Anno primo

Georgii III. Regis.

Act Act for amending and widening the Roads from the Turnpike Road upon *Gatherley Moor*, in the County of *York*, to *Staindrop*, in the County of *Durham*; and from the ſaid Turnpike Road, near *Smallways*, acroſs the River *Tees*, to *Winſton*, in the ſaid County of *Durham*; and for building a Bridge over the ſaid River, at or near *Winſton Ford*.



WHEREAS the Highways or Roads leading from the Turnpike Road upon Gatherley Moor, near Didderſley Hill, to and through the Town of Caldwell, in the County of York, and from thence to and through the Town of Winſton, in the County of Durham, to the Town of Staindrop, in the ſaid County; and alſo that the Highways or Roads leading from the ſaid Turnpike Road, near Smallways, to and through the Town of Hutton-Long-Villers, in the ſaid County of York, and from thence to and through the Town of Ovington, to the Ford acroſs the River Tees, to the Town of Winſton, in the ſaid County of Durham, are ruinous and much out of Repair, and the Ford acroſs the River Tees dangerous Preamble.

and often impaſſable, and cannot, by the ordinary Courſe provided by the Laws for repairing the Highways of this Kingdom, be effectually amended, and, from time to time, kept in good Repair: Therefore, to the Intent that the ſaid Roads may, with all convenient Speed, be effectually repaired, amended, and made paſſable, and hereafter kept in good and ſufficient Repair, and a Bridge built acroſs the ſaid River; may it 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 Right Honourable the Earl of Ancram, the Honourable Frederick Vane, the Honourable Raby Vane, Sir George Savile, Sir Ralph Milbanke, Sir Thomas Robinſon, Sir Robert Hildyard, Sir Henry Lawſon, Sir Thomas Clavering, Sir Walter Blackett, Sir Thomas Webb, Sir James Lowther, Sir Bellingham Graham, Sir John Eden, Baronets; the Mayor and Aldermen of Richmond, for the time being; William Aiſlabie, John Arden, Sober Allan, James Allan, William Allan, Bourchier, Ralph Bell, Ralph Bell junior, Peter Bell, Leonard Bower, John Bower, Philip Brunſkell, Francis Blackburn Clerk, Thomas Buckton, John Bourn, John Buckton, Chriſtopher Crow, Henry Chaytor, William Chaytor, Ralph Carr, Carr, Peter Conſett, James Cloſe, John Cloſe, William Cornforth, Thomas Cornforth, Richard Coates, Joſeph Clarkſon, Robert Colling, Cuthbert Cowling, Chriſtopher Crawford, Marmaduke Conſtable, William Danby, Henry Duncombe, John Dodſworth, John Dodſworth junior, Francis Dalton, William Dixon, Dalton Clerk, Timothy Dickonſon Clerk, James Elſley, John Eden, Thomas Emerſon, Thomas Elliot, Edward Elliot, Gregory Elſley Clerk, John Emerſon, Layton Etherington, Clerks; Frederick Frankland, George Fielding, Baſil Forcer, Fiſher Clerk, Farrer Clerk, John Farrer, Thomas Gill, Gilbert, John Hutton, John Hutton junior, Leonard Hartley, George Hartley, Leonard Hartley, Robert Darcy Hildyard, John Hardcaſtle, William Hutchinſon, Timothy Hutchinſon, Thomas Hutchinſon, Ralph Hutchinſon, Joſeph Hutchinſon, Ralph Hodgſon, George Hodgſon, William Harriſon, John Hanby, Hanby the younger, Abraham Hilton, William Hodgſon, Jeremiah Harriſon Clerk, Thomas Heyrick, Henry Hewgill, Henry Horne, Clerks; John Johnſon Clerk, Ralph Jackſon, Thomas Jackſon, Edwin Laſcelles, Daniel Laſcelles, Francis Laſcelles, George Fox Lane, Robert

Truſtees Names.

Robert Lane, Thomas Liſter, John Liſter, Francis Lawſon, Henry Lancheſter, William Lodge, Robert Lodge, George Lodge, Ralph Lodge, Henry Laſcelles, John Killinghall, Thomas Kay Clerk, John Milbanke, Mark Milbanke, Francis Milbanke Clerk, Thomas Maire, John Maire, George Metcalfe, Matthew Moor Clerk, Wingate Pulleine, Thomas Babington Pulleine, Henry Pulleine, Thomas Purchas, Thomas Peirſe, Thomas Peirſe junior, John Pratt, [illegible] Peirſe, Matthew Ridley, Henry Reveley, William Robinſon, Cuthbert Readſhaw, Ralph Robſon, Thomas Raper, John Raper, Thomas Robſon, Thomas Robinſon, Septimus Robinſon, James Shuttleworth, Robert Shuttleworth, William Shuttleworth, Nicholas Shuttleworth, Robert Shaftoe, Robert Shaftoe, Jeniſon Shaftoe, Thomas Shaftoe Clerk, Simon Scroope, Thomas Smith, Richard Seymour, William Stephenſon, Francis Smart, James Simpſon, John Stapleton Clerk, William Turner, Charles Turner, John Tempeſt, John Tempeſt junior, Marmaduke Tunſtall, Francis Thornborough, Thomas Terry, John Tidy, Marmaduke Theakſtone, Andrew Wilkinſon, Charles Wilkinſon, Thomas Watſon, Andrew Wilkinſon junior, Chriſtopher Wilkinſon, Thomas Wilkinſon, Thomas Wycliffe, John Wycliffe, Solomon Wycliffe, Henry Witham, John Witham, John Webb, Charles Low Whytell, James Worſley Clerk, Chriſtopher Wayne, Ralph Walton, Thomas Yorke, John Yorke, Thomas Yorke junior, John Yarker, ſhall be, and they are hereby nominated and appointed Truſtees for putting in Execution all the Powers in and by this Act given.

