Anno primo

# Georgii III. Regis.

An Act for amending the Road from *Sacred Gate*, in the Pariſh of *Thorngumbald*, to *Pattrington Creek*, or *Haven*; and from the *Guide Poſt* in *Wineſtead*, to *Frodingham Gate*, in or near Widow *Branton's* Farm, in the County of *York*; and for ſcouring and cleanſing the ſaid Creek or Haven.



WHEREAS the Road leading from Sacred Gate, in the Pariſh of Thorngumbald, in Holderneſs, in the County of York, to Pattrington Haven, through Thorngumbald, Ryhill, Keyingham, Ottringham, Wineſtead, and Pattrington, in Holderneſs aforeſaid, being about Ten Miles in Length; and alſo the Road branching out of the ſame, in Wineſtead aforeſaid, and leading from thence through Wineſtead Lanes, to a Gate called Frodingham Gate, near Widow Branton's Farm, in the Lordſhip of Frodingham, in Holderneſs aforeſaid, being about Two Miles in Length; are, from the Nature of the Soil, and by reaſon of the many heavy Carriages paſſing through the ſame, become ſo deep and ruinous, that they are in many Parts thereof utterly impaſſable in the Winter Seaſon for Waggons, Carts, and Wheel Carriages; and are very dangerous and troubleſome for laden Horſes, and Travellers on Horſeback, who have Occaſion Preamble.

Occaſion to paſs to and fro in and upon the ſame: And whereas there is a Creek or Chanel navigable for Keels, Sloops, Boats, and other Veſſels, between the River Humber and the Town of Pattrington aforeſaid, and which is called or known by the Name of Pattrington Haven, and which was formerly of great Benefit and Advantage for the Carriage and Conveyance, by Water, of Corn and Grain, and other Goods, Wares, and Commodities, to and from the Town of Kingſton upon Hull and Holderneſs aforeſaid; but the ſame has of late Years been ſo warped and choaked up with Ooze, Mud, Soil, and other Rubbiſh, as that the Navigation of the ſame is thereby greatly obſtructed, and in a great meaſure prevented, and rendered of little or no Uſe to the Country: And whereas the repairing the ſaid Roads, and cleanſing the ſaid Creek and Haven, and making them navigable, paſſable, and keeping the ſame reſpectively in good Order and Repair, would tend greatly to the facilitating and promoting of Trade and Commerce, and to the Encouragement of Husbandry and Tillage, and be for the general Benefit and Advantage of the Country; but as theſe Ends cannot be attained and accompliſhed by the ordinary Courſe of Law, or without the Aid, Aſſiſtance, or Authority, of Parliament; 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 Mayor, Recorder, and Aldermen of Kingſton upon Hull for the time being; the Mayor, Recorder, Bailiffs, and Aldermen of Hedon for the time being; the Mayor, Recorder, and Aldermen of Beverley for the time being; the Right Honourable the Lord Viſcount Downe in the Kingdom of Ireland, the Honourable Chriſtopher Dawnay, Sir William Saint Quintin, Sir Charles Hotham, Sir John Pennington, Sir George Strickland, Sir George Savile, Sir Digby Legard, Sir Griffith Boynton, Sir Robert Hildyard, Baronets; Sir George Montgomery Metham Knight, Edward Bee, Robert Bee, Robert Bell, Francis Boynton, Griffith Boynton, Hugh Bethell, William Bethell, Francis Beſt, Francis Beſt Clerk, Robert Burton, William Burton, William Brigham, John Bell, William Conſtable, Marmaduke Conſtable, Marmaduke Conſtable junior, Francis Carvill, the Reverend Doctor Clarke, Peter Dennis, Eaton Manwaring Ellerker, Ralph Featherſton, Richard Gee, William Gee, Roger Gee, John Grimſton, Robert Darcy Hildyard, Henry Holme, Thomas Haſſell, John Hudſon, John Holme Clerk, Samuel

Truſtees Names.

Johnſton, Thomas Jackſon, Clerks; Luke Lillingſton, Henry Maiſter, Nathaniel Maiſter, Arthur Maiſter, Bacon Morritt, John Mackareth Clerk, Richard Nockalls, Nicholas Nichols, Clerks; William Oſbaldeſton, Fountain Wentworth Oſbaldeſton, Charles Pool, John Porter, William Saint Quintin, William Raines, Admiral Charles Saunders, John Storr, Chriſtopher Scott, John Snaith Clerk, William Thompſon, Joſeph Thompſon, Andrew Wilkinſon, Henry Willoughby, Samuel Walter, and the Reverend Doctor Henry Waterland, ſhall be, and they are hereby conſtituted and appointed, Truſtees for the ſurveying, ordering, amending, and keeping in Repair, the ſaid Roads, and for ſcouring, cleanſing, and keeping in Repair, the ſaid Creek and Haven, and alſo for putting in Execution all other the Powers in and by this Act given and granted, for the ſeveral Purpoſes, and by the Ways and Means, herein mentioned, provided, and appointed; and that they the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, or ſuch Perſon or Perſons as they, or any Seven or more of them, at any Meeting of the ſaid Truſtees, to be had as hereafter is directed and mentioned, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected and ſet up, Three ſeveral Turnpikes or Toll-gates, and Toll-houſes, at the ſeveral Places herein after-mentioned; that is to ſay, One Turnpike or Toll-gate, and Toll-houſe, at or near Keyingham High Bridge, in Langrigg Lane; One other Turnpike or Toll-gate, and Toll-houſe, at or near Pattrington High Bridge, in Pattrington or Wineſtead Lanes or Carrs adjoining; and the other Turnpike or Toll-gate, and Toll-houſe, at or near Pattrington Haven; and ſhall and may demand and take, at each and every of the ſaid Turnpikes or Toll-gates, the Tolls and Duties following, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage whatſoever, chargeable with the ſaid Tolls and Duties by virtue of this Act, ſhall be permitted to paſs through any of the ſame Gates or Turnpikes reſpectively; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take the following Tolls thereat.

For every Coach, Chariot, Landau, Berlin, Calaſh, Chaiſe, or Hearſe, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Three or Four Horſes, Mares, Geldings, or Mules, the Sum of Nine Pence; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Six Pence; The Tolls.

and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three Pence.

And for every Waggon, Wain, Cart, or Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Nine Inches, drawn by Five or more Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Three or Four Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and by Two Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Four Pence; and by One Horse, Mare, Gelding, or other Beast of Draught, the Sum of Three Pence.

