Anno ſexto

Georgii III. Regis.

An Act to enlarge and continue the Term and Powers granted by an Act paſſed in the Fourteenth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing the Roads from* Doncaſter *through* Ferry Bridge, *to the South Side of* Tadcaſter Croſs; *and alſo from* Ferry Bridge *to* Weatherby; *and from thence to* Borough Bridge, *in the County of* York; as to ſo much of the ſaid Act as relates to the ſaid Roads from *Doncaſter* through *Ferry Bridge*, to the South Side of *Tadcaſter Croſs*.



WHEREAS by an Act of Parliament paſſed in the Fourteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing the Roads from *Doncaſter* through *Ferry Bridge*, to the South Side of *Tadcaſter Croſs*; and alſo from *Ferry Bridge* to *Weatherby*; and from thence to *Borough Bridge*, in the County of *York*; divers Perſons therein named were appointed Truſtees for the Preamble.

the surveying, ordering, amending, and keeping in Repair the Roads aforesaid, leading from Doncaster, through Ferry Bridge, to the South Side of Tadcaster Cross, and for putting in Execution all other the Powers in and by that Act given, so far as the same related to the last mentioned Roads; and certain other Persons were therein appointed Trustees for surveying, ordering, amending, and keeping in Repair the said Roads leading from Ferry Bridge to Weatherby, and from thence to Borough Bridge; and likewise for putting in Execution all other the Powers in and by that Act given, so far as the same related to the said last mentioned Roads; and certain Tolls and Duties were therein made payable, and divers Powers and Authorities were thereby given and granted, for the repairing the said Roads in the said respective Districts; and after Payment of the Charges of passing that Act, the Tolls collected at any Turnpike, to be erected on the Roads leading from Doncaster to the South Side of Tadcaster Cross, were to be applied in repairing the Roads in that District only (except One Third Part of the Money which should be collected at any Turnpike to be erected at Ferry Bridge, or the South Side thereof, which was to be paid and applied for repairing the Road from Ferry Bridge to Borough Bridge) and all the Tolls to be collected at any Turnpike, to be erected on the Roads leading from Ferry Bridge to Borough Bridge, were to be applied towards repairing the Roads in that District; and the separate Trustees, within their respective Districts, were thereby empowered to borrow Money on the Credit of the Tolls to be collected within their respective Districts, which Money to be borrowed, was to be applied in the same Manner as the said respective Tolls are directed to be applied; and the said Act was to continue in Force from the First Day of May, One thousand seven hundred and forty one, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; And whereas, by a certain other Act of Parliament passed 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*

more effectual Execution of the Laws relating thereto; (amongst other Things therein contained) it was, in order to avoid the least Suspicion, that lessening the Tolls and Duties, in the Manner by that Act directed, might be any Way prejudicial to Creditors who had lent, or should lend, their Money upon the Security of the Tolls, enacted, That all and every Act and Acts of Parliament made that Session of Parliament, or theretofore made, for repairing and amending Turnpike Roads, should be continued and be in full Force for Five Years, to be computed from the several Ends and Expirations of all and every such Act and Acts respectively, and subject to the Tolls and Duties, and all the Penalties, Forfeitures, Remedies, Powers, Authorities, Clauses, Rules, Directions, Payments, and Provisions respectively, made and enacted by any of the said Act or Acts of Parliament, then or theretofore made, for repairing and amending Turnpike Roads: And whereas the Trustees for the said District of the said Roads from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, by virtue of the Powers to them given by the said first recited Act, and continued by the said last recited Act, have borrowed and taken up at Interest several Sums of Money, on the Credit of the Tolls and Duties of the said District of the said Roads; and the same, and also the said Tolls and Duties, or the greatest Part thereof, have been applied in repairing the said District of the said Roads, and otherwise, according to the Directions of the said first recited Act, and the said Roads are in a great Measure repaired; but there now remains due and owing of the said Money so borrowed on the Credit of the Tolls and Duties of the said District of the said Roads from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, the Principal Sum of Two thousand and four hundred Pounds, besides Interest; and the said Roads cannot be effectually repaired and amended, and kept in good and sufficient Repair, nor the said Money so due upon the Credit of the Tolls and Duties, granted by the said first recited Act, be repaid, according to the Intention of that Act, unless the said Term, and all the Powers given and granted by the said first recited Act, relative to the said District of Roads from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, and continued by the said

last recited Act, be further continued and enlarged; may it therefore please Your most Excellent 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 recited Act, and all and every the Powers, Authorities, Privileges, Restrictions, Rules, Penalties, Forfeitures, and Clauses, therein contained, any Ways relating to the said District of Road from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, either separately and alone, or jointly with the said other District of the said Roads betwixt Ferry Bridge and Borough Bridge (except such Clauses, Matters, and Things, as are hereby altered or varied) shall continue, and be in full Force and Effect, and be executed, from the End of the said Term of Five Years, by Force of the said last recited Act continued, to be computed from the Expiration of the said first recited Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and that all and every the Tolls and Duties collected and received, or which hereafter, during the Residue of the said Term of Five Years which is yet to come, and during the said further Term by this Act granted, shall be collected or received, at any Turnpike or Turnpikes erected, or to be erected, on the said District of the said Roads from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, shall be, and the same are hereby, made subject and liable to the Payment of the said Money so borrowed, and due and owing, or which shall hereafter be borrowed on the Credit of the Tolls of that District of the said Roads, for the Intents and Purposes in the said first recited Act, and herein after contained, as fully and effectually, to all Intents and Purposes, as if the same were herein again repeated and re-enacted in the Body of this present Act.