Truſtees may erect Turnpikes and Toll-houſes;

And it is hereby further enacted and declared, That the ſaid Truſtees and their Succeſſors, or any Nine or more of them, or ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall authorize or appoint, ſhall and may, and they are hereby authorized and impowered to erect and ſet up, or cauſe to be erected and ſet up, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-houſe or Toll-houſes, in, upon, croſs, or on the Side of, any Part of the ſaid Road, and to remove or alter the ſame, as they the ſaid Truſtees, or any Nine or more of them, ſhall, from time to time, think meet or expedient; and alſo ſhall and may demand and take, before any Horſe, Beaſt, Cattle, or Carriage whatſoever, made chargeable with, and liable to, any Toll or Duty by virtue of this Act, ſhall be permitted to paſs through ſuch Turnpikes or Toll-gates, the ſeveral Tolls and Duties following; that is to ſay,

and take Tolls thereat.

The Tolls.

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, Two Shillings; by Three or Four, One Shilling and Six Pence; by Two, One Shilling.

For every Chaise drawn by One Horse, Mare, Gelding, or Mule, Six Pence.

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, Ten Pence; by Three or Four, Eight Pence; by Two, Four Pence; by One, Three Pence: And for every other Waggon, Wain, Cart, or Carriage, drawn by Three or Four Horses, Mares, Geldings, or other Beasts of Draught, One Shilling; by Two, Nine Pence; by One, Six Pence: And for every other Carriage, not herein before charged, Eight Pence.

For every Horse, Mare, Mule, or Ass, laden or unladen, and not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, Ten Pence per Score; and so in proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score; and so in proportion for any greater or less Number.

No Turnpike to be erected between *Winston* Bridge and the Town of *Staindrop*.

Provided always nevertheless, That nothing in this Act contained shall extend, or be deemed or construed to extend, to give Power or Authority to the said Trustees, or their Successors, or any of them, to erect or set up, or cause to be erected or set up, any Turnpike or Toll-gate, or Side-gate, in, upon, or on the Side of, any Part of the Road between the River Tees, where the Bridge herein after-mentioned is intended to be built, and the Town of Staindrop, in the County of Durham, or at the East End of the said Town of Staindrop; any thing in this Act contained to the contrary notwithstanding.

Tolls vested in the Trustees.

And be it further enacted, That the several Tolls and Duties, hereby granted and made payable, shall and may be demanded and taken in the Name of, and as, a Toll or Duty; and the Money, so to be raised as aforesaid, shall be, and is hereby vested in the said Trustees and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned, ordered, provided, and directed.

And

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built by virtue of this Act, and also of the said intended Bridge, when built, shall be and are hereby vested in the said Trustees, and they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof. Property of the Turnpikes and Toll-houses vested in the Trustees.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, under their Hands and Seals, shall appoint and nominate for that Purpose, to build a Bridge across the said River of Tees, at or near a Place called Winston Ford, in the Parish of Winston aforesaid; and at their First, or any other subsequent Meeting or Meetings, to design, assign, or lay out, how, and in what Manner, and in what particular Place or Places, and with what Materials, the said Bridge shall be built, and the Ramparts, Wings, Walls, Banks, and other Works, for the Support and Preservation of the same, be erected and done, and the Ways and Passages to and from the same set out, opened, enlarged, and made; and to dig and make proper Foundations in the said River Tees, or on the Banks of each Side thereof, for the Piers and Abutments of the said intended Bridge; and to cut the Banks of the said River, in such Manner as shall be necessary and proper for building the said Bridge, and from time to time, and at all Times during the Continuance of this Act, to do all other Matters and Things necessary or convenient for erecting, maintaining, and supporting the said intended Bridge, they the said Trustees, or such Persons as they shall appoint, doing as little Damage as possible, and first making Satisfaction, in such Manner as herein-after is mentioned, to the respective Owners and Proprietors, for such Lands and Grounds as shall be intended to be made use of, taken down, removed, or altered, or that shall be in any wise prejudiced or damaged by the Execution of any of the Powers of this Act. Trustees impowered to build a Bridge across the River *Tees*.

And, for preventing wilful and malicious Burning, or otherwise damaging or destroying the said Bridge, or any Penalty on damaging the Bridge.

Part thereof, or any Materials for the same, or hindering or interrupting the building the same; be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously burn, blow up, or otherwise destroy, the said Bridge, or any Part thereof, or attempt so to do; or shall wilfully and maliciously, and without Authority from the said Trustees, or any Seven or more of them, remove or take away any Materials or Works thereto belonging, or in any wise direct or procure the same to be done, whereby the said Bridge, or the Works thereof, may be damaged, or the Lives of Passengers endangered; such Offender or Offenders, being lawfully convicted thereof, shall be adjudged guilty of Felony, and shall suffer as a Felon.

Persons wilfully destroying or damaging the Bridge, to suffer as Felons.

Trustees may destroy the Ford as soon as the Bridge is completed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, as soon as the said Bridge shall be built, destroy the Ford-way now used across the said River of Tees, and lying at Winston aforesaid; and, for that Purpose, may cause the Channel of the said River Tees to be dug and made deeper, and may cut the Banks of the said River, and erect and place Posts and Rails thereon.

Trustees may contract for building the Bridge.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby fully authorized and impowered to make such Contracts and Agreements as they shall think proper, with any Artificers, Workmen, or other Persons, for building, making, or repairing such Bridge, Ramparts, Wings, Walls, Banks, and other Works, or any Part or Parts thereof; and that all such Artificers and others, who shall make any such Contracts or Agreements as aforesaid for building, making, or repairing all or any Part of the said Bridge, or other Works, intended to be built or made by virtue of the Powers given in and by this Act, shall give Security, to be approved of by the said Trustees, or any Nine or more of them, for the due Performance of all and every the Matters and Things contained in such Contracts and Agreements, according to the true Intent and Meaning of the same.

