Anno nono

Georgii III. Regis.

An Act for enlarging the Term and Powers of an Act made in the Twenty fifth Year of His late Majesty, for repairing and widening the Roads from the East End of *Monk Bridge*, near the Suburbs of the City of *York*, to *New Malton*, and from thence to *Scarborough*, in the *North Riding* of the County of *York*; and also from *Spittle House*, in the *East Riding* of the said County, to *Scarborough* aforesaid.



WHEREAS an Act was made in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Roads from the East End of *Monk Bridge*, near the Suburbs of the City of *York*, to *New Malton*, and from thence to *Scarborough*, in the *North Riding* of the County of *York*; and also from *Spittle House*, in the *East Riding* of the said County, to *Scarborough* aforesaid; which is to continue in Force from the First Day of June, One thousand seven hundred and fifty two, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, upon the Conditions therein expressed: Preamble.

preſſed: And whereas the Sum of Eight thouſand Pounds hath been borrowed upon the Credit of the ſaid Act, and the ſame ſtill remains due; which Sum together with the Tolls have been duly applied, and great Progreſs has been made towards repairing the ſaid Roads, but the ſame cannot be compleated and kept in ſufficient Repair for the future, and the Money ſo borrowed, with the Intereſt thereon, be repaid, unleſs the Term of the ſaid Act be further continued, and the Powers thereof, in ſome Reſpects, altered and 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 the Authority of the ſame, That the ſaid recited Act, and all Clauſes, Tolls, Powers, Proviſions, Orders, Regulations, and 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 alſo of the additional Term of Five Years granted by an Act made in the Twenty eighth Year of his ſaid late Majeſty King George the Second, 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, in as full and ample a Manner as if the ſame were repeated and re-enacted in this Act; but ſubject always, nevertheleſs, to the Amendments, Alterations, Variations, and Additions, herein contained, and which ſhall commence and take Effect immediately from and after the Thirtieth Day of April, One thouſand ſeven hundred and ſixty nine, and continue during the full Term hereby granted and continued; 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, on the ſame.

Recited Act, &c. further continued for 21 Years.

teration ſpect Gates near City of

And whereas by the ſaid recited Act, made in the Twenty fifth Year of his ſaid late Majeſty, Proviſion is made, that no Gate or Gates, Turnpike or Turnpikes,

pikes, Toll-house or Toll-houses, shall be placed in or upon the Road from Monk Bridge to Newborough Gates, nearer to the City of York than the Distance of Five Miles.

And whereas since the passing of the said Act, the Country through which the said Road leads within the Distance aforesaid, and which, at that Time, was for the most Part open Common or Heath, and required little or no Reparation, has been much inclosed, and the Road greatly confined and narrowed, by which Means, and by reason of the great Use now made thereof in cultivating and occupying the said inclosed Lands, and also by reason of several other Roads, since the said Inclosures, having been made to lead into the said Road within the Distance aforesaid, the said Road is greatly worn by Passengers and Carriages which pay nothing towards the Support thereof: Wherefore, and to the End that the Whole of the Roads included in the said Act, and particularly that Part which lies so immediately near the City of York, may be properly and sufficiently repaired, be it further enacted by the Authority aforesaid, That the said Provision or Restriction in the said Act shall extend only to prevent the placing of any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, nearer to Monk Bar within the City of York than the Distance of One Mile and an Half; any thing in the said Act contained to the contrary thereof in any wise notwithstanding. Provision with respect to placing Gates or Turnpikes, &c. on the Road.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for the Passage of any Horses or other Cattle going to or from any Part of the City of York or the Suburbs thereof, to or from Pasture or Watering Places only. Exemption from Toll.

Provided also, That no more than One Twelfth Part of the Toll granted by the said former Act, to be taken between Monk Bridge and Newborough Gates, shall be demanded or taken at the Turnpike which shall be nearest to the said City of York; any thing in the said former Act, or this Act, to the contrary notwithstanding. What Toll shall be taken at the Gate nearest *York*.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the City of York, who occupy any Land in any of the Parishes, Tythings, Hamlets, or Places, into or through which any Part or Parts of the said Roads lead, shall be intitled to and enjoy the like Exemptions from Toll, for the Passage of Carts or other Carriages employed in carrying to the said City any Hay or Corn in the Straw the Growth or Produce of any such Land, as are by the Inhabitants of *York*, holding Lands near the Roads, exempt from Toll for Hay, &c.

said recited Act allowed and granted to the Inhabitants of the Parishes or Places wherein any Part or Parts of the said Roads lie.

