Anno ſeptimo

Georgii III. Regis.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Eighteenth Year of His late Majeſty, for repairing the Road from the Town of *Kingſton upon Hull*, to and through the Town of *Anlaby*, and from thence to the Town of *Kirk Ella*, in the County of the ſaid Town of *Kingſton upon Hull*.



WHEREAS by an Act paſſed in the Eighteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing the Road leading from the Town of *Kingſton upon Hull*, to and through the Town of *Anlaby*, and from thence to the Town of *Kirk Ella*, in the County of the ſaid Town of *Kingſton upon Hull*, ſeveral Tolls and Duties were granted for the Purpoſes of the ſaid Act, for the Term of Twenty one Years, from the Firſt Day of May, One thouſand ſeven hundred and forty five, and from thence to the End of the then next Seſſion of Parliament: And whereas the Truſtees appointed in and by the ſaid Act, in purſuance of the Powers thereby granted, and for the ſpeedy Repair of the Roads therein mentioned, borrowed, upon the Credit of the ſaid Act, ſeveral Sums of Money, amounting together to the Sum of Two thouſand and twenty five Pounds; which, together with the

Preamble, reciting Act 18 *Geo.* II.

the Tolls and Duties collected by virtue of the ſaid Act, have been duly applied, amongſt other Purpoſes therein mentioned, for the Repair of the ſaid Road leading from the ſaid Town of Kingſton upon Hull, to and through the ſaid Town of Anlaby, and the ſame Road hath been very well repaired; but by reaſon of the very great Expences attending the Repair thereof, no Part of the Money ſo borrowed, or of the ſaid Tolls, could be ſpared for the Repair of the ſeveral Roads leading reſpectively from the End of the Middle Lane of Anlaby aforeſaid, to the ſaid Town of Kirk Ella, and to a certain Pit called Mares Gate, in Swandland Field in the ſame County, as the ſaid Act directs, in caſe the Money to ariſe from the Tolls and Duties thereby granted and made payable ſhould be more than ſufficient to put the ſaid firſt mentioned Road in good Repair, and to pay off the Money which ſhould be borrowed on the ſaid Tolls and Duties, and the Intereſt thereof, and the Charges in and about the paſſing the ſaid Act: And whereas the ſeveral Sums of Money borrowed as aforeſaid, are all remaining due and unpaid, with ſome Arrears of Intereſt, and cannot be repaid, and the ſaid Road amended as aforeſaid be kept in ſufficient Repair, and the other Roads above mentioned (which are become very ſounderous for Travellers) cannot be repaired according to the Intent of the ſaid Act, unleſs the Term of the ſaid Act be farther continued, and the Powers thereof be enlarged; May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt 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 and Duties thereby granted, and all and every the Clauſes, Powers, Authorities, Proviſions, Articles, Rules, Penalties, Orders, and Directions, therein contained (other than and except ſo far as the ſame or any of them are herein varied, altered, explained, or enlarged) ſhall be and continue in full Force, and be executed for the amending and keeping in Repair the ſeveral Roads in and by the ſaid Act directed to be repaired, 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, for and 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

The recited Act further continued for 21 Years.

tioned and directed, in as full and ample Manner, as if the ſame were herein repeated and again re-enacted in the Body of this preſent Act.

Former Truſtees to put this Act in Execution.

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

The Tolls following to be taken inſtead of thoſe granted by the former Act.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees acting under the Authority of this preſent Act, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, to demand and take, over and above the ſeveral Tolls and Duties granted and made payable in and by the ſaid firſt-mentioned Act, the ſeveral additional Tolls and Duties herein after mentioned, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike Gate or Bar, erected or to be erected in or croſs any Part or Parts of the ſaid Roads, or any of them, by virtue of the ſaid firſt mentioned Act, or this preſent Act; that is to ſay,

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, or Hearſe, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Six Pence; and drawn by Three or Four Horſes, Mares, Geldings, or Mules, the Sum of Four Pence; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Three Pence; and drawn by One Horſe, Mare, Gelding, or Mule, the Sum of One Penny Halfpenny.

For every Waggon, Wain, Cart, or Carriage, drawn by Five or more Horſes, Mares, Geldings, Mules, or Oxen, the Sum of Six Pence; and drawn by Three or Four Horſes, Mares, Geldings, Mules, or Oxen, the Sum of Four Pence; and by Two Horſes, Mares, Geldings, Mules, or Oxen, Three Pence; and drawn by One Horſe, Mare, Gelding, or Mule, One Penny Halfpenny.

For every other Carriage not herein before charged, Three Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, loaden or unloaden, and not drawing, One Halfpenny;

provided that every Mare and Foal ſhall pay One Half-penny only.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five Pence per Score; and ſo in Proportion for any greater or leſs Number.

For every Drove of Calves, Swine, Sheep, or Lambs, Two Pence Halfpenny per Score; and ſo in Proportion for any greater or leſs Number.

Tolls veſted in Truſtees.