And for every other Waggon, Wain, Cart, or Carriage, drawn by Three or Four Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Two Horses, Mares, Geldings, or other Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, or other Beast of Draught, Four Pence.

And for every other Carriage, not herein before charged, the Sum of Eight Pence.

And for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny; (every Mare and Foal passing the Turnpike together to pay the Toll of One Horse only)

And for every Drove of Oxen or Neat Cattle the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five Pence per Score; and so in Proportion for every greater or less Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll or Duty; and the Money so to be raised and collected is, and hereby shall be, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned and declared.

Tolls vested in the Trustees.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Seven or more of them, and such Person and Persons as they, or any Seven or more of them, at any Meeting of the said Trustees to be had in pursuance of this Act, shall, from time to time, nominate and appoint for that Purpose, to demand or take the Tolls or Duties herein before granted and made payable; and to

Tolls may be levied by Distress and Sale.

levy the same upon any such Person or Persons, who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon or for which such Toll or Duty is by this Act imposed and made payable, or by Distress of any other of the Goods of such Person or Persons who ought to pay the same; and to detain and keep such Goods until such Toll or Duty, with the reasonable Charges of such distraining and keeping, shall be paid; and it shall and may be lawful to and for such Person and Persons so distraining, after the End of Four Days from the Time of such Distress being made and taken, to sell the Goods so distrained and taken, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Land or other Tenements, near to any Turnpike or Toll-gate, to be set up and erected in pursuance of this Act, shall knowingly or willingly suffer any Person or Persons whatsoever, to pass through any Gate, Passage, or Way, with any Carriage, Cattle, or other Thing, chargeable with or liable to the Tolls and Duties aforementioned, by virtue of this Act, so as thereby the Payment of any of the Tolls or Duties by this Act laid, is or shall be fraudulently avoided, every such Person and Persons so offending, and being thereof convicted upon Oath before the said Trustees, or any Two or more of them (and which Oath such Trustees respectively are hereby impowered to administer) or before any One or more Justice or Justices of the Peace for the said East Riding of the County of York (which Oath the said Justice or Justices is and are hereby also impowered to administer) shall for every such Offence forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to the Treasurer for the time being appointed by the said Trustees, the Sum of Twenty Shillings, which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal or Hands and Seals of the said Trustees, or any Seven or more of them, or of the said Justice or Justices of the Peace respectively, rendering the Overplus (if any be) to the Owner on Demand, after deducting the reasonable Charges of making such Distress and Sale to be settled by the said Trustees,

Penalty on Persons permitting or going thro' private Passage, to avoid paying the Tolls.

or

or any Seven or more of them, or by the said Justice or Justices of the Peace.

Penalty on Persons going thro private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, driving, or riding, any such Carriage or Cattle, so chargeable and liable as aforesaid, shall therewith pass through any Gate, Passage, or private Way, near to any such Turnpike or Toll-gate, with Intent to avoid Payment of

on unloading Goods, &c.

the said Tolls or Duties, or any of them, or if any Person or Persons shall unload, or cause to be unladen, any Sorts of Goods or Merchandize, at or before he, she, or they shall come to any of the Turnpikes or Toll-gates, or shall secrete or conceal any Goods or other Things, chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Carriage or other Cattle so

to avoid Payment of the Tolls.

chargeable or liable, with such Intent as aforesaid, each and every Person so offending in any or either of the Cases aforesaid, shall forfeit and pay to the said Trustees and their Successors, or to their Treasurer for the time being, the Sum of Twenty Shillings.

Trustees may erect Side-gates,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect or cause to be erected One or more Toll-gate or Toll-gates, Turnpike or Turnpikes, near the said Haven, and on the Side or Sides of the said Roads, and cross any Lane or

and take Tolls thereat,

Way leading out of the same, and there to take and receive such Tolls as are hereby granted and made payable at any other Turnpike or Turnpikes, to be erected by virtue of this Act, so as the same do not extend to a double

so as the same do not extend to a Double Charge.

Charge, in passing through any other of the Turnpikes so to be erected as aforesaid.

No Toll on Election Days.

Provided also, and it is hereby declared, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaises, Chairs, or Litters, and Passengers on Horseback, shall pass and repass Toll-free on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire to serve in Parliament for the County of York, or of a Burgess or Burgesses for the said Town of Hedon, the said Town of Kingston upon Hull, or the Borough of Beverley, and on the Day before and after such Election, either going to or returning from such Election; any thing herein contained to the contrary notwithstanding.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, at their First or any subsequent Meeting, or any Seven or more of them then present, may, by Writing under their Hands and Seals (without any

any Stamps thereupon) nominate and appoint One fit Perſon to be their Treaſurer; and alſo One or more fit Perſon or Perſons to be Clerk or Clerks, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforeſaid; and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors, to view the Condition of the ſaid Roads, and to ſee that the Money by this Act to be raiſed is duly and properly applied; and the ſaid Truſtees, or any Seven or more of them, at the ſame or any ſucceeding Meeting, ſhall and may alſo appoint all ſuch other Officers as ſhall be neceſſary for putting this Act in Execution, and from time to time may remove ſuch Treaſurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and appoint new Ones in caſe of ſuch Removal, or of the Deaths of any of them reſpectively: And all and every Perſon and Perſons, in and by this Act made liable to and chargeable with the Payment of the Tolls, Rates, and Duties hereby granted, ſhall and may pay the ſame Tolls, Rates, and Duties reſpectively, to ſuch Receiver or Receivers, Collector or Collectors, as ſhall, from time to time, be appointed to receive the ſame, by virtue and in purſuance of this Act, and every ſuch Receiver or Collector, ſo appointed as aforeſaid, ſhall, on the firſt Monday in every Month, or as often as the Truſtees, or any Seven or more of them, ſhall from time to time order or require the ſame, give in a true, exact, and perfect Account in Writing, under their reſpective Hands, of all the Money which he and they reſpectively ſhall to ſuch Time have received, paid, and diſburſed, by virtue of or under the Authority of this preſent Act; and ſhall, if thereunto required, verify the ſame upon Oath, to be made and taken before the ſaid Truſtees, or any Seven or more of them, or before any One or more Juſtice or Juſtices of the Peace of the ſaid Eaſt Riding, and which Oath ſuch Truſtees, or Juſtice or Juſtices reſpectively, are hereby authorized and impowered to adminiſter; and the ſame may be taken in Writing without any Stamp thereupon; and in caſe any Money, ſo received, ſhall remain in the Hands of any ſuch Receiver or Collector, the ſame ſhall be paid to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall, by any Writing or Writings under their Hands, authorize and impower to receive the ſame, and ſhall be diſburſed and laid out in amending the ſaid Roads, and for other neceſſary Purpoſes relating thereto, according to the true

and remove them, and appoint others.

