Anno primo

Georgii III. Regis.

An Act for repairing and amending the Road leading from *Whitecroſs*, in the Pariſh of *Leven*, in *Holderneſs*, in the Eaſt Riding of the County of *York*, to the Town of *Beverley* in the ſaid County.

WHEREAS the Road leading from a certain Place called Whitecroſs, in the Pariſh of Leven, in Holderneſs, in the Eaſt Riding of the County of York, to the Two Stone Pillars ſituate at Norwood End, within the Town of Beverley in the ſaid Eaſt Riding, being Part of the publick Highway leading from the Market Towns of Bridlington and Hornſea, and moſt of the other Towns within the North and Middle Diviſions of Holderneſs aforeſaid, to the ſaid Town of Beverley, and from thence to the City of York, and many other conſiderable Towns within the ſaid County, is become ſo very ruinous and bad, that, in the Winter and rainy Seaſons, many Parts thereof are ſo deep that the ſame are impaſſable for Wheel Carriages, and dangerous for Travellers; and the ſame cannot, by the ordinary Courſe provided by the Laws for repairing the Highways of this Kingdom, be effectually amended and kept in Repair, unleſs ſome further Proviſion be made for raiſing Money to be applied for that Purpoſe: For Remedy whereof, and to the Intent that the ſaid Road may, with all convenient Speed, be effectually amended and hereafter Preamble.

kept in good and ſufficient Repair, ſo that all Paſſengers may, for the future, travel through the ſame with Safety; 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 Mayor, Recorder, and Aldermen of the Town of Beverley, for the time being; Sir Edmund Anderſon, Sir Griffith Boynton, Sir Robert Hildyard, Sir Charles Hotham, Sir Digby Legard, Sir William Pennyman, Sir John Pennington, Sir William Saint Quintin, Sir George Strickland, Baronets; Sir George Montgomery Metham Knight, Chriſtopher Appleyard, Ramſden Appleyard, Thomas Acklam, Robert Appleton, Francis Boynton, Griffith Boynton, Hugh Bethell, William Bethell, Francis Beſt, William Burton, Richard Burton, Robert Burton, Thomas Broadley, Richard Beatniffe, Colonel Ralph Burton, Chriſtopher Spencer Breary Clerk, Francis Beſt Clerk, Thomas Barker Clerk, James Barry, Henry Beane, William Berryman, John Bowman, John Brough, William Brough, William Conſtable, Marmaduke Conſtable, Marmaduke Conſtable the younger, the Reverend Cotes, John Cayley Clerk, John Courtney, William Creyke, John Conſitt, Eaton Mainwaring Ellerker, Henry Etherington, Ralph Featherſtone, Francis Fiſher, Roger Gee, William Gee, Chriſtopher Goulton, John Greame, John Grimſton, James Grayburn, Thomas Haſſell, Robert Darcy Hildyard, James Hebblethwaite, Man Horſefield, Benjamin Hudſon, Thomas Hudſon, Hudſon, William Hunter, John Holme Clerk, Matthew Harland, Randolphus Hewit, John Hewit, Marmaduke Jackſon, John Johnſton, Robert Legard, William Liſter, Robert Lambert Clerk, Henry Maiſter, Nathaniel Maiſter, Bacon Morritt, Robert Midgley, Jonathan Midgley, John Moorhouſe, Richard Milner, Henry Munby, Richard Manby, Michael Newton, Thomas Norcliffe, William Nelſon the younger, William Oſbaldeſton, Fountain Wentworth Oſbaldeſton, George Oſbaldeſton, Charles Pelham, Ralph Pennyman, James Pennyman, Charles Poole, William Saint Quintin, John Rickaby, John Robinſon, Shermar Rookſby, Storr, Walter Strickland, William Strickland, William Thornton, William Tomlinſon Clerk, Joſeph Thompſon, William Territt Clerk, Warton Warton, Henry Willoughby, William Wilberforce, George Wilford, Thomas Wakefield Clerk, William Wilberforce the younger, Henry Waterland, Thomas Wilſon, Robert Wilberforce, William Waines, Thomas Walker, Charles Witty, and James Young Clerk,

Truſtees Names.

shall be, and they are hereby nominated and appointed Trustees for the surveying, ordering, amending, and keeping in Repair the said Road; and also for putting in Execution all other the Powers in and by this Act given; and that they and the Survivors of them, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, at any Meeting to be had as herein after is mentioned and directed, shall authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, any Part or Parts of the said Road, and also a Toll-house or Toll-houses in or upon the same; and shall demand and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat,

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

The Tolls,

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

For every other Waggon, Wain, Cart, or Carriage, drawn by Three or Four Horses, Mares, Geldings, or other Beasts of Draught, One Shilling; and drawn by Two Horses, Mares, Geldings, or Beasts of Draught, Nine Pence; and drawn by One Horse, Mare, Gelding, or Beast of Draught, Six Pence.

For every other Carriage, not herein before charged, One Shilling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny; provided that every Mare and Foal shall pay the Toll of One Horse.

