ANNO UNDECIMO

Georgii III. Regis.

An Act to continue and render more effectual an Act made in the Seventeenth Year of the Reign of His late Majesty, for repairing the Road from the End of *Middleton Tyas Lane* to *Greetabridge*, and from thence to *Bowes*, in the North Riding of the County of *York*.

WHEREAS by an Act of Parliament, made and passed in the Seventeenth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Road leading from the End of *Middleton Tyas Lane*, over *Gatherley Moor* to *Greetabridge*, and from thence to *Bowes*, in the North Riding of the County of *York*; several Tolls were granted, and Powers and Authorities given, for repairing the said Road, which were to take Place, and have Continuance, from and after the First Day of May, One thousand seven hundred and forty-four, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas, by an Act made in the Twenty-eighth Year of the Reign of His said late 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*; an additional Term of Five Years was granted

Preamble.

17 Geo. II.

Act 28 Geo. II.

to the Term before mentioned: And whereas the firſt-mentioned Act is near expiring, and there is now due and owing on the Credit thereof the Sum of One thouſand four hundred and fifty Pounds, which cannot be paid off, and the Road kept in good Repair, unleſs the Term of the ſaid Act is enlarged, and the Act amended 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 firſt-mentioned Act, and all the Tolls, Powers and Authorities thereby given and granted, (except ſuch Parts thereof as are hereby altered, varied, or repealed) together with this preſent Act, and all the Powers and Authorities herein contained, ſhall reſpectively be in full Force, and ſhall have Continuance, from and after the Twenty-fifth Day of March, One thouſand ſeven hundred and ſeventy-one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, for the Purpoſe of repairing the ſaid Road, and all other the Purpoſes of the ſaid firſt-mentioned Act, and of this Act, in as full and ample Manner as if the ſame were repeated and re-enacted in the Body of this preſent Act; which ſaid Term hereby granted ſhall be, and the ſame is hereby declared and enacted, to be ſubject and liable, as well to the Payment of all Sums of Money now due and owing on the Credit of the ſaid firſt-mentioned Act as of all Sums of Money which may hereafter be borrowed on the Credit thereof, and of this preſent Act, together with all Intereſt due, or hereafter to become due for the ſame reſpectively.

The Term of Act 17 *Geo.* II. further continued.

And be it further enacted, That the Right Honourable Hugh Percy, commonly called Earl Percy; the Right Honourable the Earl of Wandesford, in the Kingdom of Ireland; the Honourable Frederick Vane, Sir James Lowther, Sir Digby Legard, Sir Henry Lawſon, Sir Marmaduke Aſty Wyvill, Sir Bellingham Graham, Sir Lawrence Dundas, Sir John Eden, Baronets; Robert Shuttleworth, James Holden Shuttleworth, William Shuttleworth, Charles Shuttleworth, Miles Stapleton, Thomas Dundas, John Lawſon, Mark Milbank, John Maire, Marmaduke Tunſtall, Charles Turner, Henry Wytham, John Sawrey Moritt, George Crowe, John Hutton, Robert Darcy Hildyard, James Hutton, Timothy Hutchinſon, John York, Thomas York, Thomas Pierce, Leonard Smelt, Henry Pullein, William Chaytor, Sheldon Cradock, Gregory Elſley,

Additional Truſtees appointed.

Elſley, George Fielding, George Hartley, John Hardcaſtle, William Cornforth, Thomas Cornforth, John Lee, Randolph Marriott, Henry Gale, John Arden, Henry Reveley, John Cloſe, Ralph Lodge, Caleb Readſhaw, John Hullock, Cornelius Harriſon, Matthew Dodſworth, John Bower, John Wright, John Waiſtell, Eſquires; Henry Chaytor Doctor of Laws; the Reverend Marwood Place; Gregory Elſley, Henry Hugill, Francis Milbanke, James Worſley, Mathew Moore, Theophilus Lindſey, Charles Dalton, William Daviſon, Charles Cooper, Thomas Zouche, Joſhua White, Henry Hale, Timothy Dickenſon, Clerks; Leonard Hartley, Joſeph Hanby, Cuthbert Readſhaw, Thomas Hutchinſon, Fowler Hickes, John Robinſon, Chriſtopher Wayne, John Booth, Thomas Kay Jackſon, John Burn, Richard Kipling, and Chriſtopher Crawford, Gentlemen; ſhall be, and are hereby declared to be, added to and joined with the Truſtees appointed to put the ſaid former Act, and this preſent Act, in Execution.

Their Qualification.

Provided nevertheleſs, That none of the ſaid Truſtees ſhall be capable of acting in the Execution of the ſaid Acts, unleſs he ſhall be qualified agreeable to the Directions of the ſaid firſt-mentioned Act; and no Perſon whatſoever who ſhall carry Goods for Hire ſhall be capable of acting as a Truſtee; nor ſhall any Victualler, or Perſon who ſhall ſell Beer, Ale, Cyder, or Spirituous Liquors by Retail, be capable of holding any Place of Profit under the ſaid firſt-mentioned Act, or this Act.