The Course of the Road not to be altered over *Heworth* Commons, &c.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in the said former Act, or in this Act contained, shall empower the said Trustees, or any of them, to divert, turn, change, or alter the present Course or Tract of the said Turnpike Roads, in or over the said Commons of Heworth, Huntington, and Stockton, or either of them, or any Part or Parts of such Road.

All the Roads declared to be publick Highways.

And be it further enacted by the Authority aforesaid, That all Lands and Hereditaments, which have been or shall be made a Part of the said Roads by virtue of the said former Act, or this Act, shall be, to all Intents and Purposes, a Common Highway.

Alteration with regard to Justices determining Statute Labour.

And whereas by the said Act of the Twenty fifth Year of his said late Majesty, the Justices of the Peace in Petty Sessions are to adjudge and determine what Proportion of Statute Work shall be done on the said Roads by the Inhabitants of the Parishes or Places in which the said Roads lie, and also to direct Lists to be delivered them of the Names of the several Persons liable to perform Statute Labour on such Roads: And whereas from the frequent Difficulties in procuring the holding of a Petty Sessions for such Purposes, it is apprehended, that the Reparation of the said Roads might often be greatly facilitated, if the Powers by the said Act so lodged in the Justices in such Sessions, for those Purposes, were to be in the Trustees: Be it therefore further enacted by the Authority aforesaid, That all Orders, Matters, and Things, relative to determining and proportioning Statute-work to be done on the said Roads, by the said Act directed or enacted to be adjudged and determined by Justices of the Peace, shall and may, instead thereof, be directed, done, and performed, by the Trustees appointed to put the said Act in Execution, or any Five or more of them; any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Inhabitants of *Heworth*, &c. not obliged to perform more than 2 Days in One Year.

And be it further enacted by the Authority aforesaid, That the Inhabitants of the respective Townships of Heworth, Huntington, and Stockton, any or either of them, shall not be obliged or compellable to do or perform more than Two Days Statute Labour in each Year, upon all or any Part or Parts of the said Turnpike Road leading into, over, or through, the said respective Townships.

And

And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, such Person may appeal against the same to the Justices of the Peace, at their next General Quarter Sessions to be held for the Riding or Place where the Matter shall arise after the Act, Order, Conviction, Judgement, or Determination, shall, by virtue hereof be done or made, upon Six Days Notice thereof, in Writing, if so many before the said next Sessions being given by such Person, of his or her Intention to bring such Appeal, and the Cause or Matter thereof, to any Surveyor or Collector of the said Tolls of the Road in respect whereof such Act, Order, Conviction, Judgement, or Determination, shall be so made, and within Two Days after such Notice enter into a Recognizance before some Justice of the Peace for the Riding or Place where the Case shall happen, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices, at their said Sessions, may, and are hereby required to examine the Matters and Causes of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm or discharge the same, and to award such Costs to be paid by and to either of the said Parties concerned in the said Appeal, as they shall judge proper, and which said Judgements of the Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall, upon producing the same Acts, Orders, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattles, or by Imprisonment of the Offender by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as by the said Act is directed with respect to Penalties and Forfeitures thereby imposed.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That all Orders and Determinations made by the said Trustees in Execution of the said Act, or of this Act, shall be at Meetings to be held in pursuance of the said former Act, and not otherwise; and that no such Order or Determination shall be made, unless a Majority of the Trustees present shall concur therein, such Majority not being less than the Number of Trustees by the said

All Orders made shall be at a publick Meeting.

former Act, or this Act, respectively authorized to make any such Order or Determination.

Treasurer, &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to take such Security from their Treasurer or Treasurers, as to the said Trustees, or any Five or more of them, shall appear reasonable.

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

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

Charges of passing this Act how to be paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act, shall be paid out of the Money raised or to be raised by virtue of the said former Act, or this Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the said County of York, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may

General Issue.

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 the Authority of this Act; and if it shall appear so to be done, or that such Action or Suit was commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, 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, the Defendant

Treble Costs.

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

Public Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

FINIS.