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

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

Third Part of the Tolls to be taken at the First Gate.

Provided always, That no Person or Persons passing through any of the Gates or Turnpikes to be erected by virtue of this Act with any Coach, Chariot, Landau, Berlin, Calash, or Hearse, or with any Waggon, Wain, Cart, or any other Carriage, or with any Horse, Mare, Gelding, Mule, Ass, Swine, Sheep, or other Cattle, having paid Two Thirds of the Tolls or Duties hereby directed to be paid and taken for passing through all the Gates or Turnpikes to be erected in pursuance of this Act, and which said Two Thirds the several Collectors are hereby impowered and directed to take, and having a Note or Ticket, Notes or Tickets, denoting the Payment of such Two Thirds; and which Note or Ticket, Notes or Tickets, the several Collectors are hereby impowered and directed to give gratis, shall on the same Day be obliged to pay any more than One Third of the Tolls or Duties for passing through all or any of the other Turnpikes or Toll-gates to be erected by virtue of this Act with the same Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, or with any Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Mule, Ass, Swine, Sheep, or other Cattle; any thing herein contained to the contrary notwithstanding: Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll and Duty; and the Money so to be raised and collected is and hereby shall be vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein after-mentioned and declared: And it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and such Person or Persons as they, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall, under their Hands and Seals, from time to time, nominate and appoint to levy the Tolls and Duties hereby laid and required to be paid, upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon or for which such Toll or Duty is by this Act imposed and made

Tolls vested in the Trustees.

Tolls may be levied by Distress and Sale.

made payable; or by Diſtreſs of any other of the Goods of ſuch Perſon or Perſons who ought to pay the ſame, and to detain and keep ſuch Goods until ſuch Toll or Duty, with the reaſonable Charges of ſuch diſtraining and keeping, ſhall be paid; and it ſhall and may be lawful to and for ſuch Perſon and Perſons ſo diſtraining, after the Space of Four Days after ſuch Diſtreſs made and taken, to ſell the Goods ſo diſtrained and taken, returning the Overplus (if any be) upon Demand, to the Owner thereof; after ſuch Toll, Duty, and reaſonable Charges for diſtraining and keeping the ſame, ſhall be deducted and paid.

Diſtreſs may be ſold after 4 Days.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, owning, renting, or occupying, any Land or other Tenements near to any Turnpike-gate or Bar which ſhall be erected in purſuance of this Act, ſhall knowingly or willingly ſuffer any Perſon or Perſons whatſoever to paſs through any Gate, Paſſage, or Way with any Coach, Chaiſe, Chariot, Landau, Berlin, Calaſh, Chair, Hearſe, Waggon, Wain, Cart, Carriage, Horſe, Mule, or Aſs, or any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act laid, is or ſhall be fraudulently avoided; every ſuch Perſon and Perſons ſo offending, and being thereof convicted upon Oath before the ſaid Truſtees, or any Five or more of them (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered to adminiſter) or before any One or more Juſtice or Juſtices of the Peace of the ſaid Eaſt Riding of the ſaid County of York, or One or more Juſtice or Juſtices of the Peace of the Town and Corporation of Beverley aforeſaid, as the Offence ſhall happen to be committed within their reſpective Juriſdictions (which Oath the ſaid reſpective Juſtice or Juſtices of the Peace of the ſaid Riding and Town and Corporation are hereby alſo impowered to adminiſter) ſhall, for every ſuch Offence, forfeit and pay to the ſaid Truſtees hereby authorized to put this Act in Execution, or to the Treaſurer for the time being appointed by the ſaid Truſtees, the Sum of Twenty Shillings; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Truſtees, or any Five or more of them, or of the ſaid reſpective Juſtice or Juſtices, rendering the Overplus (if any be) to the Owner, on Demand, after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Truſtees, or any Seven or more of them, or by the ſaid reſpective Juſtice or Juſtices.

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

And

Penalty on Persons going thro' private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, driving, or riding any such Coach, Chaise, Chariot, Landau, Berlin, Calash, Chair, Hearse, Waggon, Wain, Cart, Carriage, Horse, Mule, or Ass, or any Sort of Cattle respectively, shall therewith pass through any Gate, Passage, or private Way near to any such Turnpike Gate or Bar, with Intent to avoid Payment of the Tolls or Duties by this Act laid, or any of them; or if any Person or Persons shall unload, or cause to be unladen, any Sort of Goods or Merchandize at, or before he, she, or they shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, or shall conceal or secrete any Goods or other Things chargeable with any the Tolls aforesaid; or shall put or leave in any House or Place any Coach, Berlin, Landau, Chariot, Chaise, Chair, Hearse, Waggon, Wain, Cart, Carriage, Horse, Mule, or Ass, or any other Cattle chargeable with the said Tolls or Duties, or any of them, with such Intent as aforesaid; each and every Person so offending in any of the Cases aforesaid shall forfeit and pay to the said Trustees hereby appointed or to be appointed, as herein after is mentioned, or to the Treasurer of the said Trustees for the time being, the Sum of Twenty Shillings.

on unloading Goods, &c. to avoid Payment of the Tolls.