Penalty on Persons making use of the Ferry, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall use or employ any Boat, Barge, or other Craft, in ferrying or conveying across the said River, within the Distance of Four Furlongs from the said Bridge, any Persons, Cattle, or Carriages, for Hire or Gain, the Owner or Owners of every such Boat, Barge, or other Craft, or the Person or Persons employing or using the same, shall forfeit and pay

pay the Sum of Five Shillings for every Person, Horse, Mare, Gelding, Mule, Ass, Beast, Sheep, Swine, Calf, Lamb, and every Coach, Waggon, and every other Carriage whatsoever, which shall be so ferried or conveyed cross the said River: And if any Person or Persons whatsoever shall make any Ford through the said River, within the Distance of Four Furlongs from the said Bridge, every such Person shall forfeit and pay Twenty Shillings for every such Offence; and every Person who shall use any Ford, within such Distance, with Intent to avoid the Payment of the Tolls hereby granted, shall forfeit and pay Five Shillings for every Time he or she shall pass through the said River at any such Ford, or shall cause any Cattle, or Beasts, or any Carriage whatsoever, to pass through the same; One Moiety of all such Forfeitures shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the said Tolls are hereby directed to be applied.

Bridge not to be deemed a County Bridge.

And be it enacted by the Authority aforesaid, That the said Bridge shall not be rated or assessed for or towards the Payment of any publick or parochial Rate whatsoever, nor shall the said Bridge be deemed a County Bridge, so as to subject the Counties of York or Durham, or either of them, to rebuild or support the same, but shall be deemed, and taken to be, situate, lying, and being, in, and to be Part of, the said County of York.

Tolls may be levied by Distress and Sale.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, for the time being, or any Nine or more of them, or any such Person or Persons as they, or any Nine or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint to take and demand the Tolls and Duties hereby granted and made payable, to levy the same upon any Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle, or Goods, upon or on account, or in respect of which such Tolls or Duties are by this Act imposed, or by Distress of any other of the Goods and Chateles of such Person or Persons who ought to pay the same, and to keep and detain such Goods and Chattles, until such Tolls and Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid, shall and may sell the Goods so distrained, returning the Overplus

Distress may be sold after 4 Days.

(if any there be) upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges of distraining, detaining, keeping, and selling the same, shall be deducted and paid.

Qualification of Trustees.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold or Copyhold, in the Counties of York and Durham, or the One of them, of the yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds: And if any Person so made incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person, for such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will 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, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance shall be allowed.

Penalty on acting not being qualified.

And, for preventing any Disputes that may arise touching the Payment of any of the Tolls and Duties hereby granted, and to be taken on the said Road by this Act intended to be repaired; be it further enacted by the Authority aforesaid, That, if there shall be Two or more Turnpikes or Toll-bars erected in or cross the said Roads, then, and in such Case, the Tolls and Duties hereby granted and made payable, shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Seven or more of them, shall direct or appoint; and such Parts thereof shall be taken and received at such and so many of the said Turnpikes and Toll-bars, as by the said Trustees, or any Seven or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

Trustees may proportion the Tolls.

Provided always, and it is hereby enacted and declared 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, from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same after such Deduction; and to order and direct such Tolls and Duties, so lessened, reduced, and re-advanced, to be collected, received,

Trustees, with Consent of the Creditors, may lessen the Tolls.

ceived, taken, laid out and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons, who, at the Time of such Reduction, shall have any Money secured thereby, and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein contained to the contrary in any wise notwithstanding.

Toll to be paid but Once a Day.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That no Person or Persons, having Occasion to pass through any Turnpike or Turnpikes, where the Tolls or Duties is, are, or shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which such Tolls or Duties have been paid, shall be liable or compelled, the same Day, to pay the said Tolls or Duties more than Once on the said Road.

No Toll on Election Days.

Provided always, and it is hereby declared, That during the Continuance of this Act, all Coaches, Berlins, Chariots, Landaus, Calashes, Chaises, Chairs, or Litters, and Passengers on Horseback, shall pass and repass Toll-free, on the Day or Days on which there shall be any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of York or Durham, or either of them, and on the Day before and the Day after such Election or Elections, such Coaches, Berlins, Chariots, Landaus, Calashes, Chaises, Chairs, Litters, or Passengers, going to or returning from such Election; any thing herein contained to the contrary notwithstanding.

Application of the Money.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls and Duties which shall be collected by virtue of this Act, or out of such Money as shall be borrowed on the Credit thereof, the Trustees for the time being, or any Seven or more of them, shall, in the First Place, pay and discharge all the Expences and Charges of procuring and passing of this Act of Parliament, and then of putting up and erecting of such Turnpike and Toll-houses as they shall think proper on the said Road; and that, from and after paying the Expences and Charges, then, and from thenceforth, the Money arising by such Tolls and Duties, or which

shall be borrowed on the Credit thereof, shall be laid out and applied for and towards building the said Bridge, and repairing of the said Road, and other necessary Charges attending such Building and Repairs, and the other Purposes of this Act, and to no other Use or Purpose whatsoever.

Penalty on Persons permitting or going thro' private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands, Tenements, or Hereditaments, near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons to pass over the same, or through any Gate, Passage, or Way therein, with any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Carriage or Cattle, whereby the Payment of the Toll or Duty, by this Act laid or granted, is or shall be avoided; every such Person or Persons so offending (and also the Person or Persons thereby avoiding the Payment of the said Toll) and being thereof convicted upon Oath before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the County or Riding wherein such Offence shall be committed (which Oath the said Trustees, or any Two or more of them, and the said Justice or Justices, is and are hereby respectively impowered to administer) shall, for every such Offence respectively, forfeit and pay the Sum of Twenty Shillings, and shall pay the same to the Trustees hereby appointed, or to be appointed, to put this Act in Execution, or to their Treasurer for the time being; which said Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of any Five or more of the said Trustees, or One or more of the said Justice or Justices, rendering the Overplus to the Owner (if any be) on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any Five or more of them, or by the said Justice or Justices.

Penalty on Persons unloading Goods, or taking off Horses, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, unload, or cause to be unloaded, any Sort of Goods, Coals, Lime, or any other Merchandize whatsoever, or take off, or cause to be taken off, any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter,

Litter, or any Horse or Horses, Ox or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid the paying any of the Tolls and Duties hereby granted; or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid; or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls or Duties, with such Intent as aforesaid; each and every Person so offending in any of the Cases aforesaid, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said County or Riding (which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) shall forfeit the Sum of Twenty Shillings, and shall pay the same to the Trustees appointed or to be appointed to put this Act in Execution, or to their Treasurer for the time being; which said Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale, in such Manner as any of the Penalties and Forfeitures inflicted or granted by this Act are to be levied, recovered, and paid.

