ANNO UNDECIMO

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act made in the Eighteenth Year of King *George* the Second, to repair the Road leading from *Tadcaſter Bridge*, within the County of the City of *York*, to a Place near the ſaid City, called *Hobmoor Lane End*.

WHEREAS an Act was made in the Eighteenth Year of the Reign of his late Majeſty King George the Second, to repair the Road leading from Tadcaſter Bridge, within the County of the City of York, to a Place near the ſaid City called Hobmoor Lane End, for which Purpoſe ſeveral Tolls and Powers were granted for the Term of Twenty-one Years, upon the Conditions therein expreſſed: And whereas the Sum of Five hundred Pounds has been borrowed upon the Credit of the ſaid Act, which ſtill remains due, and cannot be repaid, with the Intereſt thereon, and the ſaid Road completed and kept in Repair for the future, unleſs the Term of the ſaid Act be continued, the ſaid Road being Part of the great Road between York and London, and in the Neighbourhood of ſeveral Lime and Coal Pits, and of Courſe very much uſed, and the annual Repairs thereof very expenſive: And whereas ſome Amendments are neceſſary to be

Preamble. Act 18 Geo. II.

made to the said Act; 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 Eighteenth Year of his said Majesty King George the Second, and all Clauses, Colls, Powers, Provisions, Orders, Regulations, Restrictions, Matters, and Things therein contained, shall be, and the same is and are hereby further continued, from the Expiration of the said 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*) both which Terms are now near expiring, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in as full and ample a Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect immediately from and after the the Thirtieth Day of April, One thousand seven hundred and seventy-one, and continue during the full Term hereby continued and granted; and the said additional Term hereby granted, shall be subject to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Act, or of this Act, and the Interest due, and to grow due, upon the same.

further continued.

And be it further enacted by the Authority aforesaid, That the Members in Parliament for the County of York, and for the City of York, for the Time being; the Lord Mayor of the City of York, the Recorder, City Council, and Aldermen of the same City for the Time being; the Right Honourable John Cavendish, commonly called Lord John Cavendish; the Right Honourable Sir Edward Hawke, Sir William Milner, Sir John Kaye, Sir Saville Slingsby, Sir Lionel Pilkington, Sir John Ingleby, Sir James Ibbetson, Sir Thomas Wentworth, Sir Rowland Winn, Sir John Ramsden, Sir James Nordike, Baronets; Sir Clifton Wintringham Knight; the Honourable

Additional Trustees.

Honourable Chriſtopher Dawney, Henry Willoughby, Thomas Fairfax, Robert Fairfax, Godfrey Wentworth, Charles Turner, Nathaniel Cholmley, William Cholmley, Matthew Chitty Saint Quintin, John Wood Boynton, Francis Barlow, Samuel Barlow, Marmaduke Fothergill, Richard Wilſon, Charles Slingſby, William Milner, George Iveſon, William Weddel, Charles Allanſon, Peregrine Wentworth, William Herring, Charles Yarborough, Tindal Thompſon, Marmaduke Lawſon, Thomas Barſtow, Thomas Barſtow junior, Bacon Morritt, John Sowray Morritt, Chriſtopher Morritt, Francis Smith, Francis Smith junior, William Aiſlabie, Andrew Wilkinſon, Charles Wilkinſon, Edwin Laſcelles, Daniel Laſcelles, William Phillips Lee, Martin Bladon Hawke, Robert Drummond, William Goſſip, Wilmer Goſſip, William Stables, Robert Jubb, William Southern, Robert Bower, Thomas Shaak, William Tuffnel Jolliffe, Stephen Croft, Stephen Croft junior, John Thompſon, Mann Horsfield, William Meek, William Meyer, William Marſhall, John Raper, Henry Stapilton, Philip Stapilton, Thomas Thornton, John Iveſon, Thomas Place, Childers Walbank, Henry Thompſon, William Dawſon of Heworth Grainge, Thomas Condon, Beilby Thompſon, Richard Thompſon, Giles Earl, William Garforth, Robert Benſon, Thomas Weddel, William Read, John Harland, Leonard Smelt, William Preſton of Moorby, Marmaduke Lawſon, Henry Wickham, Richard Wood of Copmanthorp, Edward Topham, Eſquires; [illegible] Johnſon, the very Reverend John Fountayne, Dean of York; the Chancellor of York; the very Reverend William Herring, Dean of Saint Aſaph; the Reverend William Maſon, Precentor of the Cathedral Church of York; the Reverend James Willoughby, the Reverend Charles Cowper, the Reverend Guy Fairfax, the Reverend Richard Thompſon, the Reverend William Berdmore, the Reverend [illegible] Graham, the Reverend John Preſton, the Reverend Thomas Lamplugh, the Reverend Chriſtopher Spencer Brearey, the Reverend Doctor Fogg, the Reverend Philemon Marſh, the Reverend John Blake, the Reverend John Wiſe; John Dealtry, Allen Swainſton, Alexander Hunter, John Burton, Doctors of Phyſick; Robert Bewlay, William Hill, John Agar, Henry Tennant, Henry Swaile, Edward Ogden, Joſeph Hobſon, Jeremiah Barſtow, and William Dealtry, Gentlemen; ſhall be, and are hereby joined with and added to the Truſtees appointed by, or in purſuance of, the ſaid former Act, and ſhall, in all reſpects whatſoever, have the like Power and Authority, and be ſubject to the like Penalties and Reſtrictions as they would have been,