No Toll on Election Days.

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

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees at their First Meeting, or any Seven or more of them then present, or at any succeeding Meeting to be had as aforesaid, by Writing under their Hands and Seals, without any Stamp thereupon, shall and may choose and appoint One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Road, and to see that the Money by this Act to be raised is duly applied: And the said Trustees, or any Seven or more of them, at the same or any succeeding

and remove them, and appoint others.

ceeding Meeting to be had as aforesaid, shall and may also appoint all such other Officers as shall be necessary for putting this Act in Execution, and, from time to time, may remove such Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in case of such Removal, or of the Deaths of any of them respectively; and such Person or Persons as is or are by this Act made liable to pay the Tolls or Duties hereby granted, shall pay the same, after the Rates aforesaid, to such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed to receive such Tolls and Duties; and the Person and Persons so appointed as aforesaid shall upon Oath, if thereto required by the said Trustees, or any Seven or more of them, before the said Trustees, or any Seven or more of them, or before One or more Justice or Justices of the Peace of the said Riding or Town and Corporation of Beverley aforesaid (which Oath the said Trustees, or any Two or more of them, or such Justice or Justices, is and are hereby impowered to administer) on the First Monday in every Month, during the Continuance of this present Act, give in a true, fair, and perfect Account in Writing, under their respective Hands, of all the Money which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of his or their respective Office or Offices, for which Oath no Fee or Reward shall be taken, but the same may be taken in Writing without any Stamp thereon: 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 Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same, and shall be disbursed and laid out in amending the said Road, and for other necessary Purposes relating thereto, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, out of the Money arising by the said Tolls or Duties, make such Allowance to the Receiver or Receivers, Collector or Collectors, Surveyor and Surveyors, and to such other Officers as shall be so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem good: And in case the said Treasurer or Treasurers, Receiver or Receivers, Collector

Officers to account upon Oath.

Trustees to allow Officers Salaries.

Officers not making Account and Payment,

lector or Collectors, of the aforesaid Tolls or Duties, so to be paid as aforesaid, or any of them, or other Person or Persons concerned, shall not give and make such Account and Payment as the said Trustees, or any Seven or more of them, or the said Justice or Justices, shall order and direct or require, that then any Two or more Justices of the Peace of the said Riding, at any Special or other Sessions to be holden for the said Riding, or any Division in which the said Road doth lie, or any Two or more Justices of the Peace for the said Town and Corporation of Beverley, and in which the said Receiver or Receivers, Collector or Collectors, or other Person or Persons, hath or have acted or been employed, and made such Default as aforesaid, shall make Enquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said respective Justices are hereby impowered and required to administer without Fee or Reward) And if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, commit the Party or Parties so offending to the Common Gaol of the County of York, or to the Common Gaol of the said Riding, or of the said Town and Corporation of Beverley, as the respective Jurisdictions of the said respective Justices shall require, and they shall respectively think fit, 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 for the same with the said Trustees, or any Seven or more of them, at any Meeting assembled, and shall have paid the Composition-money.

Justices to enquire into the Default,

and commit the Offender, until he shall conform, or compound for the same.

Treasurer to give Security.

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

Surveyors may dig Gravel, &c. in Waste Grounds.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, or out of the River Humber, or on any of the Shores thereof, except on the Shore there, called Paul Shore, or within the Liberties of Paul aforesaid, or out of any River or Brook of or in any Parish, Town, Village, or Hamlet, in or

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

without paying for the same;

levelling the Pits:

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

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, by the Direction of the said Trustees, or any Seven or more of them, under their Hands, at any such Meeting to be had as aforesaid, from time to time, to remove and prevent all Annoyances, on or in any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains,

Surveyors may remove Annoyances in the Road, &c.

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Drains, running into, along, or out of the said Road, to the Prejudice thereof, and to cleanse any Ditch or Watercourse adjoining to the said Road, and to amend, repair, or remove all Cloughs, and to cut down, lop, and top any Trees (other than and except Timber Trees) or Bushes growing in the said Road, or the Banks or Hedges adjacent thereto, and to take and carry away the same (in case the Owners or Occupiers of the Premisses, where such Annoyances as aforesaid shall happen to be, shall neglect to cut down or remove the same for the Space of Ten Days next after Notice in Writing shall be given for that Purpose, under the Hands of the said Trustees, or any Seven or more of them) the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if after Removal of any of the said Annoyances any Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted upon the Confession of the Party offending, or upon Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said East Riding, or for the said Town and Corporation of Beverley, according as the Offence shall happen to be committed within their respective Jurisdictions (which Oath the said respective Justice and Justices is and are hereby impowered to administer) shall for every such Offence forfeit and pay unto the said Trustees the Sum of Twenty Shillings.

and cut down Bushes, &c.