Trustees may erect Sidegates,

And 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, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them hereby made payable as aforesaid; and there to receive and take such Toll and Tolls as is or are by virtue of this Act to be taken at any of the Turnpikes to be erected in pursuance thereof, so as the same do not increase the Toll and Tolls hereby directed to be levied and paid.

and take Tolls thereat.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, present at their First or any succeeding Meetings, by any Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforesaid; and also One or more fit Person or Persons

Perſons to be Surveyor or Surveyors, to view the Condition of the ſaid Road, and to ſee that the ſame is repaired, and alſo that the Money by this Act raiſed be duly applied; and, from time to time, to remove ſuch Clerks, Treaſurers, Collectors, Receivers, and Surveyors, or any of them, as they ſhall ſee Occaſion, and appoint new ones in caſe of Death or ſuch Removal; and ſuch Perſon or Perſons, as is or are hereby made liable to pay the ſaid Tolls or Duties, ſhall pay the ſame, after the Rates aforeſaid, to ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, as ſhall, from time to time, be appointed for that Purpoſe; and the Perſon and Perſons ſo appointed to collect and receive the ſaid Tolls and Duties, and alſo ſuch Surveyor or Surveyors, ſo appointed as aforeſaid, ſhall, upon Oath, if thereunto required by the ſaid Truſtees, or any Nine or more of them, or before any One or more Juſtice or Juſtices of the Peace, reſiding near to the ſaid Road (which Oath ſuch Truſtees, or any Two or more of them, or ſuch Juſtice or Juſtices, is and are hereby impowered and required to adminiſter) on the Firſt Monday in every Month, or oftener if required, during the Continuance of this Act, give in a true, exact, and particular Account, in Writing, under their reſpective Hands, of all Monies which he or they, and every or any of them, ſhall at each Time have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices (for which Oath no Fee or Reward ſhall be taken) And in caſe any Money ſo received, ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Nine or more of them, ſhall, by any Writing or Writings under their Hands, authorize and impower to receive the ſame, and ſhall be diſburſed and laid out in building or repairing the ſaid Bridge, or in repairing or amending the ſaid Road, according to the true Meaning of this Act, and not otherwiſe: And the ſaid Truſtees, or any Nine or more of them, ſhall and may, out of the Money ariſing by the ſaid Tolls or Duties, make ſuch Allowance to the Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the ſaid Truſtees, or any Nine or more of them, ſo appointed as aforeſaid, for and in Conſideration of his and their Care and Pains reſpectively taken in the Execution of his and their ſaid reſpective Office or Offices, and to ſuch other Perſon or Perſons as have been, or ſhall be, aſſiſting in and about building

and remove them, and appoint others.

Officers to account upon Oath.

Truſtees to allow Officers Salaries.

building the said Bridge, or procuring the said Road to be amended and repaired, by advancing or laying out any Money, or otherwise relating thereto, as to the said Trustees, or any Nine or more of them, shall seem good: And in case the said Clerk or Clerks, Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, so to be paid as aforesaid, or any of them, shall not give and make such Account and Payment as the said Trustees, or any Nine or more of them, shall order and direct, that then any One or more Justices of the Peace of the said County of Durham, or North Riding of the said County of York, at any Special Sessions or monthly Meetings of them, to be holden for the said County or Riding, shall make Enquiry of and 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, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County of York, or County of Durham, where the Offence shall be committed; there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to their Treasurer for the time being; which Composition they, or any Nine or more of them, at any Meeting, are hereby authorized and impowered to make: And all and every such Officers as aforesaid shall, before they enter upon their respective Offices, respectively give such Security for the due Execution thereof, as to the said Trustees, or any Nine or more of them, shall seem meet.

Officers not making Account and Payment,

Justices to enquire into the Default,

and commit the Offender,

until he shall conform, or compound for the same.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor and Surveyors, and such 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 River or Brook, or out of or from the Waste or Common of or in any Parish, Town, Village, or Hamlet, in either of the said Counties, proper and convenient for repairing and amending the Roads aforesaid, and building the said Bridge; and for want of sufficient Gravel, Furze, Heath, Sand, Stone, or other Materials there, to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in

Surveyors may dig Gravel, &c.

without paying for the same; levelling the Pits.

the said Counties, or either of them, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all 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 Materials in any such Rivers, Brooks, Commons, Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons, not being Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to a House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery of Trees, where such Materials are or may be found, and, from time to time, to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid, and building and repairing the said Bridge; paying such Rates for such Materials, and for the Damage 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 same Trustees appointed, or to be appointed, for repairing the said Road, or any Seven or more of them, shall adjudge 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 County or Riding within their respective Jurisdictions, at their next General Quarter Sessions, to be holden in and for the said Counties respectively, or the major Part of them then present, where and from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done as aforesaid, shall and may adjudge, assess, and finally determine the same.

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.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be dug or gathered, according to the Directions of this Act, or any other Person or Persons, shall, at any Time during the Continuance of this Act, take or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors, acting as aforesaid, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of

Penalty on Persons taking away Materials got by the Surveyor.

repairing the said Road, or any Part thereof, or shall dig, gather, get, take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made and opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein, for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or One or more credible Witness or Witnesses, before Seven or more of the Trustees, or before One or more Justice or Justices of the Peace for the said County or Riding, shall, for every such Offence, forfeit and pay unto the said Trustees, any Sum not exceeding the Sum of Ten Pounds, to be levied in Manner aforesaid.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen, and other Persons, touching the Repair of the said Roads, and whether (such Trustees, and those acting under them, not actually sustaining any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; For obviating the same, be it enacted by the Authority aforesaid, That all Contracts in Writing, entered into pursuant to an Order at any Meeting made by the Trustees hereby appointed, or hereafter to be appointed, or any Seven or more of them respectively, by their Clerk, Treasurer, or Surveyor, or other Officer, with any Workman, or other Person or Persons, shall be binding on all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for building or repairing the said Bridge, or putting the said Road into such Condition and Repair, as, by the said Contract, the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract; any

All Contracts made by the Trustees, &c. deemed valid, &c.