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Meaning of this Act, and not otherwise; and the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and to such other Officers as shall be so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet: And in case any of the Receivers or Collectors of the aforesaid Tolls, Rates, or Duties, shall not give and make such Account and Payment as aforesaid, in pursuance and according to the Tenor and Purport of this Act, then any Two or more Justices of the Peace for the said East Riding, at any Special or other Sessions to be holden for the said East Riding, shall make Inquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward) and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, commit the Party or Parties so offending to the Common Gaol of the County of York, or to the Common Gaol of the said Riding, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid.

Officers refusing to account;

Justices to enquire into the Default;

and commit the Offender to Gaol,

until he shall conform.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, to be appointed by virtue and in pursuance of this Act, shall, before he or they enter upon the said Offices, respectively give Security for the due Execution thereof, to the said Trustees, or any Seven or more of them, as to the said Trustees, or any Seven or more of them, shall seem meet.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or any Common, or out of the River Humber and Sea, or from any of the Shores thereof, or out of any Brook or Creek, in any Parish, Town, Village, or Hamlet, in or near which the said Highways or Roads do lie, as shall be proper for repairing

pairing and amending the said Roads, without paying any thing for the same; such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, where any such Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away; And where there is not sufficient of such Materials in any such Commons and Waste Grounds as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, to dig and gather the same out of the several Grounds of any Person or Persons (not being the Ground whereon any House or Houses stand, Garden, Orchard, Yard, Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart and used as a Nursery for Trees) where any such Materials are or may be found, and from time to time to carry away such and so much thereof, as the said Surveyor or Surveyors, in their respective Places, shall judge necessary for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and for the Damages done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, appointed by this Act, or to be appointed by virtue hereof, or any Seven or more of them, at any such Meeting as aforesaid, shall judge reasonable: And in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace for the said Riding, at their General Quarter Sessions, or the major Part of such Justices then present, shall and may adjudge, assess, and finally determine the same.

without paying for the same;

levelling the Pits.

Where sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Seven or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on or in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to cleanse any Ditch or Watercourse adjoining to the said Roads; and to cut down and top any Trees (other than and except Timber Trees) or Bushes growing in the said Roads, or on the Banks or Hedges adjacent thereto;

Surveyors may remove Annoyances,

cut Watercourses, &c.

and cut down Trees, &c.

Owners neglecting to remove the same after Notice;

land to take and carry away the same (in case the Owners or Occupiers of the Premisses, where such Annoyances as aforesaid shall happen to be, shall neglect to cut down or remove the same for the Space of Ten Days next after Notice in Writing shall be given for that Purpose, under the Hands of the said Trustees, or any Seven or more of them) the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if, after Removal of any of the the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted, upon Confession of the Party offending, or upon the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said Riding (which Oath the said Justice and Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as they shall appoint, by Order of the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, to make or cause to be made Causeways, and to cut and make Drains, through any Grounds lying contiguous to the said Roads; and to make or erect Arches or Bridges, of Brick, Timber, or Stone, upon the said Roads; and to divert and turn the said Roads over any Part of the Commons or Waste Grounds contiguous and adjoining thereto, or through which the said Roads do now lead; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Ground of any Person or Persons lying contiguous thereto (not being the Grounds whereon any House or Houses stand, or a Garden, Orchard, Park, planted Walk, or Avenue to an House already planted) and also to cause Ditches or Trenches to be made, in such Manner as such Surveyor or Surveyors, by Order of the Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall judge necessary, for the better amending and keeping the Roads aforesaid in good Repair; making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, as shall be so laid into or made Part of the said Roads, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or

cut Drains, &c.

erect Bridges, &c.

and widen the narrow Parts of the Roads;

making Satisfaction to the Owners of the Grounds.

or Bridges shall be made, for the Damages which such Owners and Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid: And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the said Justices of the Peace for the said East Riding, at their next General Quarter Sessions, to be holden for the said Riding, or the major Part of them then present, to hear, settle, adjudge, and finally determine the same: And if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour and cleanse such Watercourse or Watercourses, or to make such Ditch or Ditches so deep, and in such Manner as the Surveyor or Surveyors, appointed or to be appointed by virtue of this Act, shall, from time to time, adjudge proper and convenient, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors, to set any Man or Men at work, to scour, cleanse, or deepen the same; and by Warrant from any Seven or more of the said Trustees, to levy the Charge thereof upon the Persons, Goods, or Estates, of the Owner or Owners, Occupier or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any be) after all Charges of such Distress and Sale are thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Justices may determine Differences.

Owners neglecting to cut their Hedges, and scour their Ditches, &c.

the Surveyors may set Men to work thereon, and levy the Charges.

And whereas the passing of many Coaches, heavy Carriages, and Droves of Cattle, upon the said Roads, soon after the same shall be formed, and the Repairing thereof shall be begun (especially in wet Weather) may greatly spoil the said Roads, and retard the Repairing the same; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, so to be appointed as aforesaid, to erect and set up such Bar or Bars, Rail or Rails, or other Fence, cross the said new intended Roads, at the Beginning and End of every Mile, or such other Distance respectively, as he or they shall think requisite, so as sufficient Room be left for Coaches and Carriages to pass by each other; and which said Bars, Rails, or other

Trustees may erect Fences to preserve the Roads.

Fences, shall so remain, for any Time not exceeding One Month for draining and settling the said new Road: And all such Coaches, Carriages, Droves of Cattle, and Passengers, shall be obliged to go in the old Tracks during that Time: And to the End that all Persons may have due Notice thereof, the Surveyor or Surveyors, so appointed as aforesaid, shall, and they are hereby required, from time to time (as the said new Work is carried on) to fix, or cause to be affixed, written or printed Papers for that Purpose, at every Gate or Gates, Turnpike or Turnpikes, and all other publick Places on the said Roads for that Purpose; and shall also direct and give Orders to all Collectors and Gate-keepers at the several Turnpikes to be erected in pursuance of this Act, to give Notice thereof to Passengers: And if any Person or Persons shall pull down, or otherwise demolish, any of the said Bars, Rails, or Fences, to be erected for the Purpose aforesaid, or shall ride or drive over any Ditch, Trench, or Channel, to be made on either Side of the said Roads, for the Formation, Security, or Preservation of the said Roads, every Person so offending, shall, for every such Offence forfeit and pay the Sum of Ten Shillings; and in case of Nonpayment, the same shall be recovered, levied, and disposed of, in such Manner as the several Penalties and Forfeitures herein before mentioned are directed and appointed to be recovered, levied, and disposed of, respectively.