Owners neglecting to remove the same after Notice;

Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

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

Surveyors may make Causeways,

and cut Drains;

and erect Bridges, &c.

and widen the narrow Parts of the Roads;

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

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

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 whereas the passing of many Coaches, heavy Carriages, and Droves of Cattle upon the said Road, as soon as the same shall be amended and repaired (especially in wet Weather) will be very detrimental to the same, be it therefore enacted by the Authority aforesaid, That it

Trustees may erect Fences for a limited Time.

shall and may be lawful to and for such Surveyor or Surveyors as shall be appointed as aforesaid by the said Trustees, or any Seven or more of them, to erect such Bar or Bars, Hedge or Hedges, or other Fence, across the said new made Road, at the Beginning and End of every Mile, or any other Part or Parts of the said new made Road, leaving Room for Coaches and Carriages to pass by each other; which said Bar or Bars, Hedge or Hedges, or any other Fence, shall so remain for any Time not exceeding One Month for the draining and settling the said new Road; and also such Coaches, Carriages, Droves of Cattle, and Passengers, shall be obliged to go in the old Tracks during that Time; and that all Persons may have due Notice thereof, the Surveyor or Surveyors so appointed as aforesaid, shall, and they are hereby required, from time to time (as the said new Work is carrying on) to fix, or cause to be affixed, written or printed Papers for that Purpose, at every Gate or Gates, Turnpike or Turnpikes, and all other public Places on the said Road for that Purpose, and shall give sufficient Orders to such Collector or Collectors as shall attend to open the Gates or Turnpikes, to give Notice thereof to Passengers: And if any Person or Persons shall pull down, take away, or destroy the said Bar or Bars, Hedge or Hedges, or such other Fence as shall be made, or shall ride or drive over the Ditch or Ditches to be made on each Side the said Road, or any Part thereof, as shall be made for the Security and Preservation of the said Road, such Person or Persons shall forfeit and pay the Sum of Ten Shillings; and in case of Non-payment, the same shall be recovered, levied, and disposed of, as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and disposed of.

Trustees may borrow Money on the Credit of the Tolls.

And, forasmuch as the Money to be collected by the Receipts of the said Tolls or Duties by this Act laid and made payable as aforesaid, will not at present be sufficient for the speedy repairing the said Road, be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings (without any Stamp to be impressed thereon) under their Hands and Seals, to assign over the said Tolls and Duties to arise by virtue of this Act, or any Part thereof (the Costs and Charges of assigning and mortgaging the same to be borne and paid out of such Tolls and Duties) for any Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money by them to be

be borrowed for that Purpose, to such Person or Persons, by their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds per Centum per Annum; which said Money so to be borrowed shall be applied in the First Place, to pay off the Charges and Expences of obtaining this Act of Parliament, and the Residue shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever: But no Money shall be borrowed by the said Trustees on the Credit of the Tolls hereby granted, after their First Meeting, unless Notice in Writing, under the Hand of the Clerk of the said Trustees, be for that Purpose fixed upon all the Turnpike-gates which shall be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

14 Days Notice to be given of borrowing Money.

And be it further enacted by the Authority aforesaid, That a Memorial or Abstract of all and every Mortgage and Mortgages, Assignment and Assignments, so to be made by the said Trustees as aforesaid, containing the Date, Parties, and Sum of Money therein mentioned, and the Name or Names of the Witness or Witnesses thereto, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books shall and may be seen and perused, at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assignments may be transferred.

And be it also further enacted by the Authority aforesaid, That all and every Person or Persons, to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, or 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 Securities, or by any other Writing or Writings under his, her, or their, Hands and Seals (without any Stamp thereon) to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his or their Right, Title, and Interest 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, Treasurer or Treasurers, to the said Trustees, within Three

Assignments to be entered in a Book.

Months

Months next after the Date thereof, who shall cause such a Memorial or Abstract thereof, as is herein before directed to be made and entered in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, Assignment or Assignments, to be made by the said Trustees; and for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings, and no more; and, after such Entry made, such Assignment shall intitle such Assignee, or any subsequent Assignee, his, her, and 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 any Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Clerk's Fee.

Entries to be made of all Assignments.

Application of the Monies.

And it is hereby further enacted by the Authority aforesaid, That the several Tolls and Duties granted and made payable by this Act, and the Rents and Sums of Money to be raised, borrowed, and taken up, upon any Mortgage or Security of the Tolls and Duties, in pursuance and upon the Credit of this Act, shall be applied and disposed of, in the First Place, for the paying and defraying the Charges and Expences attending the Application for, and obtaining, this present Act, and afterwards for the amending, repairing, and keeping in Repair, the said Highway and Road hereby directed and appointed to be repaired and amended; and also for keeping down, paying off, and discharging, the Principal Money to be borrowed and taken up by virtue and upon the Credit of this present Act, in such Manner as to the said Trustees, and their Successors, at their respective Meetings, or any Seven or more of them, shall seem requisite and expedient.

Tolls to be paid but Once a Day.