Law or Usage to the contrary in any wise notwithstanding.

Surveyors may remove Annoyances,

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 Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, to the Prejudice thereof; and to cleanse, open, scour, drain, or enlarge, any Ditch or Watercourse adjoining to the said Road; and to cut down, lop or top, any Trees or Bushes (Timber Trees excepted) growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (the Owners or Occupiers of the Premisses, where such Annoyances as aforesaid shall happen to be, neglecting to remove the same) and cut down such Trees or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hands of the said Trustees, or any Seven or more of them, their Surveyor or Surveyors.

turn Watercourses, &c.

and cut down Trees, &c.

Surveyors to be reimbursed the Charges,

And it is hereby further enacted and declared, That the Charges and Expences of such Works to be done by, or by the Order of, such Surveyor or Surveyors (such Charges and Expences to be settled and ascertained by the said Trustees, or any Seven or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers neglecting or refusing to remove such Annoyances as aforesaid: And in case such Owner or Occupier, or such other Person or Persons, shall not, upon Demand, pay and reimburse to such Surveyor such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants, under the Hands and Seals of the said Trustees, or any Seven or more of them, or under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Place where such Owner, Occupier, or other Person, shall reside, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid; returning the Overplus (if any be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattles shall be so distrained as aforesaid: And if, after Removal of any such Annoyances, such Person or Persons shall again offend

to be levied by Distress and Sale,

Penalty of a Second Offence.

in the like Kind, every such Person or Persons so offending, and being thereof convicted upon Oath made before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices, and which Oath the said Trustees, or any Two or more of them, or such Justice or Justices respectively, is and are hereby impowered to administer, shall, for every such Offence, forfeit and pay unto the said Trustees, or their Treasurer for the time being, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Surveyors may make Causeways,

And it is hereby enacted and declared, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or any Seven or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to any Part of the Roads hereby directed to be repaired; and to erect, rebuild, and keep in Repair, any Bridge or Bridges in or upon, and to divert and turn any Part of, the Road hereby directed to be repaired, over any Lands or Grounds contiguous and adjoining thereto, or through which the said Roads do now pass; and also to widen any of the narrow Parts of the said Highways or Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being a Garden, Orchard, Plantation, Nursery of Trees, planted Walk, or Avenue to a House) and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall judge necessary for the better amending and keeping the said Road in good Repair; and also to make, or cause to be made, a Road or Way through, over, and along, the Grounds adjoining on any narrow or ruinous Part or Parts of the said Road hereby intended to be repaired (not being a Garden, Orchard, Yard, Park, or planted Walk, or Avenue to an House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a Road, whilst the old, adjacent, narrow, or ruinous Road is repairing, and until the same shall be made convenient and safe for Passengers and Carriages to travel and pass, making such reasonable Satisfaction to the Owners or Occupiers of such Ground which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any Arch or Arches, Bridge or Bridges, or through, over, or along, which such occasional or temporal Road

and cut Drains;

and erect Bridges, &c.

and widen the narrow Parts of the Roads;

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

shall be made, for the Damage which he, she, or they, shall or may thereby sustain, or shall be assessed and adjudged by the Justices of the Peace at the General Quarter Sessions to be next holden for the said County or Riding, or within the Jurisdiction wherein such Ways shall be turned, or such Ground shall be laid into the said Highway or Road, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, Causeways, or occasional Road, shall be respectively erected or made, shall lie, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively, concerning the same: And if any Owners or Occupiers of any Watercourses, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as shall be appointed by him or them by virtue of this Act, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor and Surveyors to set any Man or Men to work to scour, cleanse, and make the same, and, by Warrant from any Seven or more of the said Trustees, to levy the Charges thereof upon the Goods or Chattles of the Owner or Owners, Occupier or Occupiers, of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus, if any be, to the Owner or Occupier, after all such Charges shall be paid.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose,

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

And forasmuch as the Money to be collected by Receipt of the Tolls and Duties by this Act made payable as aforesaid, will not be sufficient for the speedy repairing of the said Road; be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and are hereby impowered, from time to time, by any Writing under their Hands and Seals, to assign over the said Tolls and Duties arising by this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls and Duties) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, by way of Mortgage, to secure the Payment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per

Tolls may be assigned for Money borrowed.

Centum per Annum; which said Money, so to be borrowed, shall be applied and disposed of as the said Tolls and Duties are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Assignments, to be entered in a Book.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignment and Assignments, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward, at all reasonable Times.

20 Days Notice to be given of borrowing Money.

Provided also, and it is hereby declared, That after the First Meeting of the said Trustees, no Money shall be borrowed by the said Trustees, or any of them, on the Credit of the Tolls to be collected on the said Roads, unless Notice of such Borrowing be for that Purpose fixed, in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpike-gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

Assignments may be transferred.

And it is hereby also further enacted by the Authority aforesaid, That all and every Person and Persons, to whom any Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Nine or more of them respectively, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their, Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their, Right, Title, or Interest, in and to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks so to be appointed as aforesaid, within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignment, or other Securities; for which the said Clerk or Clerks shall be paid the Sum of Two Shillings, and no more; and, after such Entry

Entries to be made of all Assignments.

Clerk's Fee.

made, such Assignment shall intitle such Assignee, his, her, or their, Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment, from thenceforth to make void, release, or discharge the same, or any Monies due thereon, or any Part thereof.

Proceedings to be enter'd in a Book,

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents, or Substance, of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, Contract or Contracts, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions, with the said Trustees, or any of them, shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Road; which said Book or Books shall and may be seen and perused at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward; and such Orders, so entered, being signed by the Clerk appointed for the said Road, at any Meeting of Seven or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Seven or more of the said Trustees; which said Book or Books shall and may be produced, and read in Evidence, in all Cases of Suits or Actions touching any thing done in pursuance and by the Authority of this Act.

and signed by the Clerk.

