ANNO UNDECIMO

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act, made in the Twenty-third Year of the Reign of His late Majesty, for repairing the Road from the City of *York*, over *Skipbridge* to *Boroughbridge* in the County of *York*.

WHEREAS an Act was made in the Twenty-third Year of the Reign of His late Majesty King George the Second, for repairing the Road from the City of York, over Skipbridge to Boroughbridge, in the County of York, to be in Force for the Term of Twenty-one Years, upon the Conditions therein mentioned: And whereas several Sums of Money have been borrowed on the Credit of the said Act, great Part of which still remains due: And whereas the said Road has been in Part repaired, but the Money so borrowed, and the Interest thereof, cannot be paid off within the subsisting Term of the said Act, nor can the said Road be compleated and kept in Repair, unless the Term and Powers of the said Act be enlarged: 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

Preamble. Act 23 *Geo.* II. recited.

The Term of 23 *Geo II.* further continued.

the Authority of the ſame, That the ſaid recited Act, and all and every the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things, therein contained, ſhall be, and is and are hereby further continued from the Expiration of the ſaid former Act, and of the additional Term of Five Years, granted by an Act made in the Twenty-eighth Year of his ſaid late Majeſty, intituled, An Act to amend an Act made in the Twenty-ſixth Year 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*, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, as effectually, to all Intents and Purpoſes, as if the ſame was repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions, herein mentioned, and which ſhall commence and take Effect immediately from and after the Firſt Day of May, One thouſand ſeven hundred and ſeventy-one, and continue during the Term hereby continued and granted; and the additional Term hereby granted ſhall be ſubject and liable to the Payment of all the Monies now due, or which ſhall be borrowed on the Credit of the ſaid former Act, or of this Act, and the Intereſt due, and to grow due thereon.

Additional Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right Honourable the Lord Viſcount Downe, in the Kingdom of Ireland; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh, Sir Thomas Gaſcoigne, Sir Bryan Stapylton, Sir Thomas Wentworth, Sir George Savile, Sir Rowland Winn, Sir George Armitage, Sir Thomas Frankland, Sir Savile Slingſby, Sir Bellingham Graham, Sir Walter Vavaſour, Sir Thomas Tancred, Sir James Ibbetſon, Baronets; Edmund Barker the younger, Thomas Barſtow, Eſquires; Thomas Barſtow Clerk; Oliver Coghill, Stephen Croft the younger, Eſquires; James Collins the younger, Gentleman, Anthony Dawſon, Matthew Dodſworth, Jerom Dring, John Denham, John Dealtry, Henry Duncombe, Robert Harper, William Hucks, Eſquires; Henry Herd Clerk; Daniel Laſcelles, Edward Laſcelles, William Meeke the younger, Francis Meeke, Francis Meeke the younger, Fletcher Norton, Edward Norton, Roger Pickering, Lionel Place, Richard Roundell, William Richardſon, Eſquires; William Roundell Clerk; Thomas Turner Slingſby,

by, Miles Staveley Esquires; Francis Shepherd Gentleman, Beilby Thompson, Richard Thompson, Henry Thompson, Thomas Thornton, Francis Trapps, Walter Vavasour, Thomas Wilkinson, Andrew Wilkinson, John Wilkinson, William Wanley, Childers Walbank, John York, Henry Gale, John Hutton, James Hutton, Charles Turner, James Shuttleworth, Mann Horsefield, William Tuffnell Jolliffe, Sawrey Morritt, Christopher Morritt, Esquires; William Beckwith, Robert Bewlay the younger, Timothy Mortimer, John Raper, Gentlemen; Thomas Lamplugh, Thomas Collins, James Wilkinson, Clerks; Roger Swire Esquire; Charles Mace Clerk; Edward Bears, John Day, Michael Inman, George Bentley, Gentlemen; Edmund Newland Esquire; Samuel Lunn Gentleman; shall be, and they are hereby added to and joined with the Trustees appointed or elected for putting the said former Act in Execution; and that the said Trustees, by and in pursuance of this Act, or of the said former Act, appointed, or to be elected, and qualified as the said former Act directs, shall be, and they are hereby nominated and appointed Trustees, for repairing, amending, and keeping in Repair the said Road, and for putting in Execution this and the said former Act.

After *May* 1. Toll on Horses, Mules, Asses, &c.

And whereas the Toll or Duty laid by the said former Act upon Horses, Mares, Geldings, Mules, and Asses, not drawing, has been found insufficient, be it therefore further enacted by the Authority aforesaid, That the said Toll shall, from and immediately after the said First Day of May, One thousand seven hundred and seventy-one, cease; and that, instead thereof, there shall be from thenceforth demanded and taken for the Passage through any Turnpike erected by virtue of the said former Act, or this Act, of any Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny; which said Toll is hereby vested in the said Trustees, and shall and may be collected, recovered, applied, and disposed of in such and the same Manner, as by the said former Act is prescribed, with respect to the Tolls thereby granted.