Reſtriction in the former Act with reſpect to electing Truſtees, repealed.

And whereas by the ſaid Act it is enacted, That as often as any Truſtee ſhall die, remove, or refuſe to act, the ſurviving or remaining Truſtees, or any Seven or more of them, may elect a fit Perſon, living in the ſaid Riding or County, in the Room of every ſuch Truſtee.

Perſons who do not reſide within the County may be elected.

And whereas it may be proper to elect Truſtees who do not live either in the ſaid Riding or County; be it therefore enacted by the Authority aforeſaid, That ſo much of the ſaid Act as reſtrains the Election of Truſtees to Perſons living in the ſaid Riding or County, ſhall be, and the ſame is hereby repealed; and that for the future, upon any Vacancy of a Truſtee appointed to put the ſaid firſt-mentioned Act in Execution, any Perſon being duly qualified, agreeable to the Directions of the ſaid Act, may be elected a Truſtee for putting the ſaid Act, and this Act, in Execution, although ſuch Perſon doth not live or reſide within the ſaid Riding or County.

Security to be taken from the Treaſurer.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees appointed to put the ſaid former Act, and this preſent Act, in Execution, or any Five or

more of them, shall, and are hereby required, to take such Security from their Treasurer for the Time being for the due Execution of his Office, as they, or any Five or more of them, shall think proper.

Trustees may farm the Tolls for a limited Time.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, upon Twenty Days Notice, to be affixed upon all the Turnpikes which shall then be erected upon the said Road, by any Writing or Writings under their Hands and Seals, to lett or farm the Tolls by the said first-mentioned Act, and this Act, granted and continued, or any Part or Parts thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted or continued, not exceeding Three Years at any One Letting, upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for the same, payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the due Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be received for the said Tolls, shall be applied and disposed of in such Manner as the Tolls granted by the said first-mentioned Act are thereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Former Penalties for Statute-duty insufficient.

And whereas by the same Act certain Penalties or Forfeitures are laid upon Persons neglecting to do and perform Statute-work upon the said Road, with Teams, Draughts, or Carts, or as Labourers, but the same hath been found not sufficient to inforce the due Performance of such Statute-work; be it therefore enacted by the Authority aforesaid, That from and after the said Twenty-fifth Day of March, One thousand seven hundred and seventy-one, if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable to Statute-work upon the said Road, shall, after such Summons or publick Notice as is directed by the said first-mentioned Act, neglect or refuse to send his or their respective Teams, Draughts, or Carts, (each Team, Draught, or Cart, not to contain less than Two good Horses, with one Person to attend the same) to do and perform such their respective Statute or Days Work on the said Road, as he, she, or they ought to do and perform; every such Person so neglecting or refusing, shall (instead of the Penalties or Forfeitures directed by the said first-mentioned Act) respectively forfeit and pay the Sum of Ten Shillings for each Day's Default: And if any Labourer or other Person or Persons so chargeable

Penalties for inforcing Statute-work.

towards

towards repairing the said Road, shall at any Time neglect or refuse (after such Summons or publick Notice as aforesaid) to do and perform such Statute or Day's Work on the said Road, as he, she, or they ought to do and perform; every such Person so neglecting or refusing, shall (instead of the Penalties or Forfeitures contained in the said Act) respectively forfeit and pay the Sum of One Shilling and Sixpence for each Day's Default: And if any Person or Persons who shall (according to such Summons or publick Notice as aforesaid) come or be sent as a Labourer, or with any Team, Draught, or Cart, to work on the said Road, and shall, by the Turnpike Surveyor or Surveyors, be found idle or negligent, where any Work is to be done; in every such Case such Turnpike Surveyor or Surveyors is and are hereby impowered and required to discharge every such Person or Persons; and in every such Case it shall be deemed and taken as if such Person or Persons had not come or been sent as Labourers, or with any Teams, Draughts, or Carts, to work on the said Road; and every such Person and Persons so discharged shall be subject or liable to the like Penalties and Forfeitures herein before mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Statute or Day's Work so ordered and appointed as aforesaid.

Trustees to compound for Payment of Tolls for Coaches and Carriages.

And whereas by the said first-mentioned Act the Trustees are restrained from compounding with Persons for the Payment of Tolls for Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, or Chairs; and as it may be proper in some Cases to compound with the Owners of such Sort of Carriages for the future; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and they are hereby impowered, from Time to Time, as they shall see convenient, or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through any Turnpike or Turnpikes erected, or to be erected upon the said Road, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or any other Carriage of the like Sort or Kind, for any Sum or Sums of Money, to be paid Quarterly, from Time to Time, after such Agreement shall be made; any Thing in the said first-mentioned Act contained to the Contrary hereof in any-wise notwithstanding.

Expences of passing the Act how to be paid.

And be it further enacted, That all Charges and Expences incident to, or to be incurred in and about procuring and passing this Act, shall be forthwith paid out of any

any Money which shall be borrowed, collected, or received by virtue of the said first-mentioned Act, or of this present Act.

Publick Act. And be it further enacted and declared, That this Act shall be 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.