Penalty on damaging them.

And forasmuch as the Money to be collected, as well by the Receipt of the Tolls and Duties, at the several Turnpikes or Toll-gates so to be erected and set up as aforesaid, as of the Tonage Duties herein after granted and made payable, will not be sufficient for the speedy repairing the said Roads, and scouring and cleansing the said Creek and Haven respectively, according to the Tenor and true Meaning of this Act; be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, at their First or any subsequent Meeting for the Purposes of this Act, to borrow and take up at Interest such Sum and Sums of Money as they respectively shall think fit; and they, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over the said Rates, Tolls, Tonage, and Duties, to arise by virtue of this Act, or any Part thereof, for all or any Part of the Term of Years for which the same are hereby granted or

Tolls may be assigned for Money borrowed.

made

made payable, as a Security for the Repayment of any Sum or Sums of Money by them to be borrowed for that Purpose, unto such Person or Persons as shall advance and lend the same, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum, and that the Costs and Charges of every such Assignment or Mortgage shall be defrayed and paid out of the said Tolls, Tonage, and Duties.

14 Days Notice to be given of borrowing Money.

Provided always, and it is hereby enacted and declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls and Duties hereby granted, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees, be for that Purpose fixed upon all the Turnpike-gates which shall be erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money.

Assignments may be transferred.

And it is hereby further enacted and declared, That the said Mortgages or Securities, or any Part or Parts of the Money thereby respectively secured, shall and may, from time to time, be assigned, transferred, and set over, by the Person or Persons possessed of, and intitled to the same, for the time being, by any Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals respectively, attested by Two or more credible Witnesses; and such Mortgages, Securities, Assignments, Deeds, and Writings, respectively, shall not, nor shall any of them, be liable to, or charged or chargeable with, any of the Stamp-duties; but shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, so to be appointed as aforesaid, within Ten Days next after the Date of every such Mortgage, Security, or Assignment respectively; and such Clerk or Clerks, Treasurer or Treasurers, shall cause an Entry or Memorial to be made of every such Assignment, containing the Date and Parties Names, and Sum of Money therein mentioned and thereby intended to be secured, in a Book to be kept for that Purpose; and for which Entry or Memorial the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum or Sums of Money, not exceeding Two Shillings and Six Pence, as the said Trustees, or any Seven or more of them, shall order and direct; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment of the Principal Money and Interest therein mentioned and thereby intended to be secured; and which Book or Books may be inspected, at all seasonable Times, without Fee or Reward.

Entries to be made of all Assignments.

Clerk's Fee.

Application of the Monies.

And it is hereby further enacted by the Authority aforesaid, That the several and respective Tolls, Rates, Cottage, and Duties, granted and made payable by this Act, and the Rents and Sums of Money, arising and produced by leasing, letting, or setting, the said Tolls and Duties, and the Money to be raised, borrowed, and taken up, upon any Mortgage or Security of the said Tolls, Rates, and Duties, in pursuance and upon the Credit of this present Act, respectively, shall be applied and disposed of, in the First Place, for the paying and defraying all the Charges and Expences attending the Application for and obtaining this present Act, and afterwards for the amending, repairing, and keeping in Repair, the Highways and Roads hereby directed and appointed to be repaired and amended; and also for repairing, cleansing, and scouring, the said Creek or Haven called Partrington Haven, and making and keeping the same navigable and in good Order and Repair; and also for keeping down, paying off, and discharging the Principal Money to be borrowed and taken up by virtue and upon the Credit of this present Act, and the Interest thereof, in such Manner as to the said Trustees, and their Successors, at their respective Meetings, or any Seven or more of them, shall seem requisite and expedient.

Toll to be paid but once a Day.

Provided always, and it is hereby declared, That no Person or Persons, who shall have Occasion to pass through any of the Turnpikes or Toll-gates to be erected in pursuance of this Act, with any Carriage or Cattle whatsoever, chargeable with and liable to the Tolls and Duties aforesaid, and shall there have paid the Tolls and Duties due and payable by virtue of this Act, and who shall return or pass or repass through the same Toll-gate or Turnpike before Twelve of the Clock at Night of the same Day, with the same Carriage or Cattle, and produce and shew a Note or Ticket, denoting or signifying the Payment of such Toll or Duty (which Note or Ticket the Collector or Collectors is and are hereby required, upon such Payment, to give gratis) shall be liable the same Day to pay any Toll or Duty at any of the same Gate or Gates, where he, she, or they had before paid the same as aforesaid.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

And, for preventing Frauds and Abuses in and about the said Tolls or Duties; it is hereby further enacted, That if any Person or Persons, having paid any of the Tolls or Duties granted by this Act, and being possessed of such Ticket, denoting the same, shall give, offer, or dispose of, the said Ticket to any other Person or Persons, in order to avoid the Payment of any of the said

Tolls

Tolls or Duties, every such Person, so giving, disposing, or offering, any such Note or Ticket, and every Person receiving the same, being thereof respectively convicted upon Oath, before the said Trustees, or any Seven or more of them, at any such Meeting as aforesaid, or before any One or more Justice or Justices of the Peace for the said Riding (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Exemptions from Toll.