in case they had been named in or appointed Trustees by the said former Act.

Trustees may lessen or vary the Tolls,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorised and impowered, from Time to Time, as they shall think proper, to lessen, vary, or alter all or any Part or Parts, or Proportions of the Tolls by the said former Act granted, and to raise the same again, so as not to exceed the Tolls by the said Act granted, and so as such Reduction be with the Consent of the several Persons who shall be intitled to Two-third Parts at least of the Money then due on the Credit of the said former Act, and this Act; and the Tolls so lessened, varied, or altered, shall be collected, recovered, and applied in the same Manner as the Tolls by the said former Act granted are directed to be collected, recovered, and applied.

and raise them again, so as not to exceed those formerly granted.

Trustees may farm the Tolls for a limited Time.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby authorised and impowered, at any Time or Times, giving such previous Notice as they shall think proper, to lease or farm by the Year, all the Tolls granted by the said former Act, or this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the largest yearly Sum or Sums of Money that can be gotten for the same, taking sufficient Security for the Payment thereof; provided that such Leases or Agreements be in Writing, and signed by the Person or Persons taking or farming the same, and by Nine of the said Trustees, and be not made for more than Three Years at any one Time; and that the Money which shall be so agreed to be paid for the said Tolls, shall be made payable, and shall be paid to the Treasurer of the said Trustees, by Quarterly Payments; and in case any Agreement shall be made for letting or farming the said Tolls, or any Part thereof, contrary to the true Intent and Meaning of this Act, every such Agreement shall be void, and the Person or Persons to whom the said Tolls shall have been let or farmed as aforesaid shall be liable to account for the same to the said Trustees, or any Five or more of them; and the same shall be levied and recovered upon and from him and them by the same Ways and Means, and in such Manner, as the Tolls granted by the said former Act are directed to be levied and recovered from the Collectors thereof.

From *Tadcaster Bridge* to *Hobmoor Lane End* to be a publick Highway.

And whereas it is apprehended that some Part of the said Road, directed by the said former Act to be repaired, was,

was, at the Time of passing the said Act, a private Way only, be it therefore further enacted by the Authority aforesaid, That the whole of the said Road, from the North End of Tadcaster Bridge to Hobmoor Lane End, near the said City of York, as the same is made into a Turnpike Road, and now used as the High Road between Tadcaster and Hobmoor Lane End aforesaid, shall be, and the same, and every Part thereof, which is meant and directed to be repaired by the said former Act, and this Act, is hereby declared to be a publick Highway, to all Intents, Purposes, and Constructions.

Expences of passing the Act how to be paid.

And be it further enacted, That the Charges and Expences in and about procuring and passing this Act shall be paid out of the Money already raised by virtue of the said former Act, or out of the first Monies that shall be raised by virtue of the said Act, or of this Act.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer, for the due Execution of his Office, as they, or any Five or more of them, shall think proper.

No Victualler to hold any Place of Profit.

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

Limitation of Actions.

And be it further enacted, 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 recited Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may, at his or their their Election, plead specially, or the General Issue. General Issue, Not guilty, and give this and 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 and by the Authority thereof: And if it shall appear that such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given 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 or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict,

Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

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, without specially pleading the same.

FINIS.