Turnpikes to be a limited Distance from *York*.

Provided always, and be it further enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be placed on the said Road, nearer to the City of York, than the Place where the Turnpike-gate now stands on the said Road.

Exemption from Tolls.

Provided always, and it is hereby declared, That no Person or Persons shall be charged with or liable to pay

any of the Tolls or Duties by the said former Act, or this Act, granted, for the passing of any Cattle or Carriage through any Gate or Turnpike, erected, or to be erected, in pursuance of this or the said former Act, laden with, or returning unladen or empty, after having been laden only with any Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for mending any of the Highways in the Townships in which the said Road doth lie; or going or returning through any of the said Turnpikes, for or with any Lime, Dung, Mould, or Compost of any Kind whatsoever, for manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken by virtue of the said former Act, or of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying Hay, Corn in the Straw, or Straw, to be laid up in Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants, of the several Townships or Places, in which the said Road doth lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatsoever belonging to, or employed by such Inhabitants respectively in Husbandry, or for the manuring or stocking of Land in the several Townships through which the said Road doth lie; nor shall any Toll or Duty be demanded or taken of or from any Person or Persons residing in the Parishes, through which the said Road doth lie, who shall pass through the said Turnpikes to or from Church, Chapel, or other Place of religious Worship on Sundays, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes through which the said Road doth lie; or for any Horses, Mares, or Geldings, going to or returning from Pasture or watering Places, belonging to such Townships or Places; nor for any Post-horses carrying the Mail or Packet; nor for the Horses of Soldiers passing who are upon their March, or for Waggons, Carts, or Carriages attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes; any Thing herein contained to the Contrary notwithstanding.

Penalty on permitting private Passages to evade the Toll.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Tenements, Lands, or Grounds, near to the said Road, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Ground, Gate, Passage, or Way, with any Coach, Chaise,

Chaiſe, Chariot, Landau, Berlin, Calaſh, Waggon, Wain, Cart, Carriage, Horſe, Mare, Aſs, Mule, or any Sort of Cattle on which a Toll or Duty is hereby, or by the ſaid former Act, laid, with an Intent to evade the Payment of the ſaid Toll or Duty; or if any Perſon or Perſons owning, riding in, or driving any Coach, Landau, Berlin, Chaiſe, Chariot, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding, or driving, any Horſe, Mare, Aſs, Mule, or other Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or private Way, with an Intent to evade the Payment of the ſaid Toll or Duty; or if any Perſon or Perſons ſhall, with ſuch Intent, take off, or cauſe to be taken off, any Horſe, Mare, Gelding, or other Cattle, from any Coach, Landau, Berlin, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage; or if any Perſon or Perſons, with the like Intent, ſhall leave upon the ſaid Road any Coach, Landau, Berlin, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, or any Horſe, Mare, Gelding, or other Cattle, by reaſon whereof, or of any the Offences aforeſaid, the Payment of any Tolls or Duties, by the ſaid former Act and this Act impoſed, ſhall be avoided or leſſened, each and every Perſon and Perſons, in all, every, or any Manner or Manners aforeſaid offending, being thereof convicted on the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the Weſt Riding of the County of York, or for the City of York, (which Oath ſuch Juſtice or Juſtices is and are hereby impowered and required to adminiſter without Fee or Reward) ſhall for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant, under the Hand and Seal, or Hands and Seals, of any ſuch Juſtice or Juſtices, rendering the Overplus (if any) to the Owner, on deducting the reaſonable Charges of making ſuch Diſtreſs and Sale; which ſaid Penalty, when recovered, ſhall go and be applied, One Moiety thereof to the Uſe of the Informer, and the other Moiety towards amending the ſaid Road.

And it is hereby further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, out of the Monies which have ariſen by virtue of the ſaid former Act, or out of the firſt Monies which ſhall be raiſed by virtue of the ſaid former Act, and of this Act, pay and diſcharge all the Coſts, Expences of paſſing the Act how to be paid.

Costs, Charges, and Expences, incident to and attending the obtaining and passing this Act.

No Victualler, &c. to hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Beer, Ale, Cyder, or Spirituous Liquors, shall hold any Place of Profit under the said former Act, or this Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or the said former Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees, or after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, or after Six Calender Months next after the Fact committed; and that every such Action or Suit shall be laid in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in any such Action or Suit, shall and may, at his

General Issue.

or their Election, plead specially, or the General Issue, not guilty, and give this Act, or the said former 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, or of the said former Act: And if it shall appear so to be done, or that such Action or Suit shall be brought before Ten Days Notice shall be given thereof as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their 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

Treble Costs.

shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants have or hath, or may have, in any other Cases in Law.

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 be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.