Anno quarto

Georgii III. Regis.

An Act to continue the Term and enlarge the Powers of an Act passed in the Seventeenth Year of the Reign of His late Majesty, for repairing the Road between the Town of *Kingston upon Hull* and the Town of *Beverley*, in the East Riding of the County of *York*; and for repairing the Road from *Newland Bridge* to the West End of the Town of *Cottingham*, in the said Riding.



WHEREAS by an Act passed in the Seventeenth Year of the Reign of His late Majesty, for repairing the Road between the Town of Kingston upon Hull, and the Town of Beverley, in the East Riding of the County of York, several Tolls or Duties and Powers were granted for repairing the said Road for the Term of Twenty one Years, from the First Day of May, One thousand seven hundred and forty four: And whereas the Trustees appointed in and by the said Act, in pursuance of the Powers thereby granted, and for the Preamble.

speedy Repair of the said Road, borrowed upon the Credit of the said Act the Sum of Three thousand four hundred and fifty Pounds, and there remains now due and owing of the said Sum so borrowed the Sum of Two thousand four hundred Pounds, which Sum cannot be repaid, and the said Road be effectually repaired and kept in Repair, unless the Term granted by the said Act be continued, and the Powers thereof be enlarged; And whereas the Road leading out of the aforesaid Road at the North End of Newland Bridge to Cottingham Bars, at the West End of the Town of Cottingham in the said Riding, is, by reason of the many Carriages frequently passing the same, become very ruinous, and many Parts thereof are in the Winter and wet Seasons dangerous to Passengers, and cannot by the ordinary Course appointed by the Laws now in being be sufficiently amended and kept in Repair: 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, and the Tolls or Duties thereby granted, and all and every the Authorities, Powers, Articles, Rules, Penalties, Forfeitures, and Clauses therein contained (except such as are hereby varied or altered) shall be and continue in full Force, and be executed, for the amending and keeping in Repair, as well the Road in and by the said Act directed to be repaired, as also the said Road from the North End of Newland Bridge to Cottingham Bars, at the West End of the Town of Cottingham, for and during all the Residue and Remainder of the Term granted by the said Act now to come and unexpired; and from and after the End and Expiration thereof, then for and during the further Term of Five Years, pursuant and according to the Tenor of an Act made in the Twenty eighth Year of the Reign of his 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*; and from and after the End and Expiration of the said additional Term of Five Years, then for and during

Former Act continued; and for repairing the Road from *Newland Bridge* to *Cottingham Bars*;

during the further Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament, for the Intents and Purpoſes in the ſaid firſt mentioned Act and this preſent Act mentioned and directed, in as full and ample Manner, as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act, and particularly extended and applied to both the ſaid Roads: Which ſaid additional Terms hereby granted, are hereby declared and enacted to be ſubject and liable to the Payment of all Sums of Money now owing upon the Credit of the ſaid firſt-mentioned Act, and of ſuch other Sum or Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid firſt-mentioned Act and this Act, and the Intereſt due and to grow due on the ſame, in the Order and Manner herein after mentioned.

Former Securities to be diſcharged before Securities given after paſſing this Act.

And be it further enacted, That all and every Perſon and Perſons who have advanced and lent any Sum or Sums of Money on the Credit of the ſaid firſt mentioned Act, and his, her, and their Executors, Adminiſtrators, and Aſſigns, ſhall be paid ſuch Sum or Sums of Money in the firſt Place, and before the Payment of any Sum or Sums of Money to be advanced and lent after the paſſing of this Act, for the amending and repairing the ſaid Roads, or either of them; but the Intereſt of the Money now owing, or that hereafter may be advanced and lent on the Credit of the firſt-mentioned Act and this Act, ſhall be paid as the ſame ſhall reſpectively become due.

Truſtees of the former Act to put this Act in Execution.

And be it further enacted, That the Truſtees appointed in or by virtue of the ſaid firſt mentioned Act, ſhall be and they are hereby appointed Truſtees for putting the ſaid firſt mentioned Act and this Act in Execution.

Truſtee not to accept of a Place of Profit.

And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid firſt mentioned Act or this Act, who ſhall hold any Place of Profit ariſing out of the Tolls or Duties thereby granted and hereby continued.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall meet together at a Houſe known by the Sign of the Croſs Keys in the Market Place in the Town of Kingſton upon Hull, on Monday the Twenty eighth Day of May, One thouſand ſeven hundred and ſixty four, and proceed to the Execution of the ſaid firſt mentioned Act and this

Act, and shall then adjourn themselves to and meet at a House known by the Sign of the Tyger in the said Town of Beverley, and proceed to the further Execution of the said Acts; and shall then adjourn themselves to such Place or Places near the said Roads, as the said Trustees, or any Five or more of them, shall from time to time appoint; but if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, then and in every such Case the Clerk to the said Trustees shall by Notice in Writing, to be affixed on all the Turnpikes erected, or to be erected by virtue of the said first-mentioned Act or this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at some convenient Place near the said Roads on the Twenty first Day next after the Day on which such last Meeting was appointed to be held.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Provided always, That if upon any Emergency a Meeting of the said Trustees shall be necessary to be held at any other Time than that which shall be appointed by the said Trustees, or any Five or more of them, or by the Clerk to the said Trustees as aforesaid; in case there shall be any Neglect or Default of any such Appointment or Notice of Meeting as aforesaid; then, and in every such Case, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Writing under their Hands, to appoint a Meeting of the said Trustees for the Execution of the said first-mentioned Act and this Act, at such Place in or near the said Roads, and at such Time, as they shall think fit, causing Ten Days Notice at least in Writing to be affixed on all the said Turnpike Gates of the Time and Place of such Meeting; which Meeting may be adjourned in like Manner as any other Meeting by the said first mentioned Act and this Act is appointed to be adjourned; and in case such Meeting shall be appointed for any particular Business to be then done, the same shall be specified in such Notice.