Provided always, and it is hereby declared, That no Person or Persons, having Occasion to pass the Place or Places where the Toll or Duty is or shall be taken, and who shall return the same Day before Twelve of the Clock in the Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which such Toll or Duty has been paid, shall be liable or compelled, the same Day, to pay the same Toll or Duty more than Once.

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

And, for preventing Frauds and Abuses in the said Tolls or Duties, 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 such Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, shall give or dispose of the same to any other

Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person, so giving or disposing of such Mate or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted upon 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 Riding or Town and Corporation of Beverley, as the Offence shall happen to be committed in their respective Jurisdictions (which Oath the said Trustees, or any Two or more of them, or the said respective Justice or Justices, is and are hereby impowered to administer) shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Exemptions from the Tolls.

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

Places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants; or for such Horse, Mare, or Gelding, as is or shall be used only to ride on by the Owner or Driver of any such Waggon, Cart, or other Carriage, as shall have paid any of the Tolls or Duties aforesaid, provided such Horse, Gelding, or Mare, pass through the Turnpike where such Tolls or Duties were paid with such Waggon, Cart, or Carriages; 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 laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Pasſes.

Persons, &c. chargeable to the Highways to continue so.

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

Justices to determine Differences relating thereto.

And, for preventing Differences which may arise between the said Trustees and such Surveyors of the Highways as shall be appointed for the several Parishes or Places through which the said Road doth lead, touching what Part of the Statute-work ought to be done on the Road by this Act directed to be repaired lying in any Parish or Place; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more of the Justices of the Peace of the said East Riding, or of the Town and Corporation of Beverley aforesaid, within their respective Jurisdictions, at any Petty or Special Sessions of the Peace, upon Application made to them by the said Trustees, or any Seven or more of them, to adjudge and determine what Part or Proportion of the Statute-work shall be done in the Road aforesaid by the Inhabitants of each or any of the Parishes, Townships, Hamlets, or Places, in which the said Road hereby directed to be amended doth lie.

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

And, to the End that the said Statute-work so to be appointed and determined to be done on the said Road as aforesaid, may be duly performed, be it further enacted by the Authority aforesaid, That the several and respective Surveyors of the Highways for the time being of the several and respective Parishes or Places, shall yearly and every Year, during the Continuance of this Act, within Fourteen Days after Notice in Writing shall be given to

him or them, or left at his or their usual Place or Places of Abode, under the Hands of any Seven or more of the said Trustees, signed at any such Meeting to be had as aforesaid, summon or give publick Notice to and for all and every Person and Persons chargeable within their several and respective Parishes and Places, to do and perform such Part of their Statute-work on the said Road directed to be repaired by this Act, leading through their said several and respective Parishes and Places, as shall be appointed as aforesaid; and shall, on the Days so appointed by such Notice, give their Attendance, and see and take Care that all and every Person and Persons so chargeable as aforesaid, do and perform the said Work, as by Law and such Appointment they are required, and on such Parts of the said Road within their respective Parishes or Places, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall direct; and such Parish Surveyor or Surveyors shall, within Ten Days after Demand in Writing given to or left for him or them as aforesaid, under the Hands of any Seven or more of the said Trustees, give and deliver unto such Person or Persons as they the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall appoint, a true List according to the best of his or their Knowledge, and upon Oath, if thereunto required (which Oath any Justice of Peace for the said East Riding or Town and Corporation of Beverley is hereby impowered to administer) of all and every Person and Persons in their several and respective Parishes and Places, who have neglected to do and perform such Part of their Statute-work as aforesaid, and what he or they are respectively chargeable with; and if any such Parish Surveyor or Surveyors shall neglect or refuse to do as he or they are hereby required and directed, he and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons, keeping a Team or Teams, Draught or Draughts, and chargeable towards repairing the said Road, shall, after such Summons or Notice as aforesaid, neglect or refuse to send their respective Teams or Draughts, to do and perform such Part of their said Statute-work as shall be determined and appointed to be done on the said Road directed to be repaired by this Act, leading through their said several and respective Parishes and Places as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Team or Draught so making Default each Day; and if any Labourer, or other Person or Persons so chargeable

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

Penalty on Persons not performing Statute-work.

chargeable towards repairing the said Road or Highway, shall at any Time neglect or refuse (after such Summons or public Notice as aforesaid) to do and perform such Part of their said Statute-work as shall be appointed to be done as aforesaid on the said Road or Highway, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the said Days such Labourer or other Person or Persons shall so make Default.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Forfeitures and Penalties by this Act imposed, on any such Parish Surveyor or Surveyors, for neglecting or refusing to do as by this Act he or they are required, or on any Person or Persons neglecting or refusing to send their respective Teams or Draughts, or on any Labourer or other Person or Persons so liable or chargeable as aforesaid, for neglecting or refusing to do and perform such Part of their Statute-work on the said Road or Highways as is required to be done by this Act, shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant to be directed to the Constable or Headborough of the Parish or Place where such Offender resides, under the Hands and Seals of Two or more Justices of the Peace for the said Riding or Town and Corporation of Beverley, within whose Jurisdiction respectively such Offender shall happen to reside, upon Application in Writing made to them by any Seven or more of the Trustees, appointed or to be appointed to put this Act in Execution, by and upon the Oath or Oaths of the said Parish Surveyor or Surveyors, or any other credible Witness or Witnesses (which Oath or Oaths the said Justices are hereby impowered to administer) And the said Forfeitures and Penalties when recovered, after rendering the Overplus (if any be, and demanded) to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted out of such Overplus, shall be paid to the said Trustees, at a General Meeting of Seven or more of them, or to such Person or Persons as shall be by them appointed; and shall go and be applied and laid out for and towards amending and repairing the said Road by this Act directed to be amended and repaired, and to or for no other Use or Purpose whatsoever.