Books may be read in Evidence.

And whereas it may happen, that some Persons or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, turning, altering, or amending, the same, as aforesaid, and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying the same, by reason of Infancy or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Per-

Bodies Politick, &c. may contract for the Sale of Lands, &c.

sons

sons whatsoever, who are or shall be seised of, or interested in, any such Lands, Grounds, Tenements, and Hereditaments, to treat, contract, and agree, with the said Trustees, or any Nine or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid, and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Where Persons shall refuse or neglect to treat.

And it is hereby further enacted by the Authority aforesaid, That if any such Owner, Proprietor, or Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into and added to the said Road as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, shall, by the Space of Forty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Nine or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, of the said Counties of York or Durham respectively, in which such Lands or Grounds shall lie (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer), what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking of any such Lands, Grounds, Tenements, or Hereditaments, into the said Road, and what Recompence and Satisfaction such Owners, Occupiers, Proprietors,

Jury to settle the Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be concluſive to all Parties.

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

Proprietors, or other Perſon or Perſons ſuffering thereby, ſhall reſpectively have and receive by reaſon or on account thereof; and for that Purpoſe, and in order thereto, the ſaid Truſtees, or any Nine or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before them all and every Perſon and Perſons whatſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſſes, and ſhall examine all ſuch Witneſſes before the ſaid Jury, upon Oath (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered and required to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, and uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's Information in the Premiſſes, as they the ſaid Truſtees, or any Nine or more of them, ſhall think fit; and after the ſaid Jury ſhall have ſo enquired of, aſcertained, and ſettled, ſuch Damages and Recompence, they the ſaid Truſtees, or any Nine or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors, of the ſaid Lands, Grounds, Tements, and Hereditaments, or other Perſons intereſted therein, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, and their Heirs and Succeſſors, as well abſent as preſent, Infants, Feme-coverts, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, as well as all other Perſon and Perſons whatſoever: And all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, Tenements, and Hereditaments, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property, of, in, to, or out of, the ſame: And, for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Nine or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff or Sheriffs of the ſaid Counties of York or Durham reſpectively, thereby requiring him or them to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, to appear before the ſaid

Truſtees, or any Nine or more of them, at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and ſuch Sheriff or Sheriffs is or are hereby required thereupon to impanel, ſummon, and return, ſuch Twenty four Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and, in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or Sheriffs, or his or their Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforeſaid, That all Perſons concerned ſhall, from time to time, have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn; and that the ſaid Truſtees, or any Nine or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, or on any of the Perſons, that ſhall be ſummoned and returned on ſuch Jury, not appearing, or refuſing to be ſworn on the ſaid Jury, or being ſo ſworn, and refuſing and not giving their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and alſo, from time to time, to impoſe ſuch Fines and Penalties on any Perſon or Perſons who, being required to give Evidence before the ſaid Jury, touching the Premiſſes, ſhall refuſe to be examined, or to give Evidence touching the ſame, as the ſaid Truſtees, or any Nine or more of them, ſhall think fit, ſo as no ſuch Fine do exceed the Sum of Five Pounds upon any One Perſon; and which ſaid Fine or Fines ſhall be levied and recovered in ſuch Manner as any Fine or Penalty is by this Act directed to be levied and recovered, and ſhall be applied for ſuch Uſes, and in ſuch Manner, as the Tolls or Monies granted or to be raiſed by virtue and in purſuance of this Act, are hereby directed to be laid out and applied.

Truſtees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

Fine not to exceed 5 l.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed, as aforeſaid, ſhall be, and are hereby, charged and chargeable upon the Tolls and

Monies which shall be raised, received, and borrowed, by virtue and in pursuance of this Act, and shall be paid thereout respectively unto the Persons respectively intitled to the same, or to their respective Agents; and that upon Payment, or Tender thereof, to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk for the time being of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint the same to be be paid unto; and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road such said Grounds, Lands, or Tenements, and do all and every such Act, Matter, or Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so to be taken into and added to the said Road, and to ditch and fence out the same, as the said Trustees, or any Seven or more of them, shall think fit; and the said Ground or Grounds, Lands or Tenements, so to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this Act, but for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects in such Manner, as other Highways are by Law to be repaired: And after such Purchase shall be so made as aforesaid, and such new Road completed, the Lands or Grounds comprised in, or constituting, the old or former Road, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall and may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same; and the Money arising by such Sale or Sales shall be applied and disposed of for the repairing and amending the Road by this Act intended to be repaired.

Lands when purchased to be made Part of the Roads.

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted, be it further enacted by the Authority aforesaid, That if any Person or Persons having paid the Toll or Duty by this Act laid, and having a Note or Ticket, or Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose

Penalty on Persons giving or receiving Tickets, &c.

of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted, on Oath, before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace for the said County or 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 hereby directed to be levied, recovered, and disposed of.

Exemptions from Toll.

Provided always, and it is hereby enacted and declared, That no Person or Persons shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid for passing through any of the Turnpikes to be erected by this Act, and carrying any Quantities of Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials, for building the said Bridge, or repairing the said Road or Bridge, or any of the Roads in the Townships in which the said Roads do lie, or for carrying through any of the said Turnpikes, any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, 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 any other Implements of Husbandry, or any other Thing whatsoever, belonging to, or employed by, such Inhabitants respectively, in Husbandry or manuring of Lands, lying near the said Road; nor shall any of the Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through any of the said Turnpikes to and from their proper Parish or Parochial 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 in which the said Roads hereby directed to be repaired do lie; or for any Horses, Mares, Geldings, or Cattle, going to, or returning from, Pasture or Watering Places belonging to such Parishes, Townships, or Places; or for any Post-

horse

horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggons, attending them, or loaded with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent with legal Passes, or returning after having been so employed.