And be it further enacted, That the Truſtees acting under the Authority of the ſaid firſt mentioned Act, and this preſent Act, for the time being, or ſuch other Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, ſhall and may have, uſe, and exerciſe, and they are hereby inveſted with the ſame Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying, the additional Tolls and Duties hereby granted and made payable, as are in and by the ſaid firſt mentioned Act, given, granted, and provided, in relation and with regard to the Tolls and Duties thereby granted and made payable, as fully and effectually to all Intents and Purpoſes as if the ſaid Powers and Remedies were herein repeated, ſet forth, and re-enacted.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, it ſhall and may be lawful to and for the Truſtees acting under the Authority of the ſaid firſt mentioned Act and this preſent Act, or any Five or more of them, at any of their publick Meetings, and they are hereby authorized and impowered, from time to time, during the Continuance of this preſent Act, to borrow or raiſe any Sum or Sums of Money at legal or leſs Intereſt on the Credit of the additional Tolls and Duties hereby granted and made payable, and to make ſuch Security or Securities for the Repayment of the ſame with Intereſt, by ſuch Ways and Means and in ſuch Manner as in and by the ſaid firſt mentioned Act is in that Behalf provided, appointed, and preſcribed.

Application of the Monies.

And be it further enacted, That all ſuch Sum and Sums of Money ſo to be borrowed on the Credit of the ſaid additional Tolls and Duties, and all the Money ariſing from the ſame Tolls and Duties, ſhall be paid, applied, and diſpoſed of (after paying and defraying the Charges and Expences, of, in, and about the obtaining and paſſing this preſent Act) in the firſt Place, for and towards the paying and diſcharging the Arrears of Intereſt due on the Money borrowed by virtue of the

ſaid firſt mentioned Act; and in the next Place, in repairing and amending the ſeveral Roads reſpectively leading from the End of the Middle Lane of Anlaby aforeſaid, to the ſaid Town of Kirk Ella, and to the ſaid Pit called Mares Gate in Swandland Field aforeſaid, in juſt Proportions; and after the ſaid Two laſt mentioned Roads ſhall be put in good and ſufficient Repair, the ſaid additional Tolls and Duties, and the Reſidue of the Monies to be borrowed thereon as aforeſaid (if any ſhall be) and from thenceforth and in the mean Time, the Tolls and Duties granted by the ſaid firſt mentioned Act, ſhall be applied and diſpoſed of in and for the paying and diſcharging the Money advanced and lent, or to be advanced and lent on the Credit of the ſaid firſt mentioned Act and this preſent Act, and the Intereſt thereof reſpectively, and for and towards the effectually putting and keeping in Repair the ſeveral Roads above mentioned, in ſuch Proportions, and at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, at any of their Meetings, ſhall order, direct, and appoint; nevertheleſs, ſo as ſuch Orders or Directions, or any of them, ſhall not prejudice, impeach, or invalidate any Covenants or Agreements, which have been, or ſhall be entered into, or made by the Truſtees authorized by the ſaid firſt mentioned Act, or this preſent Act, with any of the Perſons who have lent or ſhall lend any Monies on the Credit of the ſaid Acts, or either of them.

Leſſening the Quorum of Truſtees.

And be it further enacted, That all and every the Powers and Authorities given to and veſted in the Truſtees appointed, or to be appointed, in or by virtue of the ſaid firſt-mentioned Act, or this preſent Act, and thereby directed to be executed by any Seven or Nine or more of them, at their ſeveral Meetings purſuant to the ſaid Acts, or either of them, except the Powers of letting, leſſening, and raiſing the Tolls herein after contained, ſhall and may, from thenceforth, and during the Continuance of this preſent Act, be put in Execution by any Five or more of the ſaid Truſtees, at any ſuch Meeting to be held by them; any thing in the ſaid firſt-mentioned Act, or this preſent Act, to the contrary notwithſtanding.

Time and Place of Truſtees Meeting.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Guildhall, in the Town of Kingſton upon Hull, on Tueſday in the Third Week next after the Paſſing of this Act, and proceed to the Execution thereof, and of the ſaid firſt-mentioned Act, and ſhall there adjourn themſelves

ſelves 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 fixed on all the Turnpike-gates 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.

Clerk to appoint Meetings in Emergency.

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, or 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 fixed 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.

Perſons aggrieved may appeal to the Quarter Seſſions.

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, 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 Seſſions of the Peace, to be held in and for the ſaid Town and County of Kingſton upon Hull, 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

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 Seven 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 and Duties thereby granted and continued, or any Part thereof, unto any Perſon or Perſons who ſhall agree with the ſaid Truſtees to 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 Seven 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 Seven or more of them, ſigning the ſame, ſhall ſeem proper and requiſite; ſo as Notice, in Writing, be fixed on all the Turnpike-gates then erected on the ſaid Roads at leaſt Fourteen Days before the granting every ſuch Leaſe or Demiſe reſpectively; 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 or Perſons at all ſeaſonable Times without Fee or Reward; and the Rent or Rents in and by ſuch Leaſes or Demiſes reſpectively to be reſerved and made payable, 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 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 Seven 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

and raiſe them again.

aforeſaid) to leſſen and reduce all or any of the 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 ſhall 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 unlawful for want of Form;

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 on the Caſe.

nor the Party diſtraining be deemed a Treſpaſſer *ab initio*.

Plaintiff not to recover, if Tender of Amends hath been made.

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

Treaſurers to give Security.

And be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers to be appointed by the ſaid Truſtees ſhall give ſuch Security for the due Execution of his Office, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

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, or this Act.

Publick Act.

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.

FINIS.