Trustees may compound with Parishes, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, from time to time,

time, during the Continuance of this Act, to compound or agree with the Inhabitants of any of the Parishes, Townships, Hamlets, or Places, to which the said Road belongs, or with any of the Owners or Occupiers of Lands or Tenements which are or shall be liable or chargeable towards repairing any Part of the said Road, for a certain Sum of Money, or otherwise, by the Year, as the said Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, shall think reasonable, in lieu of the Statute-work to be done by such Parish or Parishes, Township or Townships, Hamlet or Hamlets, Place or Places, or by such Occupier or Occupiers of such Lands or Tenements chargeable as aforesaid.

Trustees may compound with Travellers.

Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at any Meeting to be had as aforesaid, may and they are hereby impowered, from time to time, as they shall think fit, to compound or agree, by the Year or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected with any Coach, Berlin, Landau, Chariot, Calash, Chair, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, or Mare, Ass, or Mule, for any Sum or Sums of Money, for and in lieu of Payment of any of the said Tolls or Duties to be paid Quarterly from time to time, after such Agreement shall be made.

Composition-money how to be recovered and applied.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money, agreed to be paid for passing through any or all of the said Turnpikes or Gates to be erected by virtue of this Act, Toll-free, or in lieu of any Statute or Days Work to be done by the Occupiers of any Lands or Tenements, within or by the Inhabitants of any Parish or Parishes, Township or Townships, Hamlet or Hamlets, Place or Places, through which the said Road hereby intended to be amended doth lead, shall not be paid within Fourteen Days next after the same shall become due and payable according to such Composition or Agreement (being demanded) that then it shall and may be lawful for the said Trustees, or any Seven or more of them, upon Oath made before them of such Default of Payment (which Oath they, or any Two or more of them, are hereby impowered to administer) to issue a Warrant under their Hands and Seals, impowering any Person or Persons by the said Trustees, or any Seven or more of them, at any such Meeting as aforesaid, appointed or to be appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattles of such

Person or Persons, as hath or have, or shall make such Composition for passing through all or any of the said Turnpikes Toll-free, as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Works, or of the Surveyor or Surveyors of the Highways for the time being of such Parish, Township, Hamlet, or Place, in respect of whose Statute or Days Works such Composition shall be made, returning the Overplus, (on Demand) after the Charges of such Distress and Sale shall be thereout first deducted; which Money so to be paid or levied, shall go and be applied for and towards amending the Road hereby intended to be repaired.

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

Provided also, and it is hereby enacted by the Authority aforesaid, That if any Surveyor of the Highways of or for such Parish, Township, or Hamlet, 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.

Persons liable to repair Bridges, &c. to continue so.

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no Provision is by this Act made, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of His Majesty's Justices of the Peace, of and for the said East Riding, or Town and Corporation of Beverley aforesaid, respectively, as such Penalties and Forfeitures shall happen to be incurred within their several Jurisdictions; which Warrant or Warrants the said Justices are hereby impowered

powered and required to iſſue upon the Information 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 the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand, to the Party or Parties whoſe Goods or Chattles ſhall be ſo diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied and laid out (if not otherwiſe applied or diſpoſed of by this Act) for and towards amending the ſaid Road hereby intended to be repaired.

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

And be it further enacted, That the Right, Intereſt, and Property of all and every the Turnpikes and Toll-houſes which ſhall be erected by virtue of this Act, ſhall, during the Continuance thereof, be veſted in the Truſtees appointed or to be appointed to put this Act in Execution; and that they, or any Seven or more of them, at any of their public Meetings, ſhall, and they are hereby authorized and impowered to diſpoſe thereof as they ſhall think proper, and in their Names, or in the Names of any Seven or more of them, or in the Name or Names of the Clerk or Clerks, Treaſurer or Treaſurers, for the time being, to bring Actions againſt any Perſon or Perſons who ſhall diſturb them in the Enjoyment of the Property thereof; or to prefer and proſecute Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil ſuch Turnpikes or Toll-houſes, or any of them, or any Part of them, ſo to be erected and built as aforeſaid.

Roads to be meaſured, and Mile-ſtones erected.