The recited Act continued for the further Term of 21 Years.

In both events

Provided nevertheless, and it is hereby declared, That if at any Time before the Expiration of the said further Term by this Act granted, the said District of the said Roads from Doncaster through Ferry Bridge, to the South Side of Tadcaster Cross, shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace of the West Riding of the

If the Roads shall be adjudged to be sufficiently repaired, &c. Tolls to cease

the said County of York, at their General Quarter Sessions, to be holden for the said Riding next after Easter; that then, from and after such Adjudication, and Repayment of such Monies as shall have been borrowed by virtue of the said former Acts, or of this present Act, with Interest for the same, and all Debts contracted on Account of the said District of the said Roads, and the Costs and Charges of obtaining and passing this Act; the several Tolls, Duties, Powers, and Authorities, by the said former Acts, and this present Act, granted and continued, shall cease and determine; any thing herein contained to the contrary thereof in any wise notwithstanding.

Additional Trustees.

And it is hereby further enacted and declared, That the Right Honourable John Lord Viscount Downe of the Kingdom of Ireland, the Right Honourable William Lord Viscount Gallway of the Kingdom of Ireland, Sir Savile Slingsby, Sir John Lister Kaye, Sir Rowland Winn, Sir Thomas Wentworth, Sir George Cooke, Sir Thomas Gascoigne, Sir William Robinson, Sir William Milner, the Reverend Sir William Lowther, Baronets; Robert Liane, Edmund Winn, George Cooke of Warmsworth, Francis Ferrand Foljambe, James Nelthorpe, Thomas Moseley Clerk, William Crowle, Charles Weddal, George Westby, Joshua Wilson, Robert Monckton, the Reverend William Mason, the Reverend John Sturdy, the Reverend Christopher Driffield, the Reverend Godfrey Wolley, John Hatfield, the Reverend George Hatfield, the Reverend Harrison Ford, Samuel Tooker, Richard Wilson of Leeds, James Wilkinson Clerk, Walter Oborne, Henry Delabene, Thomas Tofield, Joseph Beaumont, Thomas Loxley Clerk, Bryan Cooke, and James Stovin, together with the several Persons who were named and appointed in and by the said first recited Act, or have been chosen in pursuance thereof, or of the said second recited Act, for putting in Execution so much of the said first recited Act as relates to the said District of the said Roads, from Doncaster through Ferry Bridge, to the South Side of Aldcaster Cross, shall be Trustees for putting in Execution the said former Acts, and this present Act; and they, or such Numbers of them as are in the said first recited Act particularly appointed, shall have, and be capable of executing, all and every the Powers and Authorities therein and herein given and enacted for that Purpose in the said former Acts, or in this present Act.

And

Charges of passing this Act to be first paid.

And it is hereby further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls and Duties which shall be collected within the said District, in pursuance of this or the said former Acts, or out of the Money which shall be borrowed on the Credit thereof respectively; the said Trustees, or any Five or more of them, shall, in the first Place, pay and discharge all the Expences and Charges of procuring and passing this Act of Parliament; and from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the Tolls and Duties to be collected as aforesaid, or to be borrowed on the Credit of the said former Acts, and this present Act, or any of them, shall be paid, laid out, applied, disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner as in the said first recited Act is directed, touching the Tolls and Duties to be collected in the said District; and to and for no other Use, Intent, or Purpose, whatsoever.

On Death, &c. of Trustees, others to be chosen.

And it is hereby further enacted and declared, That on the Death, or Refusal to act, of any of the said Trustees; it shall and may be lawful, at all Times hereafter, to and for the said Trustees, or any Nine or more of them, to elect and chuse any Person or Persons, of the said County of York, to put in Execution so much of the said first recited Act as relates to that District of the said Road from Doncaster, through Ferry Bridge, to the South Side of Tadcaster Cross, and also this present Act, qualified as in this present Act is directed.

Qualification of Trustees.

And, for obviating all Doubts that may arise relating to the Qualification of Trustees, who shall act in the Execution of this or the said former Acts; be it enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this or the said former Acts, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or Heir Apparent of some Person or Persons, seized or possessed of Lands, Tenements, or Hereditaments, of the yearly Value of Three hundred Pounds; and if any Person or Persons, so made incapable to act for the Causes aforesaid, shall never-

Penalty on acting if not qualified.

nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person, for such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; any thing in this Act or the said recited Act contained to the contrary notwithstanding.

Treasurer to give Security.

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

Limitation of Actions.

Provided always, and it is hereby further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing to be done in pursuance of this Act, and the said recited Acts, or any of them, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County of York, and not elsewhere; and the Defendant or Defendants, in such Action or Suit to be brought, shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereon; and that the same was done in pursuance and by Authority of this Act; and if the same shall appear so to be done, or if such Action shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, 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.

General Issue.

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 whomsoever, without specially pleading the same.

FINIS.