And whereas the Most Noble Francis Duke of Bridgewater is Lord of the Manors of Caldwell and Winston aforesaid, and seised of divers Messuages, Lands, and Tenements, within those Manors, and also of a Ferry at Winston aforesaid, for the conveying of Persons, Cattle, Goods, and other Things, over the said River Tees, near the Place where the said Bridge is so intended to be erected across the said River; which Ferry, at present, affords a Profit and Convenience to the Tenants of the said Duke, and is intended to be destroyed, or restrained from Use, by the Penalties imposed by this Act, and for which Ferry no Compensation or Satisfaction is herein before directed or authorized to be made to the said Duke, or his Tenants; be it therefore enacted by the Authority aforesaid, That no Toll or Duty whatsoever shall be demanded or taken, by virtue of this Act, at any Gate or Turnpike, Gates or Turnpikes, to be erected on the said Bridge, or upon any Part of the Road intended to be made or repaired by virtue of this Act, in or between the said Towns of Caldwell and Winston, for the passing or repassing, at any Time or Times, of any Horses, Beasts, Cattle, or Carriages, belonging to the said Francis Duke of Bridgewater, his Heirs, or Assigns, or to the Lord or Lords of the said Manors of Caldwell and Winston, or either of them, for the time being, or to the Tenants or Occupiers of any Land, Tenement, Messuage, or Hereditament, being the Property of the said Duke, his Heirs, or Assigns, or the said Lord or Lords of the said Manors, or either of them, for the time being; but that all such Horses, Beasts, Cattle, and Carriages, shall, from time to time, and at all Times, pass and repass Toll-free over the said Bridge, and upon all and every Part of the Road so intended to be made and repaired, in and between the said Towns of Caldwell and Winston, save and except for such Carriages, Horses, Beasts, or Cattle only, which shall pass through such Turnpikes or Toll-gates, loaden with Coals for Sale, or carried for Hire.

Duke of *Bridgewater*, &c. exempted from Toll for passing over the Bridge.

And it is hereby further enacted and declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same,

Penalty on claiming Exemptions, not being intitled thereto.

such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings, to be levied and recovered as other Penalties are by this Act directed to be levied and recovered.

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

And be it enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall and are hereby vested in the said Trustees appointed or to be appointed to put the same in Execution; and that they, or any Nine or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper, and to bring Actions in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil or damage such Turnpikes or Toll-houses, or any or either of them, so erected and built as aforesaid, or any Part thereof.

Parish Surveyors, &c. to deliver in List of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways of all and every of the Parish and Parishes, in which the said Roads hereby intended to be repaired do lie, shall, yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them, in Writing, by the Turnpike Surveyor or Surveyors, appointed or to be appointed by the said Trustees, or any Seven or more of them, give in and deliver to the said Turnpike Surveyor or Surveyors an exact List or Account, in Writing, under his or their Hand or Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, who are by Law chargeable towards repairing the Roads in any of the said Parishes for that Year, with Teams and Draughts, or otherwise, and the Number of Days Works which each Person ought to do on the said Road in the several Townships respectively; Part of which said Statute-work, not exceeding Two Days for each Person, shall be done at such Times, and in such Manner, and on such Parts of the said Road hereby directed to be repaired within their respective Parishes, Townships, or Districts, as the said Trustees, or their Surveyor or Surveyors, shall, from time to time, direct or appoint; and the said Parish Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall be given them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time or Times when, or how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or

Days Work, so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give public Notice thereof to the Person and Persons so chargeable as aforesaid; and if any such Parish Surveyor or Surveyors aforesaid, shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds, as the said Trustees, or any Seven or more of them, shall order or appoint; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or public Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, to do and perform such their respective Days Works on the said Road, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings for every Day such Team, Draught, or Cart, shall make Default; and if any Labourer, or any other Person or Persons, so chargeable towards repairing the said Roads, shall, at any Time, neglect or refuse (after such Summons or public Notice) to do and perform the said appointed Days Work on the said Road, he, she, and 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 make Default; and if any Person or Persons, who shall (according to such Summons or public Notice as aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, and are found negligent or idle by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done; in such Case the Turnpike Surveyor or Surveyors respectively may, and is and are hereby impowered and required to remove and turn him or them off, who shall be found idle or negligent as aforesaid, and it shall be esteemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart to work on the said Road; and he, she, or they shall be subject or liable to the respective Forfeitures and Payments afore-mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Works so ordered and appointed as aforesaid.

Penalty on Surveyors neglecting to deliver in such Lists, &c.

Penalty on Persons not performing Statute-work.

Labourers found idle to be turned off.

Provided also, and be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees, or any Seven or more of them, from time to time, during the Continuance of this Act, at any publick Meeting, to compound and agree with any of the Town-

Trustees may compound with Parishes, &c.

Townships, Hamlets, or Places, to which the said Roads do belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, for a certain Sum of Money, to be paid Quarterly, or otherwise, as the said Trustees, or any Seven or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Township or Townships, or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, chargeable as aforesaid; Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound or agree by the Year, or otherwise, with any Person or Persons travelling through the Turnpike or Turnpikes, to be erected on the said Roads, with any Waggon, Wain, Cart, or other Carriage (excepting any Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair) or with any Horse, Gelding, or Mare, for any Sum or Sums of Money, to be paid Quarterly or otherwise, from time to time, after such Agreement shall be made; Copies of all such Compositions or Agreements, so to be made by the Trustees as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by their Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Composition-money how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through the said Turnpikes or Gates to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the Roads to be repaired by virtue of this Act do lie, shall not be paid within Fourteen Days next after the same shall become payable according to such Composition or Agreement; that then it shall and may be lawful for any Justice of the Peace for the said County or Riding, by Warrant under his Hand and Seal, to impower the Per-

sons authorized by the said Trustees, or any Seven or more of them, to receive such Composition-money, and Oath being first made that the same has been demanded, and remains unpaid; which Oath the said Justice is hereby authorized to administer, to levy such Composition-money by Distress and Sale of the Goods of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid; or if the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highway for the time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus, after the Charges of such Distress, and Sale thereof, thereout first deducted.