Provided always, and it is hereby further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may cauſe the Road (by this Act directed to be amended) to be meaſured, and Stones or Poſts to be erected thereon, or in or near the Sides thereof, at the Diſtance of One Mile each from the other, in order to mark or denote the Diſtances of any one Town or Place from any other Town or Place, as to the ſaid Truſtees ſhall ſeem meet; And if any Perſon or Perſons ſhall voluntarily or maliciouſly break any of the Stones or Poſts, or any Part thereof, which ſhall be ſo erected and ſet up, or ſhall obliterate or deface any of the Words, Letters, Figures, or Marks, which ſhall be engraved or inſcribed thereon, and ſhall be convicted thereof by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before One or more of the Juſtices of the Peace for the ſaid Riding or Town and Corporation of Beverley aforeſaid, every ſuch Perſon ſo offending

Penalty on defacing Mile-ſtones, &c.

ſhall

to be levied by Distress and Sale.

shall 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 the Justice or Justices before whom such Conviction shall be made; such Forfeiture to be applied in repairing the Stones or Posts so broke 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 Road: And in case the Person or Persons so offending and convicted shall have no Goods or Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices for the said East Riding or Town and Corporation of Beverley, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the common Gaol of the said County of York, or to the common Gaol of the said Riding or Town, for the Space of One Calendar Month; and such Person or Persons shall not be discharged until he or they shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

For want of Distress Offender to be committed.

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

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and impowered from time to time, when and as they shall see Occasion, to lessen or reduce the several Tolls and Duties hereby laid and granted, and to order and direct the same to be collected, received, and taken, 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 several Persons who shall have advanced 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; any thing herein contained to the contrary notwithstanding.

Commencement and Continuance of the Tolls.

And be it further enacted by the Authority aforesaid, That this Act, and all the Tolls, Duties, and Powers hereby granted and given, shall take Place from and after the Twenty fifth Day of March, One thousand seven hundred and sixty one, and shall continue and be in Force, and be paid from thence for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: But if at any Time before the Expiration of the said Term the Road hereby directed to be repaired shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said East Riding and Town and Corporation of Beverley, at their

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

respective

respective General Quarter Sessions to be holden for the said Riding, and Town and Corporation of Beverley respectively; that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with Interest for the same, and the Costs and Charges thereof, and of obtaining this Act, all the said Tolls, Duties, and Powers hereby granted and given shall cease and determine; any thing herein contained to the contrary notwithstanding.

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

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said East Riding, and Town and Corporation of Beverley respectively, at any of their respective General Quarter Sessions to be holden for the said Riding, or Town and Corporation, after the said Twenty fifth Day of March, One thousand seven hundred and fifty one, if they think fit, to appoint One or more fit Person or Persons to survey and view the Road by this Act directed to be amended, and to enquire of and concerning the Tolls and Duties taken and received in pursuance of this Act, and the Application thereof; and in case such Person or Persons so appointed shall find any Misapplication of the Monies which shall be raised and levied by this Act, or any other Abuses of the Powers and Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace of the said Riding, or Town and Corporation respectively, who are hereby authorized, impowered, and required, to hear, examine, and finally determine the same (the said respective Justices determining only touching such Misapplications or Abuses as shall happen within their respective Jurisdictions) without further or other Appeal; and all such Sum or Sums of Money, or other Satisfaction, as the said respective Justices at any of their respective Quarter Sessions to be holden as aforesaid, or the major Part of them then present, shall thereupon think fit to order and direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing any such Abuses, and so ordered to pay, be paid to the Treasurer of the Turnpike or Turnpikes for the time being, within Ten Days next after such Determination and Demand thereof made; and in Default thereof, it shall be lawful for the said respective Justices at their respective General Quarter Sessions, or the major Part of them then present, from time to time, after such Determination made, by Warrant, to levy the same by Distress and Sale of the Defenders Goods, returning the Overplus (if any be) upon Demand,

Demand, after deducting all Costs and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment and Satisfaction; and for want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the Common Gaol of the County of York, or of the said Riding, or Town and Corporation of Beverley, as the respective Jurisdictions of the said respective Justices shall require, and they shall respectively think fit, there to remain, without Bail or Mainprize, till Payment and Satisfaction shall be made as aforesaid.

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

And be it further enacted and declared by the Authority aforesaid, That if any Trustee or Trustees appointed, or to be appointed, to put this Act in Execution, is, are, or or shall be in the Commission of the Peace for the said East Riding, or the said Town and Corporation of Beverley, such Trustee and Trustees shall and may act as a Justice or Justices of the Peace within their respective Jurisdictions for the effectual putting in Execution the several Authorities and Powers given in and by this present Act, notwithstanding they are or shall be Trustees as aforesaid.

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

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, remove, or refuse to act, or become an Alderman of the Town of Beverley aforesaid, it shall and may be lawful for the surviving and remaining Trustees, or any Seven or more of them, at any such Meeting to be had as aforesaid, by any Writing or Writings under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint, One or more fit Person or Persons living in the said East Riding, in the Room or Place of such Trustee or Trustees so dying, removing, or refusing to act, or becoming an Alderman as aforesaid; and such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given in Writing, signed by the Clerk to the Trustees, to be fixed at or on the Turnpike or Turnpikes which shall be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election: And all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents

14 Days Notice to be given of such Election.

and

and Purposes, in as full, large, and ample Manner, as the said Trustees nominated and appointed by this Act are hereby authorized and impowered to act and do.