Provided always, and it is hereby enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes or Toll-gates to be erected by virtue of this Act, with any Carriage or Cattle carrying or drawing any Quantity of Stones, Gravel, or other Materials, for repairing the said Roads, or for amending any of the Highways in the Parishes or Townships in which the said Road doth lie; or which shall carry or draw any Lime, Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring or cultivating of Lands or Gardens within such Parishes, Places, or Townships respectively; nor shall any of the Tolls or Duties aforesaid be demanded or taken for any Carriage or Cattle loaden with, and carrying, any Hay, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Garths, or Barns, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Roads hereby intended to be repaired do lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever belonging to, or employed by, such Inhabitants respectively, in Husbandry, or manuring of Lands, lying within such Parishes, Townships, or Places respectively; nor shall any of the said Tolls or Duties be demanded or taken from any Person or Persons who shall pass through the said Turnpikes or Cross-gates to and from Church, Chapel, or other Place of Religious Worship, on Sundays; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor for any Horses or Cattle going to, or returning from, Pasture or Watering-places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants; or for any Horse, Gelding, Mare, or Mule, used only to ride on by the Owner or Driver of any Wagon,

gon, Cart, or other Carriage, for which such Tolls or Duties shall be paid, so as such Horse, Gelding, Mare, or Mule, pass through the Turnpike or Toll-gate at the same Time, and together with such Waggon, Cart, or Carriage; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes.

Persons chargeable to the Repairs of the Roads to continue so.

And it is hereby further enacted, That all and every Person and Persons, who by Law is and are chargeable towards the repairing and amending the Roads hereby intended to be repaired, shall still remain chargeable with, and do their respective Statute-works in the said Parishes, Townships, or Places, wherein the said Roads do lie, in such Manner as the same ought to have been done, in case this Act had not been made.

Justices to determine Differences relating to Statute-work.

And, for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways appointed, and to be appointed, for the several Parishes or Places through which the Roads directed by this Act to be repaired do lead, touching what Part of the said Statute-work ought to be done on the said Roads; it is hereby further enacted, That it shall and may be lawful for any Two or more of the Justices of the Peace for the said Riding, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the Roads aforesaid, by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places respectively: And that the several and respective Surveyors of the Highways for the time being of the several and respective Parishes, Townships, Hamlets, and Places respectively, shall yearly and every Year, during the Continuance of this Act, within Fourteen Days after Notice in Writing shall be given to him or them, or left at his or their usual Place or Places of Abode, under the Hands of any Five or more of the said Trustees, signed at any such Meeting to be had as aforesaid, summon or give publick Notice to and for all and every Person and Persons, chargeable for the Repair of the Highways by Law, to do and perform such Part of their Statute-work, within their several and respective Parishes and Places, on the said Roads or Highways directed to be repaired by this Act, and lying within their said several and respective Parishes and Places, as shall be appointed as aforesaid, and

Persons liable to do Statute-work to continue so.

shall, on the said Days so appointed by such Notice, give their Attendance, and see and take care that all and every Person and Persons, so chargeable as aforesaid, shall do and perform the said Work, on such Parts of the said Roads within their respective Parishes or Places, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall order, direct, or appoint.

Surveyors to deliver in Lists of Persons who have neglected to do Statute-work.

And it is hereby further enacted, That such Parish Surveyor or Surveyors shall, within Ten Days after any Demand in Writing, given to or left for him or them as aforesaid, under the Hands of any Five or more of the said Trustees, give and deliver unto such Person or Persons, as they the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall appoint, a true List, according to the best of his or their Knowledge, and upon Oath, if thereunto required by the said Trustees (which Oath any Justice of the Peace for the said Riding is hereby impowered to administer) of all and every Person and Persons in their several and respective Parishes and Places, who have neglected to do and perform such Part of their Statute-work as aforesaid, and what he or they are respectively chargeable with; and if any Parish Surveyor or Surveyors shall neglect or refuse to do as he or they are hereby required and directed, he and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the said Roads or Highways, or who are liable by Law to send their Draughts or Teams for the Repair thereof, shall, after such Summons or public Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts, to do and perform such Part of their said Statute-work as shall be determined and appointed to be done on the said Roads or Highways, directed to be repaired by this Act, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught so making Default each Day; and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads or Highways, shall at any Time neglect or refuse (after such Summons or public Notice as aforesaid) to do and perform such Part of their said Statute-work as shall be appointed to be done as aforesaid on the said Roads or Highways, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the said Days such Labourer or other Person or Persons shall so make Default.

Penalty on Surveyors not delivering in such Lists, and on Persons not performing Statute-work.

And

Penalty on Surveyors, &c. how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Forfeitures and Penalties by this Act imposed on any Parish Surveyor or Surveyors, for neglecting or refusing to execute and perform the Duty and Services incumbent on him, by virtue and under the Authority of this Act, and upon any Person or Persons liable to such Statute-work as aforesaid, for neglecting or refusing to do and perform the same, pursuant to the Directions and according to the Tenor and true Meaning of this Act, shall respectively be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant to be directed to the Constable or Headborough of the Parish or Place where such Offender resides, under the Hands and Seals of Two or more Justices of the Peace for the said Riding, and to be granted and issued upon Application in Writing made to them by any Seven or more of the Trustees of this present Act for the time being, upon the Oath or Oaths of the said Parish Surveyor or Surveyors, or any other credible Witness or Witnesses (which Oath or Oaths the said Justices are hereby impowered and required to administer) and the said Forfeitures and Penalties, when recovered, after rendering the Overplus (if any be) and demanded) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted out of such Overplus) shall be paid to the said Trustees at a General Meeting of Seven or more of them, or to such Person or Persons as shall be by them appointed, and shall go, be applied, and laid out, for and towards amending and repairing the said Roads or Highways by this Act directed to be amended and repaired, and to and for no other Use or Purpose whatsoever.

Trustees may lease, &c. the Tolls.

And be it enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, and they are hereby impowered, by Writing under their Hands and Seals, at any Time during the Continuance of this Act, to set, demise, and to farm-let, the Tolls, Tonage, and Duties to be collected and received at the Turnpikes or Toll-gates to be erected and set up by virtue of this Act, or any Part thereof, unto any Person or Persons who shall be willing to take or farm the same, for any Time not exceeding Three Years, so as One Month's Notice of the Intention of such letting or setting be fixed on all the Turnpike-gates or Bars to be erected by virtue of this Act, for the best Rent or Rents they can get for such Tolls, Tonage, and Duties, to be payable to the said Trustees, or to such Person or Persons as any Seven or more of them

them shall, under their Hands, appoint to receive the same, with such Covenants therein to be contained, as the said Trustees, or any Seven or more of them, shall think proper and requisite; and which said Rent or Rents, so to be paid by virtue of such Leases or Contracts as aforesaid, shall be applied and disposed of in such Manner as the Tolls granted and made payable by this present Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Trustees may compound with Parishes, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any of their Meetings to be had as aforesaid, from time to time during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places, to which the said Roads belong, or with any of the Owners or Occupiers of Lands or Tenements, which are or shall be liable or chargeable towards repairing any Part of the said Roads, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall think reasonable, in lieu of the Statute-work to be done by such Parish or Parishes, Township or Townships, Hamlet or Hamlets, Place or Places, or by such Occupier or Occupiers of such Lands or Tenements, chargeable as aforesaid: And also that the said Trustees, or any Seven or more of them, at any of their Meetings to be had as aforesaid, may, and they are hereby impowered, from time to time, as they shall think fit, to compound or agree by the Year or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected, with any Coach, Carriage, Beast of Draught or Burthen, for any Sum or Sums of Money, for and in lieu of Payment of any of the said Tolls or Duties, to which the same are respectively liable by this Act; such Composition-money to be paid Quarterly from time to time, after such Agreement shall be made, during the Continuance of such Contract or Composition.