A Meeting of Trustees may be called upon any Emergency.

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of the said first mentioned Act or this Act, and for which no particular Method of Relief hath been already provided, it shall and may be lawful for him or her to appeal (giving Fifteen Days Notice in Writing

Persons aggrieved may appeal to the Quarter Session.

ing of such Appeal to the Person or Persons against whom the same shall be made) to the Justices of the Peace at their next General Quarter Session of the Peace to be held in and for the Town or Riding wherein the Cause of Complaint shall arise, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the same at the Quarter Sessions to which such Appeal shall be made, or at the then next General Quarter Sessions, as they shall think fit, in a summary Way; and, if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties, or vacate or set aside the Conviction or Convictions, and restore the Parties to Liberty, or may ratify and confirm the same, with such Costs as to them shall seem reasonable, and make such Orders and Judgements for levying such Costs, or otherwise, in respect to the Premisses, as they shall think proper; and the Order or Judgement of the said Justices shall be final and binding to all Parties.

Trustees may lease, &c. the Tolls.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby impowered, by Indenture or Indentures under their Hands and Seals, at any Time during the Continuance of the said first mentioned Act and this Act, to lease, demise, and to farm let the Tolls or Duties by the said Acts granted and continued, or any Part thereof, unto any Person or Persons who shall be willing to rent and take the same to farm, for any Time not exceeding Three Years, for the best Rent they can get for the same, to be payable to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Nine or more of them, shall, under their Hands, direct or appoint to receive the same, with such Covenants to be therein contained, and such Security for the Payment of the Rents, as to the said Trustees, or any Nine or more of them, signing the same, shall seem proper and requisite, so as Notice in Writing be affixed on all the Turnpike Gates then erected on the said Roads, at least Fourteen Days before the granting every such Lease or Demise respectively; and which said several Leases so to be made, shall be entered by the Clerk to the said Trustees for the time being, in a Book to be kept for that Purpose; and which said Book may be seen and perused by any Person

Person or Persons without Fee or Reward; and the Rent or Rents in and by such Scales or Rules respectively to be received and what Deficit shall be applied and disposed of in such Manner as the Tolls or Duties by the said first mentioned Act and this Act are directed to be applied and disposed of and to and for no other Use or Purpose whatsoever.

Trustees with Consent of the Creditors may lessen the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, at any Meeting to be called or appointed for that Purpose (whereof Fifteen Days Notice in Writing shall be given and fixed as aforesaid) to lessen and reduce all or any of the said Tolls or Duties, and afterwards, at any subsequent Meeting to be held upon the like Notice, to raise and augment the same again, so as the same do not exceed the Tolls or Duties granted and continued by the said first mentioned Act and this Act, and so as such Reduction be made by and with the Consent in Writing of the Person or Persons intitled to any Lease, Demise, Mortgage, or Security, made or to be made of the said Tolls or Duties, or any Part thereof.

Distress not to be deem'd unlawful for want of Form only;

And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said first mentioned Act, or this Act, the Distress shall not be deemed to be unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining be deem'd a Trespasser *ab initio*.

Plaintiff not to recover if Tender of Amends be made.

Provided nevertheless, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, if sufficient Tender of Amends hath been made to him, her, or them, by or on the Behalf of the Defendant or Defendants before such Action brought.

Charges of passing this Act to be first paid.

And be it further enacted, That all Costs and Charges expended in, about, or by reason of the passing of this Act, shall (as soon as may be after the passing of this Act) be paid out of the Money collected or borrowed,

or to be collected or borrowed, by virtue of the said first-mentioned Act and this Act.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Nine or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers appointed or to be appointed for the Purposes of the said first mentioned Act and this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Nine or more of them, shall seem meet.

Trustees to balance the Accounts of *Ralph Fetherstone*.

And whereas the Accounts of Ralph Fetherstone, Gentleman, deceased, late Treasurer to the Trustees for repairing the said Road between Hull and Beverley, have not been examined and allowed by the Trustees of the said Road, and there is a Balance due to the said Trustees in the Hands of the Executors or Administrators of the said Ralph Fetherstone, who are desirous, as soon as may be, to pay such Balance to the said Trustees, and receive a final Discharge; be it therefore enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, as soon as conveniently may be, after the passing of this Act, meet together, and examine and adjust the said Accounts, and after receiving the Balance, which shall appear due to the said Trustees, sign a proper Discharge to the Executors or Administrators of the said Ralph Fetherstone; which Money so received shall be applied to the Purposes of the said first-mentioned Act and this Act.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County of York, or the County of the Town of Kingston upon Hull, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, 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 Authority of this Act: And if the same shall appear so to have been done, or such Action or Suit shall be brought in any other County, Place or Places, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become

General Issue.

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come Nonsuited, or discontinue his 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 shall and may recover Treble Costs; and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

And be it further enacted, That this Act shall be adjudged, 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.

Publick Act.

FINIS.