up, or cause to be erected or set up, One or more Gate or Gates, Turnpike or Turnpikes, Toll-gate or Toll-gates, upon the Sides of the said Road, or across any Lane or Way leading out of the said Road, as to the said Trustees, or their Successors, or any Nine 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 Turnpike-gates already erected at the West Bridge in the Town of Northampton, and across the said Highway at Hillmorton aforesaid, in pursuance of the said former Acts, and this present Act.

and set up new Ones;

and take the usual Tolls thereat.

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

And it is hereby further enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine 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

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 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 may borrow Money on Credit of the Tolls.

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 Seals, 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.

Assignments to be entered in a Book.

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 and Books shall and may be seen and perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward.

Assignments may be transferred.

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 virtue or in pursuance of the former or this present Act, as a Security for any Sum or Sums of Money lent or 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 [illegible] of Assignment to be indorsed on the Back of his, [illegible] Security, or by any other Writing or Writ-

ings under his, her, or their Hands and Seals, 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 and Interest 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 Sums 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 Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, or 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.

Clerk's Fee.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and they are thereby required, in their own Name, or the Names of any Five or more of them, to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors to be appointed for the Purposes of this present Act and the said former Acts, for the due Execution of their said respective Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, or the said former Acts, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the clear yearly Value of Fifty Pounds, above Reprizes, or seized or possessed of an Annuity of Fifty Pounds, issuing out of Lands, Tenements, or Hereditaments, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One hundred Pounds; or shall have a Personal Estate of the

Value of One thousand Pounds, over and above what shall be sufficient to pay all his Debts; and that the respective Qualifications before mentioned, some or One of them, shall be proved on the Oath of the Party, or solemn Affirmation in case of Persons called Quakers, before any Three or more of the said Trustees, before he takes upon himself to act in the Trusts, or to exercise any of the Powers or Authorities by this Act, or either of the said former Acts, given, (other than and except the administering such Oath to any Person or Persons nominated Trustee or Trustees, or taking such solemn Affirmation, which Oath or Affirmation any Two or more of the said Trustees are hereby impowered to administer) and if any Person, not being so qualified as aforesaid, shall act as Trustee in the Execution of any of the Powers in this Act mentioned, or shall do any Act as such Trustee, contrary to the Intent and true Meaning of this Act, the Person so offending shall, for every such Act, forfeit and pay the Sum of Fifty Pounds to such Person or Persons who shall first inform or sue for the same, to be recovered by Action of Debt, or upon the Case, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be allowed: One Moiety of which Penalty shall go to such Person or Persons who shall sue for the same, and the other Moiety thereof shall be laid out and applied for and towards the amending the said Roads.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, or other House of public Entertainment, or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Alehouse, or other public House of Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

Victuallers, &c. not to have a Place of Profit.

And be it 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 either 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.

Charges of this Act to be first paid.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Gate or Turnpike shall be

No Toll to be taken for crossing the Roads only.

be erected or set up by virtue of the said former Acts, or either of them, or of this present Act, so as to subject any Person or Persons to the Payment of any Toll or Duty whatsoever, for any Horse, Mare, Gelding, Cattle, or Carriages whatsoever, which shall only cross the said Road, or any Part or Parts thereof, by the said former Acts and this Act directed to be repaired; any thing contained in the said former Acts, or either of them, or in this present Act, to the contrary thereof in any wise notwithstanding.

Trustees to take down the Turnpike erected in the Town of *Hillmorton*.

And whereas the Trustees appointed to put the said Acts in Execution have caused to be erected a Turnpike or Toll-gate in the Lower Street of the Town of Hillmorton, whereby Cattle and Carriages passing along the said Street, have been charged with a Toll for passing through the said Gate; be it enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required, immediately after the passing of this Act, to take down, or cause to be taken down, the said Turnpike or Toll-gate which now is erected and set up across the said Lower Street in the Town of Hillmorton aforesaid.

Publick Act.

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.

FINIS.