Trustees may compound with Travellers.

Composition-money how to be recovered and applied.

And it is hereby further enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through any or all of the said Turnpikes or Gates, to be erected by virtue of this Act, Toll-free, or for or in lieu of any Statute or Days Work to be done by virtue and in pursuance of this Act, shall not be paid within Fourteen Days next after the same shall become payable, according to the Terms of such Composition or Agreement (being demanded) then it

shall and may be lawful for the said Trustees, or any Seven or more of them, upon Oath made before them of such Default of Payment (which Oath they, or any Two or more of them, are hereby impowered to administer) to issue a Warrant under their Hands and Seals, impowering any Person or Persons to be by them at such Meeting appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattles of such Person or Persons as shall agree, or by the Terms of such Composition or Agreement, are or is engaged, or shall be liable to pay; returning the Overplus, on Demand, after the Charges of such Distress and Sale shall be thereout first deducted; and which Money, so to be paid or levied, shall go and be applied for and towards amending the Roads hereby intended to be repaired.

Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and it is hereby enacted by the Authority aforesaid, That if any Surveyor of the Highways of and for such Parish, Township, or Hamlet, for which any Composition shall be so made for Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money so paid by or levied upon him, together with the Charges of levying the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Persons, &c. chargeable to the Repair of Bridges, &c. to continue so.

And be it further enacted, That such Bridges, Drains, and Sewers, lying and being in the said Roads, which have been heretofore, and ought to be, maintained, repaired, and kept, by any particular Person or Persons, or Corporation, by reason of the Tenure of any Manors, Lands, Tenements, or Hereditaments, liable to such Repairs, or otherwise, shall, from time to time, be repaired, maintained, and kept in Repair, by the Owner or Owners of such particular Lands, or by such Corporation liable to the said Repairs; any thing herein contained to the contrary notwithstanding.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no other Provision is by this Act made, shall be levied and recovered by Distress and Sale of the Offenders Goods, by Warrant or Warrants under the Hands and Seals of Two or more of His Majesty's Justices of the Peace of or for the said Riding,

ing, and which Warrant or Warrants the said Justices are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses, upon Oath, and to administer such Oath to every such Witness, without Fee or Reward; and that the Penalties and Forfeitures, when recovered, after the Charges and Expences of such Distress and Sale shall be deducted, and the Overplus, if any be, rendered to the Owner, shall go, and be applied and laid out, for and towards amending the said Roads hereby intended to be repaired.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right, Interest, and Property, of all the Turnpikes and Toll-houses which shall be erected by virtue hereof, shall be vested in the Trustees appointed or to be appointed to put this Act in Execution; and that they, or any Seven or more of them, at any of their publick Meetings, shall, and they hereby have Power to dispose of such Turnpikes and Toll-houses as they shall think proper; and to bring Actions, and prefer Bills of Indictment, against any Person or Persons who shall steal, take away, break down, or spoil the same, or any of them, or any Part thereof.

Roads to be measured, and Mile-stones erected.

Provided always, and it is hereby further enacted, That the said Trustees, or any Seven or more of them, by Order made at any such Meeting as aforesaid, shall and may cause the Roads, by this Act directed to be amended, to be measured; and Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark or denote the Distance of any one Town or Place from any other Town or Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof, by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more of the Justices of the Peace for the said Riding, every such Person, so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered and levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made; and such Forfeitures shall be applied in repairing the Stones or Posts so broke or defaced,

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale.

faced, or in supplying new ones in their stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads: And in case the Person or Persons so offending, and convicted, shall have no Goods or Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices of the Peace for the said Riding, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol of the said Riding for One Month; and such Person or Persons shall not be discharged, until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

For want of Distress, the Offender to be committed.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls, Duties, and Powers, hereby granted and given, shall take place from and after the Twenty fifth Day of March, One thousand seven hundred and sixty one; and shall continue and be in full Force and be paid from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Tolls.

Provided nevertheless, and it is hereby declared, That if at any Time before the Expiration of the said Term, the said Roads hereby directed to be repaired shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said Riding, at their General Quarter Sessions to be holden for the said Riding; then from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this Act, all the Tolls, Duties, and Powers, hereby granted and given, shall cease and determine; any thing herein contained to the contrary notwithstanding.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, &c. Tolls to cease.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said Riding, at their General Quarter Sessions to be holden for the said Riding, after the said Twenty fifth Day of March, One thousand seven hundred and sixty one; and they are hereby authorized and impowered, if they think fit, to appoint One or more fit Person or Persons to survey and view the Roads by this Act directed to be amended, and to enquire of and concerning the Tolls and Duties taken and received in pursuance of this Act, and the Application thereof; and in case such Person or Persons, so appointed, shall discover and find any Misapplication of the Monies which shall be raised and levied by virtue and in pursuance of this Act, or any other

Justices to appoint Persons to inspect the Roads, and to enquire after the Misapplication of the Tolls, &c.