Qualification of Trustees.

Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case for putting this Act in Execution, 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, or Hereditaments, which are or shall be assessed at and pay to the Land Tax for the yearly Value of Fifty Pounds, or more, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Two hundred Pounds: And if any Person or Persons hereby made incapable to act as Trustee or Trustees for the Causes aforesaid, shall nevertheless act, contrary to the true Intent and Meaning of this Act, every such Person or Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who will inform or sue for the same; to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on acting if not qualified.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees aforesaid, or any Seven or more of them, shall meet together at the House of John Todd, being the Sign of the Tiger, in the said Town of Beverley, on the Ninth Day of April, One thousand seven hundred and sixty one, and shall then adjourn themselves to the same Place, or to such other Place within the said Town, or near the said Road, and to such Time, as the said Trustees then present, or any Seven or more of them, shall appoint, and so, from time to time, the said Trustees, at every of their said Meetings, shall adjourn themselves, as they, or any Seven or more of them present at such Meeting, shall think proper, for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting which shall be appointed by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then and in such Case the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held;

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

held; and that the said Trustees, at their First and at all their subsequent Meetings, shall defray their own Charges and Expences.

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

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

Penalty on drawing Timber, &c. otherwise than on Wheel-carriages.

And be it further enacted, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon, in, or along the Road by this Act intended to be repaired, or any Part thereof, any Tree or Trees, or Piece or Pieces of Wood or Timber (otherwise than and except upon Wheels or Carriages) every such Person or Persons for every such Offence shall forfeit and pay the Sum of Ten Shillings.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, 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 Trustees, or Justice of the Peace, or any of them, shall be charged or chargeable with any Stamp or Duty whatsoever.

Method prescribed for repairing the Roads.

And, to the End no Disputes may arise touching what Part of the said Road intended to be repaired shall be first amended, be it declared and enacted, That the said Trustees for putting this Act in Execution, or any Seven or more of them, shall order and direct that Part of the said Road from the said Two Stone Pillars at Norwood End in Beverley aforesaid, to the Bridge over the River Hull, commonly called Hull Bridge, to be repaired in the First Place; and after such Part of the said Road shall be sufficiently amended, the said Trustees, or any Seven or more of them, at any of their Meetings to be had as aforesaid, shall order the other Parts of the said Road to be repaired and amended, in such Order and Course as they shall think fit or most necessary, until the whole Road

shall

shall be repaired: And the said Trustees are hereby impowered and required to order and direct the Money arising or to arise by virtue of this Act, to be laid out and applied in amending the said Road in such Manner and Course as aforesaid.

Proceedings, &c. to be entered in a Book.

And it is hereby further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders so entered and signed by the said Trustees, or any Seven or more of them, as the Case shall require, shall be deemed and taken to be original Orders: Which said Book or Books, and also the said Book or Books directed to be kept for Registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by Authority of this Act.

Books may be read in Evidence.

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

Provided also, and it is hereby further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Remedy or Method of Relief hath been already hereby directed and appointed, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said East Riding, or the said Town and Corporation of Beverley, in whose Jurisdiction respectively the Cause of Complaint shall happen to arise; or in case the said Cause of Complaint shall arise within Fifteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said Riding or Town respectively, 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 and Forfeitures laid on or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as they in their Judgement shall think proper; 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 of the said

County, or of the said Riding or Town wherein such Cause of Complaint shall arise, for any Time not exceeding Three Months, or until Payment of such Costs shall be made; but the Person or Persons so appealing as aforesaid, shall, and they are hereby respectively directed to give Notice in Writing, to the Treasurer or Treasurers for the time being of the Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting any Appeal Twenty Days before the said Quarter Sessions; and shall within Five Days after such Notice given, enter into a Recognizance, before some Justice of the Peace of the said East Riding or Town of Beverley aforesaid, where the said Offence shall happen to be committed, with Two sufficient Sureties, with Condition to try such Appeal at such Quarter Sessions of the Peace as aforesaid; and also in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall, at the then next General Quarter Sessions, be there heard and finally determined.

Notice of Appeal to be given.

Recognizance to be entered into.

Proceedings not to be quash'd for want of Form,

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary thereof in any wise notwithstanding.

nor removable by *Certiorari*.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to demise, lease, and to farm-let, any the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons from Year to Year, for the best Price such Trustees can get, payable at such Times and under such Covenants, as they the said Trustees, or any Seven or more of them, shall at any of their General Meetings think fit, and to be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same; which Money so to be paid shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

3

Provided

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted against any Person or Persons, for any Thing to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of York, and not elsewhere: And the Defendant or Defendants, in such Action or Suit to be brought, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon a Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs upon Affidavit made, or Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for any Matter contained in this Act; and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.