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

Provided always, and it is hereby enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which any Composition shall be so made for any 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 he shall so pay, or which shall be so levied on 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.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by force and virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Seven or more of the said Trustees, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County, Riding, or Place, wherein the said Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside, which Warrant or Warrants the said Trustees, Justice or Justices respectively, is and are hereby impowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath, as aforesaid, and which Oath the said Trustees, Justice or Justices respectively, is and are hereby impowered and required to administer; and

and the Penalties and Forfeitures, when recovered, shall go and be applied, and laid out, for and towards the amending the said Roads, whereon, or in regard to which, the said Offence shall be committed; and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Seven or more of them, or by such Justice or Justices respectively, shall be deducted.

Persons aggrieved may appeal to the Quarter Sessions, &c.

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 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, within the Space of Six Months, to appeal to the Justice or Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said County or Riding, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, and, if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion, all or any of the Penalties laid by this Act, or Forfeitures incurred by the Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and to levy, by their Order or Warrant, such Costs, so awarded by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and, for want of sufficient Distress, to commit the Party to the Common Gaol or House of Correction of the North Riding of the County of York, or of the County of Durham, for any Time not exceeding Six Weeks, or until the Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby directed to give Notice in Writing, to the Treasurer or Treasurers for the time being, of such their Intention of bringing or prosecuting any Appeal Fourteen Days before the said Quarter Sessions; and shall within Five Days after such Notice given, enter into a Recognizance, before One or more Justice or Justices of the Peace of the said County or Riding, with Two sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace which shall be held for the said County or Riding, next

Notice of Appeal to be given.

Recognizance to be entered into.

and immediately after bringing such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Distress not to be deemed unlawful for want of Form only;

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

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

And, for the more easy and speedy Conviction of Offenders against this Act, be it enacted by the Authority aforesaid, That all and every Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

Form of Conviction.

The North Riding of the County of *York* (or County of *Durham*, as the Case shall be)

BE it remembered, That, on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the Riding aforesaid (or before us of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the First Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for amending and widening the Roads from the Turnpike Road upon* Gatherley Moor, *in the County of* York, *to* Staindrop, *in the County of* Durham; *and from the said Turnpike Road near* Smallways, *across the River* Tees, *to* Winston, *in the said County of* Durham; *and for building a Bridge over the said River, at or near* Winston Ford; specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be) Given under our Hands and Seals, the Day and Year 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 removable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Court of Record at Westminster or Durham; any thing herein before contained to the contrary notwithstanding.

not removable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted shall take place from and after the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and sixty one, and shall continue 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: But if, at any Time before the Expiration of the said Term, all the said Roads shall be sufficiently amended and repaired, and the said Bridge fully built, completed, and finished, and so adjudged by the Justices of the Peace for the said County and Riding respectively, at their respective General Quarter Sessions to be holden for the said County and Riding respectively next after Easter, that then, and from and after such Adjudication made, and the Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

If the Road shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, on giving Notice in Writing to be fixed on all the Turnpike-gates which shall be then erected and set up within the said Road, of their Intent to lett and sett such Tolls or Duties, at least Twenty Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the Tolls and Duties granted and made payable as aforesaid, or any Part thereof, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best yearly Rent or Sum that can be got for the same, payable at such Times, and under such Covenants, and with such Securities from the Lessees, as they the said Trustees, or any Nine or more of them, shall direct or appoint; which yearly Rent, or Sum of Money so to be paid,

paid, shall be applied and disposed of, as the Tolls and Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

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

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees, appointed or to be appointed to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the North Riding of the County of York, or the County of Durham, to act as a Justice or Justices of the Peace within their several Jurisdictions, in all such Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

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

And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be the Trustees for putting in Execution all and every the Powers in this Act contained, it shall and may be lawful for the Trustees, appointed and to be appointed by virtue of this Act, or any Nine or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during the Term aforesaid, to elect, nominate, and appoint, in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, other fit and able Person or Persons to be added to, or joined with, the said Trustees so electing, in the Execution of the several Powers in them reposed by virtue of this Act; Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates which shall be then erected by virtue of this Act, at least Twenty Days before such Election: And all and every Person and Persons, so to be chosen a Trustee or Trustees, to join in putting this Act in Execution, shall and may, and are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so electing are by this Act impowered to do, and so, from time to time, as Occasion shall be or require.

20 Days Notice to be given of such Election.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall meet at the House of Mistress Sherwood, being the Sign of the Red Lion at Staindrop aforesaid, on the Eleventh Day of April, One thousand seven hundred and fifty one, and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or any other

Place

Place or Places in or near the said Roads, as the said Trustees, or any Seven or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed to be held 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 of 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 where the Meeting of the said Trustees was last appointed to be held, or at some other convenient House in or near the said Road, 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 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.

Trustees to defray their own Expences.

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

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

And it is hereby further enacted, That the said Trustees, or any Seven or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected and set up, in or near the Sides of such Roads, One Stone or Post to be placed at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Seven or more of them, shall seem meet. And if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse-Causeway or Foot-Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot-Causeway in the said Road, where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

Oath

Limitation of Actions.

Oath of One or more credible Witness or Witnesses, before the said Trustees, or any Seven or more of them; or One or more Justice or Justices of the Peace for the said County or Riding; which Oath such Trustees and Justices are hereby impowered to administer: every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be 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 such Trustees, Justice or Justices, before whom such Conviction shall be made, such Forfeitures to be applied in repairing the Stones or Posts so broken or defaced, 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 and Chattles, then it shall and may be lawful to and for such Trustees, Justice or Justices respectively, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the North Riding of the County of York, or the said County of Durham, for the Space of One Calendar Month, to be computed from the Day of such Commitment; and the Person or Persons so offending and convicted shall not be discharged till he, she, or they, shall have paid the Sum of Forty Shillings, or until the Expiration of the said One Calendar Month.

to be levied by Distress and Sale.

For want of Distress Offender to be committed.

Public Act.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, or only signed by any Trustee or Trustees, for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any Power or Authority hereby vested in such Trustee, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order to be repealed unless Seven Trustees are present.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees, or their Successors, or any Nine or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this present Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine or more Trustees shall be present at the Time of repealing such Order.

Provided

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 to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in such County or Riding as aforesaid, and not elsewhere: And the Defendant or Defendants, in such Action or Suit to be brought, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had 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 that 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 or Riding, Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his 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 Defendant or Defendants hath or have by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.