Abuses

Abuſes of the Powers and Authorities hereby given and granted, ſuch Perſon or Perſons ſhall thereupon certify the ſame to the ſaid Juſtices of the Peace for the ſaid Riding, at their then next General Quarter Seſſions to be held for the ſaid Riding, who are hereby authorized, impowered, and required, to hear, examine, and finally determine the ſame, without further or other Appeal; and all ſuch Sum or Sums of Money, or other Satisfaction, as the ſaid Juſtices, at any of their Quarter Seſſions to be holden as aforeſaid, or the major Part of them then preſent, ſhall thereupon think fit to order or direct to be paid or given, ſhall by the Perſon or Perſons making ſuch Miſapplication or commiting any ſuch Abuſes, and ſo ordered to pay, be paid to the Treaſurer, appointed by virtue and in purſuance of this Act, for the time being, within Ten Days next after ſuch Determination and Demand thereof made; and, in Default thereof, it ſhall and may be lawful for the ſaid Juſtices, at any of their General Quarter Seſſions, or the major Part of them then preſent, from time to time after ſuch Determination made, by Warrant to order the ſame to be levied by Diſtreſs and Sale of the Offender's Goods, returning the Overplus (if any be) upon Demand, after deducting all Coſts and Charges of ſuch Diſtreſs and Sale to the Perſon or Perſons ſo neglecting to make ſuch Payment or Satisfaction; and for want of ſuch ſufficient Diſtreſs to be found for that Purpoſe, to commit the Perſons ſo offending to the Common Gaol of the ſaid Riding, there to remain without Bail or Mainprize, till Payment and Satisfaction ſhall be made as aforeſaid.

Truſtees who are in the Commiſſion of the Peace, may act as Juſtices.

And it is hereby further enacted and declared, That if any Truſtee or Truſtees, appointed or to be appointed to put this Act in Execution, is, are, or ſhall be, in the Commiſſion of the Peace for the ſaid East Riding, ſuch Truſtee and Truſtees ſhall and may act in the Premiſſes as a Juſtice or Juſtices of the Peace; any thing herein contained to the contrary notwithſtanding.

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

And, for continuing a ſufficient Number of Truſtees to put this Act in Execution; be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee or Truſtees ſhall die, remove, or refuſe to act, or become an Alderman of the ſaid Town of Hedon, or Town of Kingſton upon Hull, or Town of Beverley, it ſhall and may be lawful for the ſurviving and remaining Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint One or more fit Perſon or



Perſons,

Persons, living in the said Town, or County of the Town of Kingston upon Hull, or in the East Riding of the County of York, in the room or place of such Trustee or Trustees so dying, removing, or refusing to act, or becoming an Alderman as aforesaid; and such Person or Persons, so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place of Meeting, for the Election of such new Trustee or Trustees shall be given in Writing, signed by the Clerk to the Trustees, to be fixed at or on the Turnpike or Turnpikes, which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all and every such Person and Persons, as shall be chosen and appointed to be joined with such surviving and remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees nominated and appointed by this Act are hereby authorized and impowered to act and to do.

Notice of Election to be given.

Qualification of Trustees.

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee, for any of the Purposes of this Act, unless he shall be, in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, which are or shall be assessed at and pay to the Land Tax for the yearly Value of Fifty Pounds, or more, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds: And if any Person or Persons, hereby made incapable to act as a Trustee or Trustees for the Causes aforesaid, shall nevertheless act contrary to the true Intent and Meaning of this Act, every such Person and Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will inform or 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.

Penalty on acting if not qualified.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees aforesaid, or any Seven or more of them, shall meet together at the House of Robert Escrick, at the Sign of the Ship in Pattrington aforesaid, on the Sixth Day of April, One thousand seven hundred and sixty one, and shall then adjourn themselves to the same Place, or to such other Place in or near the said Road,

and

and to such Time, as the said Trustees then present, or any Seven or more of them, shall appoint; and so from time to time the said Trustees, at every of their said Meetings, shall adjourn themselves, as they, or any Seven or more of them, present at such Meeting, shall think proper, for putting this Act in Execution: And if it shall happen, that there shall not appear, at any Meeting which shall be appointed by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees, by Notice in Writing, under his Hand, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First and at all their subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Provided always, and it is hereby further enacted and declared, That no Person or Persons, appointed or to be appointed a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of or by Reason of any of the Tolls or Duties by this Act granted and made payable; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of his and their accepting, and during his and their Enjoyment of such Place of Profit as aforesaid.

No Trustee to accept of any Place of Profit arising from the Tolls.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination or Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, either under the Hands and Seals, or under the Hands, of the said Trustees and Justices of the Peace, or any of them, respectively, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Trusts, Powers, or Authorities vested in the said Trustees and Justices respectively, in and by this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Writings to be without Stamps.

And, for the better enabling the Trustees herein before-nominated and appointed to raise Money, as well for repairing the said Road hereby intended to be repaired, as for the cleansing and repairing the said Creek and Haven, and making the same navigable, within the Intent and Meaning of this Act; it is hereby further enacted by the Authority aforesaid, That the several Rates and Duties upon Keels, Sloops, and other Vessels

Trustees to take the following Tonage Duties.

sels herein after mentioned, shall be and are hereby given and granted to the said Trustees, and their Successors, during the Term herein before mentioned; and they, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall for that Purpose nominate or appoint, shall and may demand and take the several Rates and Duties, and Tonage following; that is to say, For every Keel, Sloop, or other Vessel, trading within the River Humber, which shall come into the said Haven, the Sum of Three Half-pence per Ton, according to the Tonage or Burden of each such Keel, Sloop, or Vessel; and for every Ship, Keel, Sloop, or other Vessel, going to or returning from Sea, and coming into the said Haven, the Sum of Two Pence per Ton, according to the Tonage or Burden of each such Ship or Vessel; the said Tonage to be admeasured and ascertained in such Manner as is mentioned and described in a certain Act of Parliament made in the Fifth and Sixth Years of the Reign of Their late Majesties King William and Queen Mary, for granting to their Majesties several Rates and Duties upon Tonage of Ships and Vessels, and other Purposes therein mentioned; which said Tolls and Duties for Tonage, hereby granted and made payable as aforesaid, shall be demanded, paid, and received, over and above, and exclusive of the Dues and Duties due and payable to Henry Maister, Esquire, and reserved to him, in and by this Act.

The Duties.

Trustees may appoint Collectors;

and remove them, and appoint others;

and allow them Salaries.

Collectors to give Security.

And it is hereby further enacted, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, at their First or any subsequent Meeting, for the Purposes of this Act, by Writing under their Hands, appoint a proper Person to collect and receive the said Rates and Duties; and also, from time to time, displace and remove such Collector or Collectors, Receiver or Receivers, at their Will and Pleasure; and also shall and may allow to such Collectors or Receivers, for the time being, such reasonable Salary and Wages, for his or their Care and Trouble, as they respectively shall think proper and reasonable: And the said Trustees shall take of each such Collector or Receiver, such good and sufficient Security, for the due accounting for, answering, and paying, such Money as he shall receive by virtue of this Act, as to the said Trustees, and their Successors, or any Seven or more of them, shall seem requisite and expedient.

Duties to be levied by Distress and Sale.

And it is hereby enacted and declared, That in case any Master or Person having the Charge of any Ship or Vessel, so rated or chargeable by this Act as aforesaid, shall not, upon Demand, pay the said Rates and Tonage Duties, after the same shall be agreed upon, or ascertained

ed as aforesaid, then, and in such Case, and so often as it shall so happen, it shall and may be lawful to and for any such Collector or Receiver, for the time being, to take any Tackle, Apparel, or Furniture, in, upon, or belonging to such Ship or Vessel, whether the same be fixed to the said Vessel or otherwise, in the Name and Nature of a Distress, and the same to detain and keep, until he or they shall be satisfied and paid the said Sum of Money, Rates, and Duties, charged and directed to be levied as aforesaid; and in case of Neglect or Delay of or in Payment of the same, or any Part thereof, for the Space of Ten Days after such Distress shall be taken, then, and in such Case, it shall and may be lawful to and for such Collector or Receiver to sell the Distress so taken, and after satisfying himself, as well for the said Duties as the Charge and Expence of such Distress and Sale, shall return the Overplus (if any) to the Master or other Person having the Charge or Command of such Vessel.

Power to contract with Workmen for the Repairs,

And it is hereby further enacted, That the said Trustees, and their Successors, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to contract with Workmen, Artificers, and other proper Persons, for the making, doing, executing, and performing of the necessary Works and Operations for the cleansing, scouring, amending, and repairing the said Creek or Haven, and keeping and maintaining the same in good Order and Condition, for the Purposes aforesaid.

and to collect Water for scouring the Haven;

And it is also hereby enacted, That the said Trustees, or their Successors, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, by all such Ways and Means as the same can be effected, to search for, gather, and collect, any One or more Head or Heads, or any Body, Quantity, or Current of Water, in and upon any Lands and Grounds adjoining or lying near to Pattrington Haven aforesaid; and to issue and convey the same through the said Lands and Grounds, in and by One or more Channel or Channels, Sewer or Sewers, into the said Creek or Haven, in order for the scouring and cleansing, and facilitating and improving the Navigation, in and upon the same; and also to make such Recompence and Satisfaction to the Owners and Occupiers of the said Lands and Grounds, for any Damage or Spoil that may be done and occasioned thereby, as to the said Trustees, or any Seven or more of them, shall seem just and reasonable.

making Satisfaction to the Owners.

Provided always, That this Act, or any Thing therein contained, shall not extend or be construed to extend, to encroach

Not to prejudice the Rights of Mr. *Maister*.

encroach upon, leſſen, take away, or in any wiſe prejudice, any Right or Title which the ſaid Henry Maiſter hath, or ought to have, or had, before the paſſing this Act, as Lord of the Manor of Pattrington aforeſaid, or otherwiſe, to any Haven Dues, Corn Dues, Tolls, or other Dues, Duties, or Profits, ariſing or payable at Pattrington Haven aforeſaid, or elſewhere in the ſaid Manor of Pattrington; but that he the ſaid Henry Maiſter, and his Heirs and Aſſigns, ſhall have the ſame Right and Title to all ſuch Haven Dues, Corn Dues, Tolls, Dues, Duties, and Profits, within the ſaid Manor of Pattrington, which he or his Anceſtors, or Predeceſſors, Lord or Lords of the ſame Manor, had or would have had, in caſe this Act had not been made.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful to and for him, her, or them, to appeal to the Juſtices of the Peace, at their next General Quarter Seſſions of the Peace, to be held for the ſaid Riding, who are hereby authorized and required to take Cognizance thereof, and t hear and determine the Complaint or Complaints of an Perſon or Perſons ſo aggrieved; and if they ſee Cauſe ſhall and may, by Order of ſuch Seſſions, mitigate, a their Diſcretion, all or any of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining; or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify and confirm the ſame, and give ſuch Coſts as they in their Judgements ſhall think proper; but the Perſon or Perſons, ſo appealing as aforeſaid, ſhall, and they are hereby reſpectively directed, to give Notice in Writing to the Treaſurer or Treaſurers, for the time being, of the Tolls and Duties granted by this Act, of ſuch their Intention of bringing or proſecuting any Appeal Ten Days before the ſaid Quarter Seſſions; and ſhall within Two Days after ſuch Notice given, enter into a Recognizance before ſome Juſtice of the Peace for the ſaid Riding, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the next Quarter Seſſions of the Peace, whi ſhall be held in and for the ſaid Eaſt Riding; and eve ſuch Appeal ſhall, at the then next General Quarter Se ſions, be there heard and determined, and not afterward provided the next General Quarter Seſſions of the Pe be not held within the ſaid Ten Days, and, in th

10 Days Notice of Appeal to be given.

Case, it shall be tried at the next succeeding General Quarter Sessions, giving Notice as aforesaid.

Proceedings not to be quash'd for want of Form only;

Provided always, and be it further enacted by the Authority aforesaid, That no Order made, touching or concerning any of the Matters aforesaid, or any other Proceedings to be had, touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, until such Order or other Proceedings shall have been first removed to, and Judgement and Determination given and made thereupon, by the General Quarter Sessions to be held for the said Riding.

nor removable by *Certiorari*.

Provided also, and be it further enacted and declared by the Authority aforesaid, That no Writ of Certiorari, or any Process, shall issue or be issuable to remove the Record of such Conviction from the said General Quarter Sessions, or to remove any Order, or other Proceedings, made or had by the said General Quarter Sessions, upon, touching or concerning such Conviction, into any of His Majesty's Courts of Record at Westminster, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of Certiorari, or other Process, shall find Two sufficient Sureties to become bound to the Prosecutor or Prosecutors in the Sum of One hundred Pounds, with Condition to prosecute the same with Effect within Three Months, and to pay unto the Prosecutor or Prosecutors, his, her, or their Full Costs or Charges, in case such Order or Conviction shall be affirmed.

Limitation of Actions.

Provided always, 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, in every such Case the 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: 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 thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear so to be done, or such Action or Suit shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, Place, or Places, than the Jury shall find for the Defendant or Defendants;

General Issue.

and

and upon such Verdict, or if the Plaintiff or Plaintiffs shall become 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.

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 whatsoever, without specially pleading the same.

FINIS.